

**MINUTES**

GLYNN COUNTY PLANNING COMMISSION  
APRIL 2, 1996 9:00 A.M.

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MEMBERS PRESENT: Richard Parker, Chairman  
Jerome Clark  
Robert Fell  
Glenda Jones  
Lee Noel  
Wayne Stewart  
Iris Touw

STAFF PRESENT: Dan Reuter, Planning Official  
Mark Schroeder, Planner  
Deborah Taylor, Zoning Administrator  
Andy Grymski, Transportation Planner  
Anne Kilponen, Transportation Planner  
Janet Loving, Administrative Secretary

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Chairman Richard Parker called the meeting to order and the invocation was given, followed by the Pledge of Allegiance.

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With the Chairman's permission, Vice Chairman Wayne Stewart addressed Item #11 on the agenda first.

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**GC-2-96 A**

**Consider amending Article VIII, Section 804.8.2 A) Interstate Highway System/I-95, of the Glynn County Zoning Ordinance regarding outdoor advertising signs located on sites abutting I-95.**

Mr. Stewart explained that a meeting was held to discuss the proposed amendment; however, the outdoor advertising companies were not notified. Therefore, another meeting will be scheduled within the next week. Mr. Stewart advised that when the meeting date is set, staff will notify the outdoor advertising companies along with homeowners of Nottingham Subdivision to ensure that all concerns are addressed before this issue is brought back to the Planning Commission.

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**Preliminary Plat**

**Valerie Subdivision, Phase IV-revision to approved preliminary plat (approved March 5, 1996), located off Touchstone Ridge Road, 65.9 acres, zoned Forest Agricultural**

**Driggers Construction Co., Owner/Developer**

Mr. Harry Driggers and Mr. Ralph Lackey were present for discussion.

Mr. Mark Schroeder presented the staff's report. He explained that the proposed entrance into Phase IV of this subdivision crossed county property to connect to Abbot Avenue. The county property was dedicated as part of the approval of Touchstone Heights. Mr. Schroeder stated that as a solution, the developer has relocated the proposed entrance to connect directly to Touchstone Drive. The realignment will still clip a small portion of the southern part of the county owned open area (approximately 701 sq. ft. in area). However, the realignment lines up directly across from Lauren Lane as required by the County Engineer.

Mr. Schroeder stated staff recommends approval of the realignment. He stated if this is approved by the Planning Commission, the request will then be forwarded to the County Commission for approval to cross the open area.

Following discussion, a motion was made by Mr. Wayne Stewart to approve this request. The motion was seconded by Mr. Jerome Clark and unanimously adopted.

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**Preliminary Plat**

**Hidden Lakes, Phase II**

**Request extension of preliminary plat approval, property located off Cardinal Road and zoned Medium Residential. The preliminary plat for Hidden Lakes, consisting of 42.18 acres, was granted approval by the Planning Commission in November, 1993. Since that time, the proposed subdivision has been divided into 2 phases. The final plat for Phase 1, consisting of 29.93 acres, was granted approval by the Board of Commissioners on March 7, 1996. The remaining acreage will be Phase II.**

**Driggers Construction Co., Owner/Developer**

Mr. Driggers and Mr. Lackey were present for discussion.

Mr. Schroeder stated that Phase I of Hidden Lakes Subdivision was finalized and approved by the Board of Commissioners in 1993. Phase II has water and sewer in place; however, an extension of the preliminary plat is needed to complete the second phase. He pointed out that if a one year extension is granted, the extension would be valid through November 2, 1996.

Following discussion, a motion was made by Mr. Wayne Stewart to approve the extension of the preliminary plat for Phase II of Hidden Lakes Subdivision. The motion was seconded by Mrs. Iris Touw and unanimously adopted.

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**The Middleton Tract, Lots 1 thru 6, zoned Planned Development, proposed use-duplexes, lots to front Carteret Road, beginning at the northeast corner of Palm Drive and Carteret Road.**

**Property owned by Nancy M. Hart**

Mr. Ronnie Perry was present for discussion.

Mr. Schroeder presented the staff's report. He stated that in 1979, the Planned Development was approved by the Planning Commission to permit the construction of multi-family units on the 11.02 acre tract. He stated that the site plan depicted a service road (frontage road) to provide access to Carteret Road. The frontage road would eliminate the need for cars to back directly into the right-of-way.

Mr. Schroeder stated the applicant is requesting that the six proposed lots be provided access directly to Carteret Road. He explained that due to the limited number of lots being provided access and the lower traffic volume along Carteret Road, staff recommends approval of the proposed minor subdivision subject to the following:

1. The approval of this minor plat shall not deem direct access to South Palm Drive as appropriate or permitted for future development.
2. Parking shall be designed for each duplex to allow on-site maneuvering, backing into the right-of-way shall be prohibited.

Mr. Reuter explained that in an effort to discourage individual lots fronting on South Palm Drive, staff discussed with the applicant the possibility of having joint entrances along the two lots.

Mr. Lee Noel had questions about reviewing the design of the on-site parking to ensure that it is compatible with staff's recommendation. Mr. Schroeder stated that in this case, the review process would go through the Building Inspections office. He stated he will forward a letter to Mr. Ellis Carter following today's meeting.

Mrs. Iris Touw wanted to know what the 20 ft. strip in front is called. Mr. Schroeder replied that the 20 ft. strip is the building setback for the duplexes. She further asked if staff had any assurance that the residents will back out on their own lawn rather than out into the road. Mr. Reuter stated they proposed a joint access drive coming onto each of the two lots, with parking off to each side onto the lot; however, if that is not feasible, he stated hopefully they will come up with another proposal to try to keep on-site maneuvering.

Following discussion, a motion was made by Mr. Jerome Clark to approve this request as recommended by staff. The motion was seconded by Mr. Lee Noel. Further discussion ensued.

Mr. Stewart had further questions regarding joint driveways. He stated he has seen several of these on St. Simons, and he asked if this is something that's being allowed throughout the county. Mr. Schroeder stated this is a development that is under the control of one ownership, and therefore the driveway can be designed by the owner. Also, the owner would have to confer with the Traffic Safety Engineer. Mr. Fell asked if this would require a permanent easement. Mr. Schroeder replied yes, if the owner decides to sell the duplex. Mr. Ronnie Perry explained that he does not think there is a problem with requiring the traffic flow to not back out into the intersection. He stated he does not like common driveways because "they are a nightmare." Mr. Schroeder pointed out that the joint driveway is not presented as a requirement but as an option.

After discussion, the motion for approval as recommended by staff was unanimously adopted.

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#### **Sketch Plan Review**

#### **Proposed Road and Development at Malcolm McKinnon Airport, Limited Commercial area off of Airport Road, located on St. Simons Island**

Mr. Gary Moore, Airport Managing Director, gave a brief update of this project. He explained that a preliminary concept of this access road was previously presented to the Planning Commission and presented at several public hearings during review of the Comprehensive Plan. He stated based on all comments received from the Planning Commission and during the public hearings, the concept plan has been revised to accommodate the recommendations and comments.

Mr. Moore explained that this project is an approved FAA project and is eligible for 90% federal funds for the construction of the road. He further stated that since the engineering work will be under a federal grant, additional comments and recommendations are being requested from the Planning Commission. He then introduced Mr. Ken Burger, Airport Engineer.

Mr. Burger stated that he and Mr. Moore met with Mr. Bob Benson of the Water & Sewer Department and other county staff regarding this project. He then pointed out the proposed alignment of the access road and stated that it does not connect to Skylane Drive as previously proposed. He stated that the length of the access road is 1,200 lin. ft. and the road ends at the cul-de-sac off of the buffer area. He further stated that the alignment at the intersection with Airport Road has been re-aligned directly opposite the mobile home park for the purpose of having a four lane intersection and also to allow for the future development of Airport Road. Mr. Burger stated that there are plans to run a new water main down Airport Road.

Mr. Lee Noel asked if there were any plans to leave the existing road in place. Mr. Burger replied no, they would probably try to provide access off the new road.

Mr. Robert Fell questioned the reason for the road not connecting to Skylane Drive. Mr. Burger stated the primary reason is due to the approach zone clearance. He stated runways have a certain geometric surface and as the road was extended toward Skylane Drive, there were problems getting under the surface due to the required elevations for height restrictions. Also, there were concerns about the proximity of the intersection of the new road and Skylane intersection with Demere Road.

Referring to the map, Mrs. Iris Touw asked if the shaded area was known as the county setback line. Mr. Gary Moore stated the area is a county control 100 ft. buffer zone which extends all the way down Demere and around an old house. He then pointed out the area of developable land. Mrs. Touw stated the area in question is 2 acres at \$11,000 per acre for an income of \$22,000. She stated the Airport Commission as a group should consider that \$22,000 as being something they can do without. She asked that it be left in the green area, like other airports, for the good of the community.

Following discussion, a motion was made by Mr. Wayne Stewart to approve the concept of the road. The motion was seconded by Mrs. Glenda Jones. Voting Aye: Mr. Jerome Clark, Mrs. Glenda Jones, Mr. Lee Noel, Mr. Richard Parker, Mr. Wayne Stewart and Mrs. Iris Touw. Voting Nay: Mr. Robert Fell.

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**GC-5-96**

**Request to Rezone from Mobile Home Park to R-6 One-Family Residential, 11.83 acres fronting 400 ft. on the east side of Cate Road, beginning 400 ft. south of Perry Lane Road and lying immediately north of Golden Island Elementary School property; proposed residential subdivision to be known as Cates Bounty.**

**Property owned by The David Group, Inc.**

Mr. David O'Quinn was present for discussion.

Mrs. Deborah Taylor presented the staff's report. She stated that this request is to rezone 11.83 acres to allow the development of Cates Bounty Subdivision. The property is currently zoned Mobile Home Park which allows the development of a mobile home subdivision.

Mrs. Taylor stated that in August, 1995, the Glynn County Planning Commission approved the preliminary plat of Cates Bounty to allow 62 residential lots. During review, staff recommended that the property be rezoned to R-6 Residential to limit the development to site built homes only. Also at that time, the rear portion of the property was zoned commercial and a condition of plat approval was for this portion to be rezoned to R-6. The rezoning of the 0.99 acre parcel was approved by the County Commission on October 5, 1995, to satisfy this condition.

Mrs. Taylor stated 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;

Yes.

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

No, the area has mixed uses - residential, commercial, a school and a church.

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;

No.

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

Yes.

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

Residential development within the area.

Mrs. Taylor stated that staff recommends approval of this request.

Mr. Lee Noel asked what type of water and sewer would be provided. Mrs. Taylor replied, public water and sewer.

Following discussion, a motion was made by Mrs. Iris Tow to recommend approval of this request. The motion was seconded by Mr. Wayne Stewart and unanimously adopted.

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**SUP-3-95**

**Request for a Special Use Permit in an R-9 One-Family Residential Zoning District for the location of a mobile home as a Medical Hardship on a tract of land consisting of approximately 2.7 acres, fronting approximately 260 ft. on the west side of New Jesup Highway a/k/a Highway 341, beginning approximately 1,500 ft. north of Blythe Island Highway (formerly known as Highway 303)**

**Property owned by Joan Logue Fraser.**

Mrs. Taylor presented the staff's report. She stated that in January 1996, a complaint was received by the Planning and Zoning Division regarding a structure that had been placed on the subject

property. The Zoning Enforcement Constable (Mr. Ken Conley) visited the site and found that the structure was being lived in and that zoning, building code and health violations do exist.

Mrs. Taylor stated that according to Building Inspection's records, the structure was permitted to be located on the subject property as an accessory building for storage purposes only. The Constable notified Mrs. Fraser of the violations and requested that the requirements of the Zoning Ordinance and Subdivision Regulations be met or the structure be removed on or before February 10, 1996. After receiving the notice, the applicant submitted this request in accordance with Section 701 of the Glynn County Zoning Ordinance, which states the following:

Permit a mobile home in an R-9 District on a 2 year basis, at the discretion of the County Commission, when a documented hardship exists, provided such use meets all other requirements of Section 702.5. Application procedure shall be the same as that for

amendments to the Ordinance. Renewal may be obtained for an additional 2-year period at the discretion of the County Commission if the hardship continues to exist.

Mrs. Taylor stated that the requirements for lot size, lot width and setbacks can be met on the 2 acre parcel. Currently, there is an existing site built home, as well as the above referenced structure located on the subject property. She stated that the structure, which was previously used as a bar-be-que trailer for a commercial business owned by the applicant, has been inspected by county staff and determined that it does not meet the building code requirements and the Zoning Ordinance as a mobile home. She further stated that the following information was obtained from the Council of American Building Officials:

Every dwelling unit shall have at least one habitable room which shall not be less than 150 sq. ft. of floor area. Other habitable rooms shall have an area of not less than 70 sq. ft. Every kitchen shall not have less than 50 sq. ft. of floor area. Habitable rooms, except kitchens, shall not be less than 7 ft. in any horizontal dimension.

Mrs. Taylor pointed out that the applicant has submitted a statement from Dr. Lott, which has been included in the packages for the Planning Commission's review to determine whether it satisfies the requirements of the Ordinance. She stated staff feels that the letter does confirm the existence of a hardship and that Mr. Fraser does need to be taken care of at all times. However, the structure located on the property does not meet the building standards as a mobile home for residential use.

Mrs. Taylor stated that staff recommends approval of the Special Use Permit to allow a mobile home, subject to the existing accessory type structure being removed and replaced with a mobile home meeting the requirements of the Ordinance.

Mr. Stewart advised that Mrs. Fraser was in attendance this morning; however, she confronted him out in the hall and told him that she was ill and could not stay for the remainder of the meeting. She also stated that she was not financially capable of

bringing the structure up to standards. Therefore, a motion was made by Mr. Stewart to deny this request. The motion was seconded by Mr. Robert Fell and unanimously adopted.

During the course of discussion, Chairman Parker pointed out that there have been several handwritten responses from Dr. Lott. He stated perhaps there should be some guidelines as to the appropriate information needed in these cases, and the information should be legible. Mrs. Taylor stated that she gave the applicant specific information which explained exactly what was needed from Dr. Lott; however, Mrs. Taylor was advised by the doctor's office that "they were the doctors, they would choose the wording, and they would not write what staff needed."

Mrs. Touw stated that she voted against a previous hardship because based on what she read, she did not think a medical hardship existed. She stated there is not a firm definition of a medical hardship and she does not think it is proper to tell the physician what we need them to say. She stated that for clarification, there needs to be a solid definition and doctors need to state why the person needs care. Mrs. Taylor explained that the Zoning Ordinance states "hardship", not "medical hardship" and according to county policy, the hardship cannot be for financial reasons, it must to be based on medical reasons.

Mrs. Taylor advised that upon Mr. Stewart's request, she has researched other hardship cases and as a follow-up, the inspector is in the process of visiting sites for possible violations.

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**Request to amend condition placed on Special Use Permit for "Island Rock Cafe" as it relates to Hours of Operation, located at 303 Mallory St.**

Mr. Michael Teal, business owner, and Attorney Tom Lee were present for discussion.

Mr. Schroeder presented the staff's report. He stated that the owner of the Island Rock Cafe, Mr. Michael Teal, is requesting an amendment to the Special Use Permit, specifically, to modify condition #2 to read, "hours of operation to be 11:00 a.m. until 2:00 a.m." Currently, hours of operation is limited to 11:00 a.m. until 1:00 a.m. All other conditions of the Special Use Permit shall be adhered to as follows:

1. No loud music outside the establishment;
2. Hours of operation to be 11:00 a.m. until 1:00 a.m. **(To Be Amended)** ;
3. Review the parking situation to see if additional off-street parking can be accommodated;
4. Community Development staff to review and approve the exterior improvements that will be made; and

5. Off-duty police to be provided by the owner on weekends and holidays, when a large crowd is expected.

Mr. Schroeder stated that the seating capacity is limited to 109 as currently provided, and no exterior alterations are proposed at this time. He stated staff recommends approval of the request to change the hours of operation to allow the establishment to remain open until 2:00 a.m.; however, staff recommends that live music cease by 1:00 a.m. He then distributed a list of modifications submitted by the applicant for the Planning Commission's review, and pointed out that due to the modifications, the applicant would like to have live music or performances until 1:30 a.m.

Mr. Reuter explained that some business competitors in the area were pre-existing before the Village Preservation Ordinance was adopted, and therefore they do not have Special Use Permits. He stated those businesses are open until 2:00 a.m. and Mr. Teal feels that he should have the same right.

Chairman Parker asked if other establishments are allowed to have live music until 2:00 a.m. Mrs. Taylor replied they are allowed to have live music until closing. She stated staff received the modifications on this request this morning, and in her opinion, if the applicant is making every effort to curtail the noise, then he should be allowed to remain open and have live music until closing. She stated everyone should be treated equal. She further stated that staff's recommendation to cease the live music at 1:00 a.m. should be omitted.

Mr. Fell asked when was the Village Preservation District plan adopted. Mr. Stewart replied that it was adopted in 1992. Mr. Fell then asked if Coconut Willie's was in operation at that time. Mrs. Taylor stated she has a list of businesses that were in operation at the time the plan was adopted and Coconut Willie's is on the list. Also, she stated they have always had live entertainment which mainly consisted of "a one man band," but the entertainment now includes larger bands.

Mr. Reuter stated if there is a problem with loud music to the extent of disturbing residents, then all businesses should be dealt with equally and not just Mr. Teal's business. Mr. Fell agreed and stated that Mr. Teal should not be discriminated against.

Mr. Fell pointed out that he has lived in Butler Mews since January, 1989 and the noise encroachment into the residential area has been astronomical. He stated in his opinion, there is noise intrusion into a residential area that did not exist when the area was approved and built. He stated perhaps shutting down the live music at 1:00 a.m. for everybody should be considered.

Attorney Tom Lee stated that Mr. Teal is committed to cooperating and abiding by the Ordinance which is demonstrated by the architectural changes being made. He suggested amending the building codes in an effort to solve the noise problem.

Following discussion, a motion was made by Mr. Robert Fell to approve the amendment to allow "Island Rock Cafe" to remain open until 2:00 a.m. and to have live music until closing (2:00 a.m.) The motion was seconded by Mr. Jerome Clark. Voting Aye: Mr. Jerome Clark, Mr. Robert Fell, Mrs. Glenda Jones, Mr. Lee Noel and Mr. Richard Parker. Abstained From Voting: Mr. Wayne Stewart and Mrs. Iris Touw.

Mr. Lee Noel made a separate related motion to recommend that members of the Planning Commission approach the appropriate county official and request them to observe the noise intrusion from drinking establishments in the Village area to determine whether there is a problem, and report back to the Planning Commission. Mr. Fell also added to the motion that the officials should examine the possibility of stopping live music at 1:00 a.m. Mr. Noel stated he would rather wait and hear the feedback before setting a time limit on the music. Mr. Stewart stated that he doesn't think the Planning Commission has a legal right to tell some businesses in the Village to close at a certain time and allow other businesses throughout the county to remain open. He then seconded Mr. Noel's motion and the vote was unanimous. (The motion did not include the possibility of stopping live music at 1:00 a.m.)

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**Request to change facade color and install a wall sign for "Scarlett's Courtyard," located at 210 Mallory Street, St. Simons Island Business owned by Lynn Phipps & Kathy Lockhart**

Chairman Parker stated this item will be discussed later in the meeting pending the arrival of a representative.

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**Request for approval of sign at "The Art Galley," located at 556 Ocean Boulevard, St. Simons Island**

**Property owned by Kay Harvey;  
Lessor's - Ken Wallen, Nancy Muldowney,  
Louise Eaton and Brian Heard**

Ms. Louise Eaton was present for discussion.

Mr. Schroeder presented the staff's report. He stated that the applicant is requesting approval of an existing free standing sign located at 556 Ocean Blvd. The applicant is also requesting that a flag reading, "OPEN" and their mascot Vincent, a soft sculpture, be permitted.

Mr. Schroeder stated that the applicant would like the free standing sign to be permitted as located, and the flag reading "OPEN" will be attached to the uprights of the sign during business hours. In addition, the applicant is requesting permission to

locate their mascot in the vicinity of the free standing sign. Photographs were distributed for the Planning Commission's review.

Mr. Schroeder stated that the color scheme and layout of the sign is acceptable; however, the sign area, location and other proposals including the mascot and "OPEN" sign are not permitted. He stated that the maximum sign area for free standing signs within the St. Simons Village Preservation District for property zoned General Commercial is 12 sq. ft. The existing sign exceeds the maximum area by 12 sq.ft. He stated the sign must also be located no closer than 10 ft. to the right-of-way. The sign is currently located within the Ocean Boulevard right-of-way (80 ft.) The other promotional items (mascot and "OPEN" flag) may not be located within the right-of-way.

Mr. Schroeder stated staff recommends approval of the proposed external improvements subject to the following corrective measures:

1. Relocate the free standing sign out of the right-of-way. Perhaps back under the dogwood tree. To locate the sign 10 ft. from the right-of-way would be difficult, therefore staff is recommending a variance to this requirement.
2. Reduce the overall area of the free standing sign from 24 sq.ft. to 12 sq.ft.
3. Display the "OPEN" flag on the front porch or on the face of the building.
4. Locate the mascot on the property.

Mr. Schroeder distributed an aerial photo and pointed out the location of the right-of-way. He also pointed out the sign that is in violation of the Ordinance. Mr. Stewart stated that the sign is attractive, but it is beyond the limitations of the Ordinance. He stated if the names of the individual artists were placed on the building, then the sign would conform to the Ordinance. Mr. Schroeder explained that 10% of the building face still should not exceed 24 sq.ft. The "OPEN" sign is temporary and cannot exceed 4 sq.ft.

Ms. Eaton stated they did not want to move the sign back closer to the building because of bad visibility due to the office building being on the left hand side. Mr. Stewart explained that the Planning Commission does not have the right to grant the applicant the authority to put a sign in the right-of-way. He stated there are some non-conforming signs in the area but they are grandfathered in. Ms. Eaton stated that the sign was placed in that location to align with other signs along the boulevard. Mr. Reuter stated that some of the signs may be in violation and they will be investigated by Mr. Conley.

Following discussion, a motion was made by Mrs. Glenda Jones to approve this request with the 4 stipulations stated by staff. The motion was seconded by Mrs. Iris Touw. Mr. Stewart asked that the motion be amended to include that staff will review and approve the sign re-configuration to prevent any further review by the Planning Commission. The amendment was accepted and the motion was unanimously adopted.

Mrs. Jones encouraged staff to continue investigating other signs that are in violation of the ordinance to ensure that everyone is treated fairly. Mr. Fell had questions regarding the consequences of violating the ordinance. Chairman Parker stated that in cases of violations, the county can force the owner to remove the sign. If the owner refuses to remove the sign, the county may remove the sign. He stated the owner may also be fined. Mr. Fell stated that the "putt putt golf" has a neon sign which is inappropriate and should be included on the list of violations. Mrs. Taylor stated that is a different type of violation but it will be investigated.

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**Request for approval of additional signage  
Wall sign for "Just 4 Funn Toys," located  
at 205 Mallory Street, St. Simons Island  
Business owned by Tim Mathews**

Mr. Schroeder stated that Mr. Mathews is not present. He stated he contacted him yesterday, and he was notified that his sign is in violation of the ordinance. Mr. Schroeder pointed out that Mr. Mathews is a member of the Pier Association and he is fully aware of the Village Preservation Ordinance. Mrs. Taylor stated that Mr. Conley will issue a citation to Mr. Mathews. He will then have a 30 day notice which gives him an opportunity to come back to the Planning Commission. Chairman Parker stated that if Mr. Mathews chooses to comply, this item will be placed back on the agenda at a later date.

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The Planning Commission took a 10 minute recess at this time. The meeting resumed at 10:15 a.m.

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**Discuss road system for Planned Development  
Regional Shopping Mall and related Commercial  
Development, specifically, construction of  
Scranton Connector Extension (road section of  
Altama Connector to connect to the existing  
road section already constructed off Altama  
Avenue)**

Mr. Reuter explained that this item is being presented to the Planning Commission due to staff and the developer reaching a disagreement regarding construction of a road. He presented an aerial map and gave a brief background of the area. Mr. Reuter pointed out the Altama and Scranton Connector intersection and the location of the proposed road which would tie back into the cul-de-sac. He stated that in 1986, the road was depicted as serving the 12 acre tract. In 1993, the developer came in for a revision to rezone an 81 acre tract to allow multi-family, and the road was also

depicted on the plans at that time. He further noted that the county received a contribution from Wal-Mart for the traffic signal in the area.

Mr. Reuter stated that the developer is currently requesting a building permit to construct a Goody's Family Clothing store on the site, and the property where the road is proposed is on the tract of land where "Goody's" will be located. Mr Reuter stated staff feels that before a building permit is issued, the developer should construct a 250 ft. access road down to where it would intersect with "Goody's." The remainder of the road could be built over a period of time until Scranton Connector is completely linked to Altama Avenue. Mr. Reuter stated that the road is needed due to the heavy traffic flow on Altama Avenue through the intersection. He stated they would like to encourage other points of access.

Mr. Tom Wheeler, developer with Hudgens Company, stated the debate is about timing. He presented a map and pointed out the portion of the road that staff is asking him to build in conjunction with Phase II of the project. He stated Phase II consists of 3,500 sq. ft. Phase III will be developed in the future and will consist of 10 to 1,500 sq. ft. The road that staff is asking him to build costs \$41,000 dollars and is not needed until Phase III is developed. He stated the road is in the public record and was put there approximately 12 years ago when the property was purchased. He then gave a brief history of the area and stated the zoning text was amended slightly several times over the years. He stated the road that staff is insisting on as a condition of his receiving a building permit is not needed at this time. He stated that he advised staff he would construct the road when Phase III is developed.

Mr. Wheeler stressed that he does not want to spend \$41,000 dollars until it is needed and he will not go forward with this project if he has to construct the road before obtaining a building permit. He then pointed out other adequate access points to the property. Chairman Parker stated there are three access points to the property. It was noted that if this road is built, it will provide the forth access.

Mr. Lee Noel asked Mr. Wheeler if he knew when Phase III would be constructed. Mr. Wheeler replied within the next two or three years or as the market dictates.

Mr. Reuter pointed out that what Mr. Wheeler is defining as Phase III is actually an out-parcel that they will create. He stated they have many out-parcels which are vacant. He explained that staff's only inducement to make people comply to conditions is the building permit. He stated "Mr. Wheeler has advised that they will submit a letter confirming that they will construct a black line; however, that letter is not as good as a building permit." Mr. Reuter stated that Phase III is not currently created.

Mrs. Iris Touw asked if there is anything in the present zoning text or part of the original agreement that commits the developer to construct the road. Mr. Wheeler replied yes, they have that commitment and they will live up to it. Chairman Parker asked if the timing to build the road is discussed in the zoning

text. Mr. Wheeler replied no, the zoning text states that they propose to build the road at some point and time. He again stated that if he has to build the road first, as proposed by staff, then he will not go forward with this project.

Mr. Stewart asked if all county departments concur with staff's position that the road should be constructed before the building permit is issued. Mr. Reuter stated that the Fire Chief, the Traffic Safety Engineer, the County Engineer, the County Administrator and Planning staff have all discussed this and all concur that the developers need to construct part of the road now, and finish the road when other developments occur.

Mr. Noel stated that he thinks the developer is doing himself a disservice by not capitalizing on that access; however, he stated he understands that it may not be economically feasible. He stated he thinks that the owner of "Goody's" would benefit from staff's proposal. Mr. Wheeler stated his lease does not call for that road.

Mrs. Touw stated that the developer sectioned off the property, and therefore he created the problem. She stated he is now telling us that "if we don't let him do this his way, he won't do it at all and the county will lose money." Mrs. Touw stated this is not fair and this is not the way to get things done.

Following discussion, a motion was made by Mr. Lee Noel to accept staff's recommendation. The motion was seconded by Mr. Robert Fell. Voting Aye: Mr. Robert Fell, Mr. Lee Noel and Mrs. Iris Touw. Voting Nay: Mr. Jerome Clark, Mrs. Glenda Jones, Mr. Richard Parker and Mr. Wayne Stewart.

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**GC-2-96B**

**Consider amending Article V, Section 507. Use of Substandard Lots of Record, of the Glynn County Zoning Ordinance, to provide for use of substandard lots of record, resubdivision and subsequent use of substandard lots of record and for other purposes**

Using an example to show why the County Attorney is requesting an ordinance change, Mr. Reuter presented the following.

Mr. Reuter explained that Gary More, County Attorney, informed him of an issue regarding a specific piece of property on Georgia Street which was reviewed by the Zoning Board of Appeals. Some of the legal questions surrounding this issue were resolved; however, it was noted that some legalities still exist. Mr. Reuter stated that according to Mr. Moore, when there are three lots of record and they are restructured into two lots, these lots should occur as an 802. He advised that if there are any outstanding tracts of property similar to this case where construction has occurred due to fire damage, etc., then the property owner should request a variance.

Mr. Reuter explained that in 1981 there was an 801 subdivision consisting of three lots of record. The lots were fronting on Georgia Street. The applicant desired to take the three lots of

record and create two lots that would face a paved street. The three lots of record were non-conforming lots and did not meet the 6,000 sq.ft zoning requirements. They created two lots which came closer to meeting the zoning requirements. The lots were bigger but they still did not meet the requirements. Gary Moore feels that the non-conforming lots should come up to the 6,000 sq.ft. requirement. In the future, any construction on Lot 45 in this case will require a variance for the difference, according to Gary Moore. Mr. Reuter stated this case was reviewed by the Zoning Board of Appeals because Gary Moore required the applicant to get a variance from the 6,000 sq. ft. to the 5,400 sq. ft. In essence, the two lots do not meet the zoning requirements.

Mr. Stewart asked that in this case, how will the applicant get to the road. Mr. Reuter stated they have an access easement. Mr. Fell pointed out that it is an exclusive easement which is 1,100 sq. ft., and since that is an exclusive easement, it is of no use to Lot 46. He stated Lot 46 is now down to 4,300 sq. ft., and now there is some question as to how the average measurement was calculated to grant the easement.

Mr. Stewart stated that if the Planning Commission adopts what the County Attorney is recommending, then if this situation comes back up, the property would have to meet the minimum lot size requirement. Mr. Reuter explained that the County Attorney has drafted an Ordinance change that makes what has been done over the last 15 years legal. He stated there are many other lots similar to this case and Gary Moore feels that if this amendment is adopted, future lots would not require a variance.

For clarification, Mr. Stewart stated that if the Planning Commission adopts the amendment, then in case of a fire, hurricane or any disaster, a property owner will have the right to re-build his house without having to come to the Planning Commission or the Zoning Board of Appeals for a variance. Mr. Reuter stated there are two issues to discuss today. The first issue is how the Planning Commission wants to deal with the ones that have been created, and the second issue is do you want to do this in the future.

Mr. Bobby Shupe stated that "it is unfortunate that this particular item is one that we have to discuss; however, this is the one that has him very involved, particularly since he received a phone call from a client who told him that he had done something illegal."

Mr. Shupe stated that in 1991 he worked very hard to encompass every planning and building official to understand what he was trying to do. He stated he got approvals and consequently received letters stating he did everything properly. He stated that a year ago, his current building inspector who is the enforcing agent of the zoning, wrote a letter that said these were lots of record. Recently, Gary Moore has decided that it is his interpretation that it was improperly processed. Even though it was signed by officials, recorded in court and substantial amounts of money spent, Mr. Moore did not feel like the county could issue a building permit. Mr. Shupe stated that during a meeting held to discuss this situation, it was suggested that perhaps the county should develop a way to resolve this problem.

Mr. Noel stated that he thinks Mr. Moore has a good proposal. Mrs. Taylor agreed also. Chairman Parker asked Mr. Shupe, as the County Surveyor, if he is in favor of this amendment. Mr. Shupe replied, "absolutely, he would support it 100%."

Mr. Stewart stated that what we are basically saying in a written ordinance is we would grandfather in what has already been done with existing lots, but anything from the date the amendment is approved would have to go through this process.

Mr. Noel stated that the amendment references subdivision of lots but it is not clear on grandfathering in the existing lots. Mr. Stewart read the following sentence from the amendment: "Any existing substandard lots of record may be resubdivided into one or more lots which will be smaller in total area than the minimum size permitted for the district within which they are located..." Mr. Reuter then referenced the last sentence which states: "This provision shall apply to all lots whenever created if those lots meet all the requirements set forth..." Mr. Noel stated for clarification, that we are trying to grandfather the person who legitimately purchased a piece of property thinking he could build on it, and then for those who want to resubdivide should abide by the amendment. Mr. Stewart stated that is the way he understands it; however the language is not clear.

Following discussion, a motion was made by Mr. Lee Noel to have the Planning Commission notify and advise the County Attorney that the amendment should include language to ensure grandfathering existing legally platted substandard lots, and that the language of future resubdivisions is appropriate. Also, in order to gain extensive public comment, the County Attorney is urged to re-submit the amendment to the Planning Commission for further discussion. The motion was seconded by Mr. Wayne Stewart and unanimously adopted.

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**Request to change facade color and install a wall sign for "Scarlett's Courtyard," located at 210 Mallory Street, St. Simons Island Business owned by Lynn Phipps & Kathy Lockhart**

Ms. Lynn Phipps was present for discussion.

Mr. Schroeder presented the staff's report. He stated that the applicant is proposing to install a wall sign and repaint the facade a new color. The facade has already been painted a pale pink. Mr. Schroeder stated the wall sign will read, "Scarlett's Courtyard" and will have a total area of 24 sq.ft. (1.5 ft. x 16 ft.) The lettering will be a dark burgundy with a shadow to give a "raised letter" look on a panel that matches the pale pink wall color.

Mr. Schroeder stated the proposed signage meets the requirements outlined in Section 816 of the Glynn County Zoning Ordinance. He stated staff recommends approval of the sign installation and the change of facade color.

Following discussion, a motion was made by Mr. Lee Noel to approve this request. The motion was seconded by Mr. Jerome Clark. Further discussion ensued.

Mr. Robert Fell stated he is not opposed to this request; however, he asked why was the sign repainted before it was brought to the Planning Commission for review, as required by the Ordinance. Ms. Phipps stated that at the time the sign was painted, she was unaware that it had to be reviewed by the Planning Commission first. She stated it was her fault and she apologized for the error. Mr. Fell stated perhaps in the future, staff should submit a letter to the Pier Merchants Association and to all of the property owners that there is a Village Preservation District Ordinance and it needs to be adhered to. Mr. Reuter advised that he and Mr. Schroeder hand delivered copies of the Ordinance to every merchant in the Village.

After discussion, the motion for approval was unanimously adopted.

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**SR-1-96**

**Consider amending Article VIII, Section 802 Resubdivision of Land, of the Glynn County Subdivision Regulations, to provide for a procedure for resubdividing lots previously subdivided in recorded plats, and for other purpose.**

Mr. Reuter pointed out that the only change in this amendment is the word "reached" which was changed to "**recorded**" as follows:

**Section 802. Resubdivision of Land**

For any change in an approved and recorded subdivision plat or any map or plat legally (reached) "**recorded**" prior to the adoption of these Subdivision Regulations...

It was the consensus of the Planning Commission to defer this item.

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**SR-2-96**

**Consider amending Article VI, Section 602 Streets, Subsection 602.2 g) Permanent Dead-End Streets, of the Glynn County Subdivision Regulations, regarding cul-de-sac right-of-way radius**

Mr. Reuter presented the staff's report. He explained that at the request of Commissioner Virginia Gunn, staff has compiled an amendment to Section 602.2 g) Permanent Dead-End Streets to provide adequate turning radii for school buses. He stated that over the

past several months concern has been raised regarding the adequacy of the cul-de-sac radius. Mr. Reuter pointed out that cul-de-sacs with traffic islands in the center have posed the greatest difficulty for school buses to maneuver around. He stated in order to provide adequate turning radius in the cul-de-sacs with traffic islands, the following amendment is proposed:

(Underlined = to be added)

- g) Permanent Dead-End Streets.** Dead-end streets designed to be permanent cul-de-sacs shall not be longer than 1,200 lin.ft. measured from the center line of the nearest intersecting thru street to the center of the turnaround. Dead-end streets shall be provided at the closed end with a turnaround having an outside paving edge radius of not less than 40 ft. and an inside paving edge radius of not less than 12 ft. and not greater than 28 ft. and a right-of-way radius of not less than 50 ft. with a roadside ditch that is less than 1 ft. in depth, 55 ft. with a 1 to 2 ft. deep roadside ditch, 60 ft. with a 2 to 3 ft. deep roadside ditch and if there is a ditch of 3 ft. or greater in depth, the right-of-way radius is to be determined by the County Engineer, except where such street serves 2 lots or less. The paving edge equivalent for unpaved streets is in 11 ft. right and left of the roadbed center line.

Exception: Cul-de-sacs designed with traffic islands shall have a minimum inside pavement radius of 36 ft. and a minimum outside pavement radius of 50 ft. In no case shall the travel lane around the traffic island be less than 14 ft. in width. The right-of-way radius shall be a minimum of 60 ft.

Mr. Lee Noel stressed that he is uncomfortable with this moving too fast. He stated he feels that the County Engineer should be present to explain why this is not consistent with the other regulations. The remaining Planning Commission members concurred. Thereupon, a motion was made by Mr. Lee Noel to defer this item at this time. The motion was seconded by Mr. Jerome Clark and unanimously adopted.

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**Discuss access cuts on Demere Road, between Charter Medical property and Frederica Road intersection, St. Simons Island**

Mr. Reuter stated that Mr. Ray Richard, County Engineer, could not be present to address this item. Thereupon, a motion was made by Mrs. Iris Touw to defer this item until Mr. Richard is present for discussion. The motion was seconded by Mrs. Glenda Jones and unanimously adopted.

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## MINUTES

A motion was made by Mr. Wayne Stewart to approve the Minutes of the March 5, 1996 Planning Commission meeting subject to any corrections and additions. The motion was seconded by Mrs. Glenda Jones and unanimously adopted.

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## STAFF ITEMS

Mr. Reuter stated that an 802 application was included in the packages for the Planning Commission's review. He explained that this application was submitted on Friday morning. There was a brief discussion with the applicant's attorney, the County Administrator and the County Attorney. Mr. Reuter stated the particular lots in question are 8 and 9 of Block 56 in Glynn Haven. The applicant is trying to replat a portion of Lot 9 and all of Lot 8, and when he came in for a building permit, staff advised him that this was an 802 and staff was uncertain if the lots of record even exist.

Mr. Reuter stated that the applicant is trying to plat a 6,000 sq. ft. lot so that it is legal; however, the applicant, Rev. Hammock, has gone in and wiped out the entire block, including some trees on Ash Street. Mr. Reuter stated the applicant should be required to replat the entire block.

Mrs. Deborah Taylor pointed out that Mr. Ray Richard stated the applicant filed an application to abandon Ash Street; however, Mr. Richard did not process the application because Rev. Hammock refused to give him the information.

Mr. Reuter explained that Rev. Hammock is trying to plat Lot 8 and a portion of Lot 9. He has cleared the property without a permit, and he also wants to replat one lot.

Mr. Stewart stated that if the lot size changes then that effectively changes the entire block. Mrs. Taylor stated that would be based on whether or not Rev. Hammock still has lots of record. Mr. Stewart stated this could be resolved if we require Rev. Hammock to replat all of Block 56. Mr. Reuter stated that Rev. Hammock plans to do that, but he wants to get a building permit first.

Following discussion, a motion was made by Mrs. Glenda Jones to recommend that the applicant should cease all work until he replats all of Block 56 and have it approved by the Planning Commission and the Board of Commissioners. The motion was seconded by Mr. Robert Fell. Further discussion ensued. (During the course of discussion, the motion was withdrawn.)

Mr. Stewart had questions about the road being a dedicated street. Mrs. Taylor stated it is a dedicated street but that is a separate issue. Mr. Stewart stated he is not sure if the Planning Commission has the legal right to tell anyone that they have to cease work on their land. Mrs. Jones stated Rev. Hammock wants to resubdivide one lot that will affect several other lots. Mr. Reuter stated Rev. Hammock has already platted Lot 10 and a portion of Lot 9 illegally or without coming through the Planning Office. Additionally, he has obtained a building permit to build somewhere else. Mrs. Taylor explained that he received a building permit for the remaining block. She stated that Ms. Gail Wendel of the Planning Office issued Rev. Hammock an address for the remaining block and stated that "no other address would be honored until the plats are submitted to subdivide the block."

Mr. Stewart reiterated that he doesn't think the Planning Commission can stop Rev. Hammock from clearing land that he legally owns. He stated that Rev. Hammock should replat Block 56. Mr. Reuter pointed out that if the Planning Commission so desire, they could approve Lot 8 and a portion of Lot 9; however, a motion was made by Mr. Wayne Stewart to not approve the applicant's request to plat Lot 8 and a portion of Lot 9. The motion was seconded by Mr. Robert Fell and unanimously adopted.

A motion was made by Mrs. Glenda Jones to require Rev. Hammock to provide an updated subdivision plat of Block 56. The motion was seconded by Mr. Wayne Stewart and unanimously adopted.

Also under Staff Items, Mr. Reuter distributed copies of an overview of district planning for the Planning Commission's review.

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## COMMISSION ITEMS

Referencing a request reviewed at the March 5th meeting, Mr. Fell stated the applicant, Mr. Donnie Cofer, specifically requested exterior changes to "Links Mini-Golf" for additional storage and maneuvering area; however, since that time, he has not stored anything, he has installed an ice cream freezer, and he has counters and windows for dispensing food. He has also erected a neon sign and is probably in violation of his lease agreement. Mr. Fell stated this is not what the Planning Commission approved. Mrs. Taylor stated that Mr. Cofer is actually selling food and is in violation of the Ordinance. Chairman Parker stated Mr. Cofer is also in violation of what the Planning Commission approved, and therefore he advised staff to send Mr. Conley out to "shut him down."

Mr. Fell advised that he will walk thru the Village area with Mr. Schroeder, Mr. Conley and Mr. Gryzmski of the Planning & Zoning Office to observe signage, etc. He invited other members of the Planning Commission to joined them. Also, Mr. Fell pointed out that the Planning Commission approved a tabby finish at Sandcastle development; however, it has been finished in wood. He stated the wood finish does not look bad, but that is not what the Planning Commission approved.

Mrs. Jones asked that once the Planning Commission makes a recommendation and approves an item subject to conditions, who in the county follows-up to see that those recommendations are carried out. Mr. Reuter stated that it is part of Mr. Conley's responsibility to follow-up on the conditions; however, he stated "we all have a responsibility to keep him informed." Mr. Schroeder stated that he forwards a letter to the applicant reiterating what took place at the meeting. He also sends a copy to Mr. Ellis Carter and to Mr. Richard when applicable. He stated from there, the inspector and Mr. Conley does a follow-up.

Mrs. Taylor stated in this particular case, this should be handled by the Building Inspections Office. She stated when someone applies for a building permit, they have to submit plans of what the exterior will look like. The Building Inspections Office has a Structural Inspector who has to go out and verify the structure.

Also under Commission Items, Chairman Parker distributed a letter from the Chairman of the Board of Commissioners addressing "impartiality" for the Planning Commission's information.

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There being no further business to discuss, the meeting adjourned at 11:50 a.m.