

M I N U T E S

GLYNN COUNTY PLANNING COMMISSION
JANUARY 5, 1993 9:00 A.M.

MEMBERS PRESENT: Wayne Stewart, Chairman
Georgia DeSain
Sidneye Henderson
Benjamin Jaudon
Jack Kite
Ira Moore

ABSENT: Carolyn Hill

STAFF PRESENT: Larry Taylor, Building & Development
Deborah Chapman, Zoning Administrator
Jennifer Detloff, Planner
Janet Loving, Administrative Secretary

Chairman Wayne Stewart called the meeting to order and the invocation was given.

Preliminary Plat
Breckenridge Subdivision
9 acres zoned R-12 One-Family Residential, 24
lots located on Old Jesup Road immediately west
of Scranton Road

Stellar Investments, Inc., Owner/Developer

Mr. Ralph Lackey, agent, was present for discussion.

Mr. Larry Taylor explained that due to the recent holidays he was unable to gather the information needed from the County Engineer, who was on vacation, to be included in the Planning Commission packages, therefore the staff reports for Breckenridge Subdivision, Glynn Haven Estates-Revision, Variance Request and Demere Village Tract 2-B are being presented as a handout.

Mr. Taylor stated that the developer of Breckenridge Subdivision has submitted a new design, thereby eliminating the proposed dead-end street and replacing it with a cul-de-sac turn around, and eliminating any lots fronting on Old Jesup Road, per staff's recommendation. This revised plan has been reviewed and approved by the Glynn County Engineer.

Mr. Taylor stated that staff recommends approval subject to a drainage ditch being piped in accordance with the County Engineer's specifications. If the ditch is not piped, then the revised drainage plan must be approved by the County Engineer prior to construction.

Mr. Ira Moore had questions regarding wetlands in relation to this subdivision. Mr. Taylor explained that the Corps of Engineers will allow the developer to fill the wetland area under the nation wide policy.

Chairman Wayne Stewart had questions regarding fire hydrants in the development. Mr. Taylor explained that it would place a severe financial burden on the developer to install fire hydrants without a municipal water system existing. He further explained that there was a plan to deliver water services to outlying areas of the county, but due to budget restraints, these projects have been postponed.

Mr. Ira Moore asked what the cost would be to bring water in for fire protection. Mr. Taylor stated that it would be easier to put in county wells. He stated it would cost approximately \$120,000.00 to \$150,000.00 to install a water system. Mr. Lackey explained that the cost for the developer is approximately \$33,000.00; however, an increase would be approximately \$70,000.00 which is too expensive for the developer.

Mr. Taylor stated that there are several subdivisions in Glynn County without fire protection. Mr. Stewart explained that water systems and sidewalks are two issues the Planning Commission will examine closely this year.

Mr. Stewart asked if the developer would be willing to work with the county if in the future there is a problem with deceleration and acceleration lanes. Mr. Lackey replied that if something arises relatively soon the developer would have no problem in working with the county.

Following review, a motion was made by Mr. Jack Kite to approve the Preliminary Plat of Breckenridge Subdivision. The motion was seconded by Mr. Benjamin Jaudon and unanimously adopted.

Preliminary Plat
Glynn Haven Estates, Revision
Lots 21-24 Block 54

Lots to be served by the opening of 6th Avenue, located between Magnolia Street (unopen) and Cedar Street, Glynn Haven Estates, St. Simons Island.

Lynwood C. Collins, III, Property Owner/Developer

Mr. Lynwood Collins was present for discussion.

Mr. Larry Taylor presented the staff's report. He stated that this plat meets all the requirements for preliminary plat approval subject to a plat of the lots being prepaid and submitted by a registered surveyor. The County Engineer has reviewed and approved the development. He stated staff recommends approval of this request.

Mr. Taylor explained that due to a dispute claim between the property owner and Mrs. Middleton, the adjoining property owner, Mrs. Middleton requested that she be notified prior to development of this property. Mr. Taylor stated that the County

Engineer has notified Mrs. Middleton; however, she has not responded. He pointed out that the dispute is a legal matter and therefore cannot be addressed by staff. Mr. Taylor explained that staff's purpose is to get the county easement brought up to county standards.

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

Following review, a motion was made by Mr. Benjamin Jaudon to approve the Preliminary Plat of Glynn Haven Estates, Revision Lots 21-24, Block 54. The motion was seconded by Ms. Sidneye Henderson and unanimously adopted.

VARIANCE REQUEST

Request for a variance from the Glynn County Subdivision Regulations to allow an existing 4.25 acre tract to be served by an existing 20 ft. private access strip instead of the required 25 ft. Subject property being a portion of the Stevens Tract, St. Simons Island.

Mr. Thomas C. Uzzell, applicant, was present for discussion.

Mr. Larry Taylor presented the staff's report. He stated that in 1980 this property was subdivided in order to settle an estate. It was not processed as a subdivision by Community Development. He stated that a 20 ft. easement was created to access an undeveloped 4.25 acre tract. This tract and the adjoining tracts have changed owners several times since 1980.

Mr. Taylor stated that the 4.25 acre tract has now been turned over to Trust Company Bank as part of a foreclosure. The bank has a buyer who would like to build a single-family house on the 4.25 acre site. He stated that the current Glynn County Zoning Ordinance requires a 25 ft. wide easement. However, the owner is unable to obtain the additional 5 ft. from the adjoining properties and therefore requests a variance from 25 ft. requirement to 20 ft. requirement for access subject to only one building permit being issued for the tract and until the easement is brought up to county standards.

Mr. Taylor stated staff recommends approval subject to the condition stated on the proposed plat.

Following review, a motion was made by Ms. Sidneye Henderson to approve this request for a variance. The motion was seconded by Mr. Benjamin Jaudon. Voting Aye: Ms. Georgia DeSain, Ms. Sidneye Henderson, Mr. Benjamin Jaudon, Mr. Jack Kite and Mr. Wayne Stewart. Voting Nay: Mr. Ira Moore.

Site Plan Approval

Demere Village, Tract 2-B, Ace Hardware
37,700 square feet located on the south side of Demere Road in
Demere Village, Planned Development-General, St. Simons Island

Mr. Hal Hart, III, developer, was present for discussion.

Mr. Larry Taylor presented the staff's report. He stated that in November, 1992, the adjoining tract, Tract 2-A Friendly Mini Mart, was approved with the conditions of the Planned Development which was a 10 ft. green belt and one access drive shared by Tracts A and B. He stated that this site plan meets all the conditions of the Demere Village Planned Development.

Mr. Taylor stated that the plan has been approved by the Glynn County Engineer subject to the final drainage calculations and pipe size for the piped and filled ditch being reviewed and approved by the Engineer at the time of construction. He stated staff recommends approval.

Following review, a motion was made by Mr. Ira Moore to approve this request. The motion was seconded by Mr. Benjamin Jaudon and unanimously adopted.

GC-25-92

Request to Rezone from R-12 One-Family Residential to Planned Development-Commercial, 3.63 acres, known as a portion of Lot 1, all of Lots 2, 3 & 4 and a 50 ft. strip, revised Black Banks Subdivision #1, fronting 523.15 feet on the east side of Frederica Road and lying immediately south of the Glynn County Fire Department.

HILL-LEW, Property Owner

Mr. Glenn Lewis was present for discussion.

Mr. Larry Taylor presented the staff's report. He stated that this request is to rezone 3.63 acres from residential to Planned Development to allow a commercial development.

Mr. Taylor explained that this request was heard at the October 6, 1992 Planning Commission Meeting. At that time, the applicant submitted a Planned Development Zoning Text and requested a variance to the required 50 ft. rear buffer which is adjacent to the residential area. Following discussion, the Planning Commission adopted a motion to recommend to the County Commission that the request be denied.

Mr. Taylor stated that the County Commission held a public hearing on November 19, 1992 and voted to refer the application back to the Planning Commission for further review and recommendation. He stated since that time, the applicant has submitted a revised Zoning Text and Master Plan which meets all the requirements for a Planned Development zoning, including the required buffers. The Zoning Text outlines the permitted uses and non-permitted uses for the development.

Mr. Taylor stated that the surrounding area consists of a mixture of uses and zoning classifications, i.e., single-family residential to the south and east, commercial to the west, and a county fire station to the north. He further stated that the Glynn County Comprehensive Land Use Plan designates this tract as Planned Development for commercial use. Therefore, this request is consistent with the Comprehensive Plan, Policy I-3.8.

Mr. Taylor explained that 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;

Suitable.

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

Should not have an adverse affect on the area. With the mixture of uses in the area, commercial development of this property with adequate buffers and setbacks, should be compatible with the area.

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

No, due to frontage only being on Frederica Road.

- 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 increase the traffic. All access points and road improvements will require the approval of the Glynn County Engineer and Glynn County Traffic Safety Engineer.

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

Shown as Planned Development.

- 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;

Surrounding area has numerous commercial uses.

Mr. Taylor stated that staff recommends approval of the Planned Development Zoning Text dated December 21st and Master Plan dated December 18th.

It was noted that approximately 25 residents and property owners of Black Banks Subdivision were present to oppose this request. Everyone was given an opportunity to state their concerns.

Due to a conflict of interest, Mr. Ira Moore stated he would abstain from voting on this item.

Mr. Glenn Lewis then gave a lengthy presentation. He addressed the real estate issue. He stated that real estate is a "bundle of rights". He stated the ownership of real estate guarantees a property owner a set of rights, including the right to use a piece of land as he sees fit.

Mr. Lewis pointed out the non-permitted uses and assured the residents that the land would not be used for a liquor/package store, a restaurant that operates after 6 p.m., a convenience store, dance clubs or a day-care center. He further stated that a planned 50 ft. buffer would ensure the neighborhood's privacy and would help block noise and lights.

Mr. Jack Kurschner, spokesman for the Black Banks Homeowners Association, gave a brief history of the area. He stated that the residents of Black Banks do not want a commercial development in their front yards and they are opposed to this request. Mr. Kurschner pointed out that there is no guarantee that the 50 ft. buffer is permanent. He further stated that if this request is approved for commercial development, property values would decrease and traffic would increase. He stated that when Mr. Lewis purchased the property it was residential and it should remain 100% residential.

Mr. Robert Smith, resident of Black Banks, stated that the idea of the Comprehensive Plan was to stop commercial intrusion. He also made comments regarding a retention pond. Mr. Smith stated he is opposed to this request.

Mr. Bob Bledsoe stated he is opposed to this request due to potential noise problems and traffic congestion.

Ms. Beverly Nutt stated she is not a resident of Black Banks; however, she expressed concern for the empty commercial buildings that already exist in the area.

Mr. Walton Borden stated he is not a resident of Black Banks; however, he stressed the importance of improving the quality of life on St. Simons Island. He also expressed concern regarding the trees that would be destroyed in the area if this request is approved.

Mr. O. H. Olsen agreed with Mr. Borden and stated that this development would destroy the beauty of the Island. He is opposed to this request.

Mr. Endicott asked that the Planning Commission consider all the opinions expressed by the property owners and govern its recommendation accordingly.

In rebuttal, Mr. Glenn Lewis stated that the possibility of a retention pond and drainage are a part of the site plan and would be addressed by the County Engineer. He reiterated that the 50 ft. buffer would provide privacy and would help to eliminate any potential noise problems. Mr. Lewis stated that he has a right to develop his property. He further stated that if the property owners and residents of Black Banks do not want him to develop the property as commercial then perhaps they should purchase the property from him and develop it as they see fit.

At this point, the Planning Commission took a 10 minute recess. The meeting resumed at 10:45 a.m. with Mr. Lewis continuing his rebuttal. He quoted several pages from the Comprehensive Plan indicating that his request is in conformance with the Plan.

Following discussion, a motion was made by Ms. Sidneye Henderson to recommend denial of this request for the following reasons: 1) traffic problems; 2) adverse impact on the existing residential area; and 3) development is not in conformance with the character of the area. The motion was seconded by Mr. Benjamin Jaudon. Voting Aye: Ms. Georgia DeSain, Ms. Sidneye Henderson, Mr. Benjamin Jaudon, Mr. Jack Kite and Mr. Wayne Stewart. Abstain from Voting: Mr. Ira Moore.

GC-29-92

Request to Rezone from Forest Agricultural to Freeway Commercial, 8.14 acres fronting 310.29 feet on the north side of a 20 foot old roadway known as Stutts Easement and lying 1,241.21 feet on the east side of I-95, being a portion of the Audrey Stutts property.

Property owned by Catherine Fenton.

Mr. David Newton and Mr. Ed Powers were present for discussion.

Mr. Larry Taylor presented the staff's report. He stated that this request is to rezone an 8.14 acre tract from Forest Agricultural to Freeway Commercial.

Mr. Taylor explained that in 1983, a portion of this property was rezoned from Forest Agricultural to Highway Commercial. In 1984, the county received a letter from the Department of Transportation stating that the Glynn County Zoning Ordinance had been disapproved for the purpose of erecting off-premise outdoor advertising signs as a result of the zoning change. The Department of Transportation advised that when the property is returned to the previous designation the board should be notified for re-approval of the Zoning Ordinance. A corrected rezoning, back to Forest Agricultural, was approved by the County Commission on June 21, 1984.

Mr. Taylor stated that in 1991, Mr. Ed Powers, agent, submitted a rezoning application on a portion of the subject property and requested a Highway Commercial zoning. Mr. Powers stated his reason for the request was to allow a horticultural nursery on the property. At that time, staff pointed out that the property lies adjacent to I-95 and it appeared the applicant was trying to seek a zoning change to commercial in order to place billboard signs on the property. Inasmuch as the property was already zoned for a nursery, a zoning change was not necessary. Therefore, the rezoning request was denied.

Mr. Taylor explained that the application submitted at this time is a request to rezone to Freeway Commercial to allow a recreational vehicle park and outdoor advertising signs.

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;

Not Suitable, would be a commercial encroachment into the existing residential area.

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

Yes.

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, would cause access and traffic problems.

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

No, shown as Residential (Low Density).

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;

This property does not meet the intent of a Freeway Commercial Zoning District, commercial zoning on this property would be an encroachment into the residential area.

Mr. Taylor stated that staff recommends denial of this request.

Approximately 25 residents and property owners were present to oppose this request. Everyone was given an opportunity to express their concerns.

Mr. David Newton gave a brief presentation. He stated that the property owner will not install a travel trailer park on the land. However, in order to legally install billboards the property must be zoned for that type use. He explained that the property owner is forced into this "charade" due to state laws; property cannot be rezoned for the purpose of installing billboards.

Mr. Charlie Nutt, spokesman for the Fancy Bluff community, presented a petition with 90 signatures of residents and property owners in the area who are opposed to this request. He stated the residents object to any commercial development into a residential area.

Ms. Beverly Nutt stated if this request is approved it will adversely affect the environment.

Mr. Terry Corey stated the roads are not adequate for this type use. Mr. C. S. Tait also expressed concern for the roads in the area.

Ms. Janice Wolven stated the area is very peaceful and she would like for it to remain as such.

Ms. Dorothy Tait stated billboards are already in the area and there is no need for additional signs.

Mr. Ed Powers stated that according to the 14th Amendment, Mrs. Fenton has a right to develop her property. He stated this development will be a great benefit to Glynn County and to the State of Georgia.

Following discussion, a motion was made by Ms. Sidneye Henderson to recommend denial of this request for the following reasons: 1) commercial encroachment; 2) adverse affect on the area; and 3) request does not conform with the Glynn County Comprehensive Plan. The motion was seconded by Mr. Benjamin Jaudon. Voting Aye: Ms. Georgia DeSain, Ms. Sidneye Henderson, Mr. Benjamin Jaudon, Mr. Jack Kite and Mr. Wayne Stewart. Abstained From Voting: Mr. Ira Moore.

Discuss Moratorium on Signs and Status of Proposed Revisions to Article VIII Signs, Glynn County Zoning Ordinance

Chairman Wayne Stewart explained that the County Commission has requested an extension on the billboard moratorium due to the January 15th expiration date on the current moratorium. Mr. Larry Taylor stated that staff needs a clarification on the moratorium regarding maintenance and repairs.

Following further discussion, a motion was made by Mr. Jack Kite to recommend that no new permits be issued for new billboards for 90 days or until a decision is made by the County Commission on the Sign Ordinance. The motion was seconded by Ms. Georgia DeSain and unanimously adopted.

Upon a motion made by Mr. Ira Moore and seconded by Mr. Benjamin Jaudon, the Minutes of the December 1, 1992 Planning Commission meeting were approved and unanimously adopted.

It was the consensus of the Planning Commission to schedule a work session immediately following lunch.

The meeting adjourned at 11:50 a.m.