

MINUTES

GLYNN COUNTY PLANNING COMMISSION
SEPTEMBER 9, 1997 9:00 A.M.

MEMBERS PRESENT: Glenda Jones, Vice Chairman
Richard Altman
Lamar Cole
Hal Hart
Iris Touw
Jonathan Williams

ABSENT: Wayne Stewart

STAFF PRESENT: Keith Flanagan, Director
Ron Milburn, Planning Official
Dick Newbern, Planner III
Deborah Taylor, Zoning Administrator
Janet Loving, Administrative Secretary

ALSO PRESENT: Gary Moore, County Attorney
Jim Bruner, Assistant County Engineer

Vice Chairman Glenda Jones called the meeting to order and the invocation was given, followed by the Pledge of Allegiance. She then gave a brief recap of the rules, voting procedure and audience participation in discussing agenda items.

**Pelican Perch
229 Mallory Street, St. Simons
Review of new roof design,
Zoned General Commercial-Core**

Mr. Don Hogan, property owner, was present for discussion.

Mr. Dick Newbern presented the staff's report. He stated that the owner is proposing to construct an eleven foot high pitched roof onto the two-story, 26 ft. high Pelican's Perch building in the Village area. The pitch of the roof meets the minimum Village Preservation Ordinance requirement of a 4 ft. inch 12 ft. slope. However, the resulting height of the building, with the proposed roof addition, will be over the 35 ft. height requirement as set forth in the General Commercial Core District, [Sec.715.4 (6)] of the Glynn County Zoning Ordinance.

Mr. Newbern explained that the owner's stated intent is to improve the appearance of the building, which now has a flat roof. The application does not indicate what the additional roof space will be used for. Storage space would be allowed; however, retail space would require additional parking.

Mr. Newbern stated that staff recommends denial of the Pelican's Perch roof addition. The General Commercial Core height limitation of 35 ft. supersedes the allowance made in the Village Preservation Ordinance to measure building height at the eave of a building (Sec.709.5). Indeed, the measured building height at the eave of Pelican's Perch is only 26 ft.; however, adding the new pitched roof would exceed the 35 ft. height limitation set forth in the General Commercial Core District.

As stated in the St. Simons Village Preservation District (Sec.709.1) of the Zoning Ordinance, the purpose of the Village District is "to serve as an additional layer of regulations or an overlay zone to existing regulations." The existing regulations set forth in the General Commercial Core District is a 35 ft. height limitation.

Mr. Newbern pointed out that one remedy for the applicant is to apply to the Zoning Appeals Board for a variance on the height requirement set forth in the General Commercial Core District.

Mr. Don Hogan presented an updated rendition of the building plans. He explained that he is trying to do away with the flat roof and replace it with something that is architecturally pleasing in the Village. He stressed that the upstairs space would be used for storage only, no retail. Mr. Hogan stated that this roof design would be expensive, but well worth it in the long run. He stated that he owns the building and 90% of the merchants are in favor of his request. He suggested that the Ordinance be re-examined in the future for possible changes.

Mr. Bill Lorenz-Hooker, architect, addressed the Village Preservation Overlay Plan as it relates to a pitched roof. He pointed out that the intent of the plan was to encourage pitched roofs that would be aesthetically pleasing. He stated that the applicant wants to do what is right. Mr. Hooker then referenced Section 1204 of the Ordinance as follows: "Conflicting Ordinances Repealed - The provisions of any ordinance or regulations or parts thereof in conflict herewith are hereby repealed."

Mr. Jonathan Williams wanted to know if the roof could be designed to camouflage the 11 ft. Mr. Hooker stated that he could cut off 2 ft. and have a flat roof but that would not be visually pleasing and would not prevent the proliferation of leaks.

Mr. Tim Matthews, St. Simons resident, was present to speak in favor of this request. He stated it would be a positive step and a great improvement.

Mr. Victor Howard, St. Simons resident, stated he is not necessarily opposed to this request but he is concerned about a precedent being set.

Mr. Hal Hart asked if the applicant had to comply with the General Commercial Core District and the St. Simons Overlay Plan. Mrs. Taylor replied yes. Mr. Hart then read Section 709.12 (Variances) of the Glynn County Zoning Ordinance.

Following discussion, a motion was made by Mr. Hal Hart to recommend approval of this request. The motion was seconded by Mrs. Iris Touw. Discussion continued.

Mr. Richard Altman stated that if there is a 35 ft. requirement in the ordinance, everyone should comply. Mr. Jonathan Williams added that if we have an unclear rule, we should either clarify the rule or stick by it.

After discussion, the following vote was taken on the motion for approval. Voting Aye: Mr. Hal Hart and Mrs. Iris Touw. Voting Nay: Mr. Richard Altman, Mr. Lamar Cole, Mrs. Glenda Jones and Mr. Jonathan Williams.

Mrs. Taylor explained that she would confer with the applicant on the Zoning Board of Appeals process.

Minor Plat
Redivision of Lot 36
Heritage Estates, 4.45 acre
tract, subdivided into 2 Lots
Zoned Forest Agricultural

Property owned by S. L. Mobley
and Sharon R. Mobley

Mr. Mobley was present for discussion.

Mr. Newbern stated that this request meets all requirements of the Glynn County Subdivision Regulations. A map showing the lot lines was included in the packages for the Planning Commission's review. Mr. Newbern stated staff recommends approval of this request.

Following review, a motion was made by Mr. Jonathan Williams to approve this request. The motion was seconded by Mr. Hal Hart and unanimously adopted.

Minor Plat
Redivision of Lots 3, 4 & 5 Thalman
Estates, revision to Lot Lines,
located at the end of Paddock Lane
Zoned Forest Agricultural

Property owned by Edwin Fendig, III

Mr. Fendig was present for discussion.

Mr. Newbern explained that the lot lines would be moved to encompass the pond. A map showing the lots lines was included in the packages for the Planning Commission's review. Mr. Newbern stated staff recommends approval of this request.

Following review, a motion was made by Mr. Richard Altman to approve this request. The motion was seconded by Mrs. Iris Touw and unanimously adopted.

Site Plan

U.S. Post Office

Located off Frederica Road, former site of Food Lion, Zoned Planned Development-General (Commercial)

Mr. Chris Amos was present for discussion.

Mr. Newbern presented the staff's report. He stated that the U.S. Postal Service proposes a site plan to convert the old Food Lion building into a new Post Office for St. Simons Island. Access will be from Frederica Road and no access will be allowed from Longview Drive, which serves a residential neighborhood to the rear of the property. A 40 ft. easement runs along the west side of the property to Longview Drive, but it will not be used for access.

Mr. Newbern stated that the original parking area in front of the existing building will be reconfigured and restriped. A new parking lot for postal vehicles will be constructed to the west of the existing parking lot. Mr. Newbern pointed out that the loading dock located next to the building will be served with a new paved drive area and will be used by postal service trucks for loading/unloading.

The zoning is PD-Commercial and there are no parking or site coverage restrictions. Utility easements that now serve the existing building will remain in place.

Mr. Newbern stated that staff recommends approval of this Site Plan with the following conditions:

1. A permanent concrete curb should be placed at the edge of the loading dock drive where it abuts the 40 ft. easement. This will prevent vehicles from using the easement as an alternate access.
2. Subject to Drainage being approved by the County Engineer.

Mrs. Touw expressed concerns about the trees in the area. Mr. Amos explained that curbing will be put up to help protect the trees.

Mr. S. C. Anderson, St. Simons resident, stated that he is opposed to the retention pond due to potential mosquito problems. Mr. Amos stated that the pond would be dry except for when it rains.

Following discussion, a motion was made by Mr. Richard Altman to approve this request. The motion was seconded by Mrs. Iris Touw and unanimously adopted.

SUP-4-97

Request for a Special Use Permit in an R-12 One-Family Residential Zoning District for the location of a Mobile Home as a Medical Hardship; subject property located at 154 Glyndale Circle; Lot 14 of Glyndale Subdivision, Section D, consisting of approximately 4 acres and fronting 250 ft. on the south side of Glyndale Circle

Property owned by J. C. McCarthy, Jr.

Mr. Mathew Kicklighter was present for discussion.

Mr. Ron Milburn presented the staff's report. He stated that this request is for a special use permit in an R-12 One-Family Zoning District to allow a mobile home as a medical hardship. Section 702.4 2) of the Glynn County Zoning Ordinance states: A special use permit to allow a mobile home in an R-12 District would be on a two-year basis and at the discretion of the County Commission when a documented hardship exists, provided such use meets all requirements of Section 702.5. Renewal may be obtained for an additional two-year period at the discretion of the County Commission if the hardship continues to exist.

Mr. Milburn explained that the property involves a 4 acre tract of land with 250 ft. of frontage on Glyndale Circle. A single-family residential structure, in which the owner resides, is currently located on the property. The owner, Mr. McCarthy, is in need of obtaining the special use permit as a medical hardship to allow his grandson and family to place a mobile home on the lot in order to live closer to him. Staff received written documentation from Eric W. Friedrich, M.D., which states that the desired living arrangement would be in Mr. McCarthy's best interest due to his health condition (outlined in the letter).

The concept plan shows that the proposed mobile home would be located approximately 300 ft. back from Glyndale Circle and would utilize the existing driveway that serves the residence located approximately 500 ft. from the subject road.

Mr. Milburn stated staff feels the request for a medical hardship on a two-year basis would benefit the family temporarily. He stated staff recommends approval of this request and encourages the owner to place the mobile home on the property in such a manner as to eliminate any impact on the surrounding area.

Mr. S. C. Anderson wanted to know if the septic system in the area could handle such request. Mr. Milburn stated that the Health Department would determine if the septic system is adequate. He added that the request would have to meet the requirements set forth by the Health Department. Mr. Kicklighter stated he would install an additional septic tank in the future.

Following discussion, a motion was made by Mr. Hal Hart to recommend approval of this request. The motion was seconded by Mr. Lamar Cole. Discussion continued regarding expiration of the permit. Mr. Hart stated he would do everything within his power to make sure that the mobile home is removed when the time limit expires.

After discussion, the motion for approval was unanimously adopted.

GC-24-97

Request to Rezone from R-9 One-Family Residential to Planned Commercial, 2.997 acres located on the northwest corner of Airport Road (360.07 ft. of frontage) and Demere Road (363 ft. of frontage), and lying immediately east of the mobile home park, St. Simons Island.

**Property owned by Annie B. Friedman,
Donald C. McCaskill, III, Cameron F. Shadron
and Heather L. Shadron**

Attorney Jameson Gregg was present for discussion.

Mr. Milburn presented the staff's report. He stated that this request is to rezone a 2.997 acre tract from Residential to Planned Commercial. The property is located at the northwest corner of Airport Road (360.07 ft. of frontage) and Demere Road (363 ft. of frontage).

Mr. Milburn pointed out that the owners of the property have submitted a Planned Commercial District Zoning Text which states in the first paragraph that "subsequent buildings will require an amendment to this Zoning Text." The third paragraph states that "initially, the only land use will be the wholesale pottery business."

Located on the adjacent property, also owned by the applicant, is a structure being utilized as a work area for the owner's pottery business. However, due to a zoning violation, the owner is requesting a zoning change in order to locate the pottery business on the property. According to the Zoning Text, there will be only one access from the property to and from Airport Road. Also, the owners and any subsequent owners shall be responsible for maintaining the required landscape buffer.."

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

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

The land uses to the north, east and west are residential. The entrance to the airport is located to the south of the property.

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

The proposed Planned Commercial District would definitely have an adverse affect on the residential properties located to the north and east, which is why the proposed Comprehensive Plan Future Land Use Map shows the property as future residential.

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

As indicated on the Future Land Use Map, the current zoning has an economic future as residential property.

- **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;**

The existing streets, Demere Road between Airport Road to the north and Airport Road to the east has a current average annual daily traffic (AADT) count of 10,017.

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

The proposed Comprehensive Land Use Plan shows the subject property as residential.

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

The existing residential development in the area supports the grounds for disapproval.

Mr. Milburn stated that Airport Road currently serves as the dividing line between the commercial and residential districts. Staff feels that by allowing commercial on the north side of the road would be an intrusion into the residential area. Also, the proposed rezoning is not in conformance with the Comprehensive Plan. Therefore, staff recommends denial of this request.

Mr. Jameson Gregg, attorney representing the applicants/property owners, gave a brief presentation. He introduced the property owners and stated that the property (acquired in 1922) has been in their family for 75 years. He stated that they have kept the property green and paid taxes for 75 years, and he feels that they should be given some consideration on their request. He then presented a sample of the pottery from Ms. Shadron's shop so that the planning members could observe the crafty handiwork.

Mr. Gregg explained that this rezoning request resulted from a complaint filed against the pottery shop. A citation was issued by the Magistrate Court and now the owners have to move the shop. He stated that they want to keep the pottery shop on their property.

Mr. Gregg pointed out that intense commercial development is already located close to the residential area. He stated the applicants are proposing a benign friendly use. However, if this request is not approved, the applicants may be forced to put a residential development across from the new "Gary L. Moore Court."

Mr. Eugene Palmer of 1715 Demere Road was present to oppose this request. He presented a petition consisting of 86.3% of the neighbors who are opposed to this rezoning. He stressed that they do not want a commercial development in their residential neighborhood. Mr. Palmer stated that he is not opposed to the pottery shop, but he is opposed to the rezoning. He stated this is a quiet operation and Ms. Shadron is a good neighbor. However, he is concerned about future uses. Once the property is zoned commercial, and perhaps when the McCaskill's are no longer in control of the property, Mr. Palmer stated that the new owners could put anything (except adult entertainment) on the property.

Mr. Frank Quinby, St. Simons resident, was present to oppose this request. He pointed out that Airport Road is in Tier I of the Brunswick Area Transportation Study and will eventually become a main thoroughfare. He suggested that this application be processed as a home occupation and not a rezoning.

Ms. Ilene Hutchinson was also present to state opposition for herself and on behalf of RUPA (Residents United for Planning and Action).

In rebuttal, Attorney Jameson Gregg pointed out that this proposal is a transitional zoning and the county could impose conditions that would eliminate objections to commercial use, i.e., buffers, traffic, etc. The owners are willing to work with the county and the neighbors. He further stated that Mr. Palmer would not be right next to the commercial property. The distance is the length of a football field. He also pointed out that the protection as to what could happen to the property in the future is Planned Commercial. The protection is built in.

Following discussion, a motion was made by Mrs. Iris Touw to recommend denial of this request. The motion was seconded by Mr. Richard Altman. Discussion continued.

Mr. Hal Hart stated that most of the people he talked to were not opposed to the pottery shop, but were afraid of what could happen in the future. He stated that along with the motion, he would like to make a recommendation to the Board of Commissioners that the owner be allowed to operate the pottery business in its present location by obtaining a variance. However, County Attorney Gary Moore stated that the Planning Commission needs to be more specific in what they are asking the Board to do. He stated whatever the Planning Commission recommends would have to apply countywide and not just for this piece of property. He explained that a variance could not be granted based on a use problem, and a home occupation permit could not be granted because the applicant does not reside on the property.

A member of the audience asked that if the complaint against the pottery shop were withdrawn, would the problem go away. Attorney Gary Moore stated that the complaint has already been filed and the county must abide by the ordinance.

At this time, Mr. Hart withdrew his recommendation and the motion for denial was unanimously adopted.

The Planning Commission took a 10 minute recess. The meeting resumed at 10:50 a.m. (It was noted that Mr. Jonathan Williams had to leave due to a previous commitment.)

GC-25-97

Request to rezone from R-12 One-Family Residential to Highway Commercial, a parcel of land consisting of 43,545 square feet located on the northeast corner of Old Jesup Road and Cypress Mill Road; subject property's easterly property line beginning 97.30 ft. west of Colonial Way (Helveston Oaks)

Property owned by Southtrust Bank of Georgia, Inc.

Ms. Christine Proctor and Mr. George Skarpalezos were present for discussion.

Mr. Milburn presented the staff's report. He stated that this request is to rezone a parcel of land consisting of 43,545 sq. ft. located on the northeast corner of Old Cypress Mill Road and Old Jesup Road to Highway Commercial. The property has been split off of a larger tract, which has changed ownership but was not processed to determine if the parcel meets the county requirements, and was not approved by the county.

As indicated on the survey/concept plan, the owner would like to subdivide the parcel into two lots to be served by one access drive off Old Cypress Mill Road. Mr. Milburn pointed out that the County Engineer has reviewed the concept plan and has stated that an access cut at this location is not desirable. However, if the lots were rezoned and were to be served by Old Cypress Mill Road, this access cut would be the best of a bad situation for the location based on the available frontage.

Mr. Milburn stated that in previous years, there have been requests for commercial rezoning of other property in this area (including the subject property), but the requests were denied based on the commercial rezoning being an intrusion into the residential area. However, in 1996 a parcel of land located immediately across Old Jesup Road from the subject property, which had an existing commercial structure, was rezoned to Local Commercial.

Mr. Milburn explained that when reviewing a request to rezone property to commercial, the needs for services in the area are considered. Upon staff's review, the needs for the area appear to be met by the existing commercial properties and establishments. Rezoning requests should also be evaluated with regard to the intended future characteristics of the area, which is predominately

residential in character with two churches in the immediate area (Taylor Methodist and New Testament Baptist), and two commercial properties rezoned to Local Commercial in 1967 and 1969 (Lil Champ to the southeast and a parcel approximately 400 ft. to the north).

Old Jesup Road, which has a narrow roadway (50 ft. right-of-way) is used as a cut-through between Highway 341, Spur 25 and Community Road. The intersections of Walker Road, Scranton Road, Old Cypress Mill Road and Habersham Road into Old Jesup Road create many vehicle movements at non-signalized intersections. Old Jesup Road currently has a traffic count of approximately 8,000 vehicles per day (AADT). Encouraging additional traffic into the area is not desirable.

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

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

Highway Commercial would not be compatible with the adjacent residential properties.

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

Uses permitted in the Highway Commercial District are not compatible with adjacent residential properties and therefore would be adversely affected by the rezoning.

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

The subject property could be developed as zoned. A small residential subdivision could be developed with controlled access.

- **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;**

Highway Commercial zoning would add additional traffic to Old Jesup Road and Cypress Mill Road.

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

The proposed Comprehensive Land Use Plan designates the subject property as future residential.

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

No.

Mr. Milburn stated staff recommends denial of this request due to the analysis outlined in this report. Specifically, the subject property on the Comprehensive Land Use Plan is designated future residential.

Ms. Christine Proctor, representing Southtrust Bank, agreed with staff's denial of a Highway Commercial zoning. She feels that the request should have been for Local Commercial or Limited Commercial; however, she stated this was her fault because she did not follow through with the application. Ms. Proctor stated that she takes full responsibility for this oversight. Mr. Milburn explained that Local Commercial would not be consistent with the Comprehensive Plan.

Mr. George Skarpalezos was of the opinion that staff should have advised the applicant that the request would not be approved as submitted. Mrs. Taylor explained that staff had no contact with Ms. Proctor. If Ms. Proctor had come in to discuss the application, Mrs. Taylor stated she would have steered her in another direction of zoning.

Vice Chairman Glenda Jones pointed out that this request was advertised as Highway Commercial. If the applicant decides to change the request to Local Commercial, it would have to be re-advertised as such.

At this time, Ms. Proctor stated that she would like to withdraw her application; however, Mr. Skarpalezos urged her not to withdraw the application. He stated he would like for the request to be forwarded to the Board of Commissioners with a recommendation from the Planning Commission. Ms. Proctor reinstated the application.

Mr. Robert Gilleski of 132 Bel Air Circle was present to oppose this request. He stated any type of commercial zoning in the area would be considered spot zoning.

Ms. Karen Evans, adjacent property owner, stated she is opposed to this request due to potential traffic problems. She is concerned for the safety of the children in the area.

Following discussion, a motion was made by Mr. Hal Hart to recommend denial of this request. The motion was seconded by Mr. Richard Altman. Voting Aye: Mr. Richard Altman, Mr. Hal Hart, Mrs. Glenda Jones and Mrs. Iris Touw. Abstained From Voting: Mr. Lamar Cole

GC-27-97

Request to Amend 21-82 Planned Development Zoning Text and Master Plan, which involves the parking ratio including a 10.22 acre tract, proposed site of "Home Depot" to be located within the Golden Isles Plaza, south of F-009 Spur, east of Scranton Road and north of Old Cypress Mill Road.

Property owned by Partridge Greene, Inc.

Mr. Robert C. Nitishin and Attorney Tom Lee were present for discussion.

Mr. Milburn presented the staff's report. He stated that this request is for an amendment to the existing Planned Development for the Regional Shopping Mall and Related Commercial Development.

The proposed development will be known as Golden Isles Plaza. The preliminary plat has been approved to allow the location of a "Home Depot" on a lot consisting of 10.22 acres. The site plan proposed for the store shows a main structure consisting of 101,860 sq. ft. and a garden center consisting of 27,824 sq.ft.

Mr. Milburn pointed out that in accordance with the Planned Development Zoning Text, which states the off-street parking standards will be as outlined in the Glynn County Zoning Ordinance, the required parking standards would be as follows:

Store	101,860 sq. ft. = 509 spaces
Garden Center	27,824 sq. ft. = 139 spaces

Mr. Milburn stated that the required number of parking spaces is 648. The proposed amendment being requested is for a reduction in the parking requirements. Information has been submitted by John W. Shriver, III and Robert C. Nitishin outlining reasons for this request. As stated in the letter submitted, the applicant would like to only provide 500 off-street parking spaces, which would be a reduction of 148 spaces. According to Section 723.4 2) Planned Development, a PD Zoning Text can request the following: d) Exceptions or variations from the requirements of the Zoning Ordinance.

Mr. Milburn explained that the Planned Development Zoning Text for the subject property was originally adopted in 1982 and has had amendments approved in 1982, 1986, 1993 and 1995. The minimum standards for shopping area are outlined within this document, beginning on page 8. Page 9 currently states the following:

8. Parking ratios will be maintained in accordance with similar uses in the Glynn County Zoning Ordinance or greater so as to provide supportive parking per site.

The proposed amendment would change to state the following:

8. Parking ratios will be maintained in accordance with similar uses in the Glynn County Zoning Ordinance or greater so as to provide supportive parking per site, with the following exception: The parking requirements for the 10.22 acre site known as "Home Depot" located

on the south side of F009/Spur 25 shall be provided with a minimum of 500 parking spaces for a total building having a maximum of 129,684 sq. ft.

Mr. Milburn stated it is staff's opinion that the documentation submitted has merit and supports the proposed amendment. Therefore, staff recommends approval of this amendment.

It was noted that if the Planning Commission recommends approval of this amendment, final action by the Board of Commissioners would be required before a revised site plan can be reviewed by the Planning Commission.

Mr. Robert Nitishin, architect, gave a brief presentation and elaborated on the reasons for the proposed parking reduction, which he compared to other Home Depot locations.

Mr. Hart expressed concerns about the parking reduction. He stated he does not have a problem with the increase of the building, but he is concerned that if the Planning Commission says that it is okay to reduce the parking, the developer may decide to come back and put up a Wendy's, etc. Mr. Nitishin explained that he would come back with a revised site plan just to indicate the 500 spaces and the additional green space. He stated there wouldn't be room for a Wendy's.

Mr. Hart stated that he has mixed feelings about the parking and he is apprehensive because this is being based on a letter submitted by the developer stating they have too much parking. Mr. Hart stated he is concerned that the Planning Commission would have to give the same consideration to someone else who decides, in a letter, that they have too much parking. Attorney Tom Lee stated that each zoning text is separate and each one would have to be reviewed by the Planning Commission.

County Attorney Gary Moore suggested that the text be amended to state that the additional parking spaces not be required to be placed in a buffer or in a green space. However, Mr. Flanagan stated that due to the potential growth projections in the area, he doesn't want to see the Planning Commission limit that to be used only for green space. He feels that the developer should be allowed to come back and use the space for additional parking if necessary.

Following discussion, a motion was made by Mr. Richard Altman to recommend approval of this amendment with the stipulation that the site be designated as green space and/or additional parking. The motion was seconded by Mr. Lamar Cole and unanimously adopted.

Attorney Tom Lee objected to the Planning Commission including an arbitrary requirement before final approval of the site plan.

**Review request for James W. and Florine Toler
Request for variance from the Glynn County
Subdivision Regulations per memo dated 9-2-97
In accordance with Section 901**

Mr. Don Hutchinson was present for discussion.

Attorney Gary Moore gave a brief background history of this request. He explained that the applicants came in and asked for permission to use a portion of an existing subdivision lot. They were requesting to re-subdivide a lot in order to make two lots out of one, and in the process, they could change the existing subdivision that had 10 lots to an existing subdivision that now has 11 lots.

Attorney Moore stated that the problem came up because the subdivision has a dirt road. The paving standards of the Glynn County Subdivision Regulations currently allow a subdivision with no more than 10 lots on a dirt road. This request would create the 11th lot, which is a clear violation of the Subdivision Regulations.

Attorney Moore stated that initially, this request came to the Board of Commissioners who delegated the authority to the Planning Commission. At that time there were two options to consider. One option was to amend the Subdivision Regulations, change the procedure for obtaining variances to allow 11 lots on a dirt road. The other option was to advise the applicants to request a variance, which is what the Board of Commissioners did.

Attorney Moore stated the applicants were then sent back to the Planning Commission and it is his understanding that the Planning Commission ruled that "they did not have the authority to grant a variance." Section 901 states that variances shall be permitted as follows: 1) General: When a peculiar shape, or the topography of a tract of land, or other unusual condition makes it impractical for a subdivider to comply with the literal interpretations of the design requirements of this Ordinance, the Planning Commission shall be authorized to vary such requirements, provided; however, that in so doing, the intent and purposes of this Ordinance are not violated.

Attorney Moore pointed out that apparently the decision was made that the Planning Commission did not have the authority to grant the variance. Glynn County currently has plans to pave the road as part of the dirt road paving project. The issue before the Planning Commission is whether the fact that the county is about to pave the road is considered an unusual condition. If so, does granting the variance violate the intent of the Ordinance. If the Planning Commission decides that it is not an unusual condition, then their answer would be "no we're not authorized." If the Planning Commission decides that it is an unusual condition and should be considered for a variance, then the only other question would be "is granting this variance going to continue the intent and purposes of the Ordinance." If the answer to that is no, then the answer to the applicant would be no.

Attorney Moore stated that unfortunately, this request was bounced back to the Board of Commissioners with the understanding that under Section 801.1 d) the Board of Commissioners have all authority to simply take anything that anybody disagreed with that happened with the staff or the Planning Commission and simply reverse it. However, that is not what Section 801.1 d) does. Section 801.1 d) states that "for all other types of land divisions classified as minor subdivisions, the action of the Director of Community Development shall be final, except for access to the Glynn County Board of Commissioners." This means that if Mr. Flanagan makes a mistake in interpreting the terms of the Ordinance, the applicant can go to the Board of Commissioners and say that is not what the Ordinance intends. In this case, the Director's interpretation was correct and we are now back to the variance process.

Mr. Flanagan stated that as the County Attorney pointed out, the confusion came about when the request could not be approved because it did not meet the requirements of the current Ordinance. However, based on the discussion and the research in the attempt to find a solution, and also due to the fact that this is an unusual circumstance, he agrees that a variance could be granted. Mr. Flanagan assured the Planning Commission that there is enough money to pave all dirt roads in Glynn County and he estimated this being done within the next 3 to 5 year period.

In addition to recommending approval of this variance, Mr. Flanagan asked the Planning Commission to consider including a stipulation that this applies to all current 10 lot dirt road subdivisions in existence, accepted and dedicated to the county as of today's date.

Mrs. Iris Touw commented that she felt the Planning Commission was totally justified in their action at the August 5th meeting. Attorney Gary Moore explained that he is not saying the Planning Commission has to vote yes or no, but he is saying that the Planning Commission has the authority to grant a variance in this case.

Following discussion, a motion was made by Mr. Richard Altman to recommend that the variance be granted for this request. The motion was seconded by Mr. Lamar Cole. Discussion continued. Mr. Cole asked Mr. Flanagan to clarify his statement regarding the stipulation as it relates to the motion. Mr. Flanagan explained that the motion is for this individual request. He stated as other variance requests come in, each request would be brought to the Planning Commission to be addressed on an individual basis.

After discussion, the following vote was taken on the motion for approval: Voting Aye: Mr. Richard Altman, Mr. Lamar Cole, Mr. Hal Hart and Mrs. Glenda Jones. Voting Nay: Mrs. Iris Touw.

**Review and discuss the Glynn County
Comprehensive Land Use Plan**

Mr. Milburn explained that the Department of Community Affairs (DCA) reviewed the Comprehensive Plan twice but did not approve it due to the Plan's lack of required information. However, since that time, staff acquired the necessary information, addressed all questions and resubmitted the Plan. According to DCA, the Plan now meets all minimum requirements. At this time, staff is requesting the Planning Commission to recommend that the Board of Commissioners adopt the Plan as submitted.

Following discussion, a motion was made by Mr. Hal Hart to recommend that the Board of Commissioners adopt the Glynn County Comprehensive Land Use Plan. The motion was seconded by Mr. Richard Altman. Discussion continued.

Mr. Glenn Lewis was present to discuss the Plan as it relates to his property. He explained that he is not making a plea for a rezoning because he understands that the Comprehensive Plan is just a master plan. He then gave a brief background history of his property.

Referring to the Future Land Use Map for St. Simons Island, Mr. Lewis pointed out the Multi-Use Node Low-Density Residential area. He stated that he is the owner of the property adjacent to Black Banks. In 1992, the Courts ruled that even though at that time the Comprehensive Plan listed the property as Planned Development Commercial, it still allowed Glynn County to decide when it becomes commercial, therefore Mr. Lewis stated that he is not arguing about the current zoning. He stated it is zoned R-12 but the history on that particular piece of property, taken from the map of the 1981 Comprehensive Land Use Plan for St. Simons and Sea Island, shows that it was Business Institutional. The 1991 Plan calls for the property to be Planned Development Commercial.

Mr. Lewis stated that when he submitted his rezoning application in 1992, the staff's report stated that "the Glynn County Comprehensive Land Use Plan designates this tract as Planned Development for commercial use. He stated at that time, the following questions were answered by staff under standard criteria (the questions used by staff as guidelines):

- **Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property?**

Staff's Answer: Suitable.

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

Staff's Answer: Should have no adverse affect with adequate buffers and setbacks.

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

Staff's Answer: No.

Mr. Lewis stated the area was currently zoned R-12 due to the frontage on Frederica Road. He then asked why is this being changed back. He stated that when Chairman Stewart presented this to the Board of Commissioners at the June meeting in 1995, he went through the changes that he saw from the 1990 Plan. Mr. Lewis asked Chairman Stewart at that time, had that particular piece of property been changed from Planned Development Commercial to a Residential Node. He stated Chairman Stewart's reply was no, this was just a preliminary proposal and he didn't remember it being changed. Vice Chairman Glenda Jones stated she agreed with Chairman Stewart. She also did not remember the zoning being changed.

Mr. Lewis stated that somehow it has been changed, but he is not addressing how it got changed. He is merely stating that the Planning Commission is going backwards. He stated the 1981 Plan shows the area zoned Business Institutional, the 1991 Plan shows the area as Planned Development Commercial and now you're saying it's Low-Density Residential.

For clarification, Mr. Milburn stated that the area Mr. Lewis is referring to is in a Multi-Use Node. He stated page VI-11 of the Plan states that "certain major intersections and other areas of the county have been detected as Multi-Use Nodes. These areas are foreseen as future locations for commercial, residential, institutional and recreational uses in a multi-use plan concept." However, Mr. Lewis stated this is not consistent with past Plans because the color is "yellow," which indicates Low-Density Residential.

Vice Chairman Glenda Jones pointed out that the map is a small scale and it is questionable whether Mr. Lewis's property is in the "pink" or the "yellow." Mr. Lewis then pointed out his property in relation to surrounding property. Mrs. Jones stated that from viewing the map, it appears that the entrance drive to Black Banks is at the end of the black line. Mr. Milburn stressed that he did not assist in developing the map. He stated that when the map was developed, he wonders if the intent was to look at the colors. He stated perhaps the colors should not be included in the circle.

Mr. Hal Hart stated that Mr. Lewis is questioning why the area went from a commercial use to a residential use. Mr. Lewis stated that is correct. He pointed out that he is involved as a defendant with Glynn County and Black Banks. He further stated that if this Plan is adopted, he feels that it is an intentional bias against his property. Mr. Milburn explained that this Plan is a living document and can be changed at anytime the County Commissioners deem necessary with appropriate reasons. Mr. Milburn stated that because he was not part of developing the map, he is unsure of the intent of the colors within the circle.

Mr. Hart stated that when the land use is changed, perhaps the landowner should be notified. Mr. Milburn stated that if we are looking at the colors, then what is the purpose of the circle. Mrs. Jones stated that the map presented today is entirely different than the map that she has at home. The map that she has at home, which is the last map that the Planning Commission voted on, shows a proposed Multi-Use Node at the intersection of Frederica Road. She stated if this is a Multi-Use Node, she feels that it should not have a color because it is a contradiction.

Mrs. Touw stated she never saw the circles drawn as being that precise. She understood they were encompassing the corners. Mr. Milburn stated that the Comprehensive Plan is a concept plan and it does not follow property lines. Vice Chairman Glenda Jones added that a plan can be changed at any time. It is not something cast in concrete.

Mr. Lewis stated he is concerned that the Courts have ruled that Glynn County has the right to determine when the time comes to change the zoning. He stated he has a problem with putting the area back as residential. He explained that if he were to come before the Planning Commission for any portion of that property to be rezoned, staff would go through the standard criteria. One of the questions being, **"is it consistent with the Comprehensive Land Use Plan,"** and due to the color being yellow, Mr. Lewis stated that staff's answer would have to be **"no, the Comprehensive Plan calls for Low-Density Residential."**

Mr. Lewis stated that since 1981 the area has been Business Institutional or Planned Development Commercial, and now the Planning Commission is saying that with the increase of traffic, etc. it is going to revert back to Low-Density Residential. Vice Chairman Glenda Jones stated she doesn't feel that the Planning Commission has the authority to do that. Mrs. Taylor stated she really doesn't remember that being changed. Mr. Lewis then asked if it could be changed back.

Mr. Milburn reiterated that this is a living document and there will be changes made. He stated he would like an opportunity to look into the history of the Nodes. Vice Chairman Glenda Jones stated there were actually three Nodes on the St. Simons Land Use Map.

Mr. Milburn suggested that the Planning Commission recommend to the Board of Commissioners that the Comprehensive Plan be adopted as prepared. The Planning Commission may wish to direct staff to review this further for an update. Mr. Milburn stated that staff would like to correct any mistakes that may have been made in the Plan. Mr. Lewis asked if staff or the Planning Commission could give him a letter to this affect. He stated everyone, by memory, is saying they don't remember this being changed, but it has been changed. "Why then can't you change it back?"

Regarding the letter that Mr. Lewis is requesting, Mr. Flanagan suggested that this be discussed further in an Executive Session due to pending litigation involving county staff and Mr. Lewis. However, Mr. Lewis stressed

that the litigation has nothing to do with rezoning. He stated it has to do with his right to cut trees on property that he owns. Vice Chairman Glenda Jones asked Mr. Flanagan if the litigation involves indicating the present zoning of that particular piece of property, and is there a problem in correcting the map. Mr. Flanagan stated he'd rather not comment at this time.

Vice Chairman Glenda Jones stated that with the situation being as it is, the property should be indicated as it is presently zoned. Mr. Milburn pointed out that the discussion is not about how the property is zoned but how the previous Comprehensive Plan indicated the land-use, as it should be in the future. Mrs. Jones then stated that perhaps the color on the map should be pink, as it was, instead of yellow. Mrs. Taylor suggested staff research this further, verify the last map and any other documentation indicating this change. She stated no one seems to recall this being changed and it could just be an error, but staff needs to conduct additional research.

Mrs. Touw commented that this Comprehensive Plan should have been approved some time ago. She stated there were small corrections that needed to be done and those have been done. Through a concentrated effort, the Plan has been submitted and it has received approval from DCA. Mrs. Touw stated that as soon as the Planning Commission recommends the Plan to the County Commission, upon their approval, this Plan becomes an official document. After that point, she stated any changes we deem necessary could be made. However, she stressed that if we prolong this process, we are putting the approval and all of the benefits in jeopardy.

Mr. Hal Hart suggested that staff investigate this further and report back to the Planning Commission at the next meeting. After the investigation, if staff has determined that the zoning was changed and no one knows how it got changed, Mr. Hart stated that in his opinion, there shouldn't be a problem changing it back. Mr. Flanagan stated he cannot be sure that an error has occurred until the research is completed. He stated staff could do the research before the Plan is adopted by the Board of Commissioners.

Mr. Lewis suggested the Planning Commission adopt a motion that states pending verification by staff that if this has been changed, that it be changed back before October 2nd. Mr. Flanagan reminded the Planning Commission of the pending litigation.

Mrs. Touw pointed out that the Comprehensive Plan has a great significance to a number of people. She stated the fact that the County Commission approves the Plan is not going to negate staff from being able to look at this and make corrections.

At this time, the motion and the second were withdrawn (The original motion was to recommend that the Board of Commissioners adopt the Glynn County Comprehensive Land Use Plan.) A new motion was made by Mr. Hal Hart to recommend that the Board of Commissioners adopt the Glynn County Comprehensive Land Use Plan, dated October 1997, with the

understanding that the Planning Commission has concerns with possible updates upon completion of staff's research. The motion was seconded by Mr. Richard Altman and unanimously adopted.

MINUTES

In order to allow all members adequate time to review the minutes, it was the consensus of the Planning Commission to defer adoption of August 5, 1997 minutes.

Discuss Planning & Zoning Services Provided to the City of Brunswick

For informational purposes, Mr. Flanagan advised that the Planning & Zoning staff is constantly devoting more time and effort to city requests, etc. He pointed out that staff is not compensated by the City of Brunswick. Included in the packages for the Planning Commission's review, was a letter from Mr. Mark Mitchell, City Manager, requesting staff's assistance with an update of the Hospital Area Land Use Plan. Due to the current workload, Mr. Flanagan stated that staff would not be available to assist in this update. He asked the Planning Commission to take this information under advisement and confer with staff at a later date.

Mrs. Touw stated she would like some type of justification that exempts the hospital from zoning. Mr. Flanagan advised that he would confer with the County Attorney and report back to the Planning Commission.

STAFF ITEMS

1) Special Use Permits

A current list of special use permits approved by the Glynn County Board of Commissioners was included in the packages for the Planning Commission's review.

According to the Glynn County Zoning Ordinance, a special use can be granted to allow a mobile home in a residential district on a two-year basis at the discretion of the County Commissioners when a documented hardship exists, provided such use meets all other requirements of the Ordinance. Renewal may be obtained for an additional two-year period at the discretion of the County Commissioners if the hardship continues to exist.

During the course of discussion, the members expressed concern about doctors being more specific in their written statement as to the condition of the person requesting the hardship permit. Mr. Flanagan explained that due to doctor/patient confidentiality, we are limited in what we can ask a doctor to say.

Also discussed was the possibility of changing the time limit and extension of a hardship permit, and perhaps inserting the term "medical" in this section of the ordinance. Mr. Flanagan advised that staff would bring this item back to the Planning Commission as an ordinance amendment.

2) Rafters

Mr. Flanagan reported that he has been unsuccessful in his attempts to meet with the owner/operator of Rafters regarding possible violations. He stated he has scheduled a meeting with the Chief of Police to further discuss this matter.

3) Buffer/Landscape Committee

The Buffer/Landscape Committee meeting will be held on September 17th and September 24th in Room 234 of the Office Park Building.

There being no further business to discuss, the meeting adjourned at 1:15 p.m.