

**MINUTES**

**GLYNN COUNTY PLANNING COMMISSION  
MARCH 3, 1998 9:00 A.M.**

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MEMBERS PRESENT: Glenda Jones, Chairman  
Richard Altman  
Lamar Cole  
Hal Hart  
Jeff Shell  
Iris Touw

ABSENT: Jonathan Williams

STAFF PRESENT: Lee Gilmour, County Administrator  
Gary Moore, County Attorney  
Ron Milburn, Planning Official  
Dick Newbern, Planner III  
Deborah Taylor, Zoning Administrator  
Ellis Carter, Building Official  
Jim Bruner, County Engineer  
Janet Loving, Administrative Secretary

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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.

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Chairman Jones advised that Item #8 on the agenda would be addressed at this time.

**Site Plan  
Palm Club Apartments  
132 Unit Apartment Complex  
10.851 acres, zoned Planned Development-  
Residential, located on South Palm Drive  
between Highway 17 and Carteret Road**

**Patrick J. Armstrong/Palm Club  
Apartments, L.L.C. Owner/Developer**

Mr. Patrick Armstrong was present for discussion.

The following report from staff was included in the packages for the Planning Commission's review:

The applicant proposes to develop a 132 unit apartment complex on a 10.851 acre site on the north side of South Palm Drive, between U.S. Highway 17 and Carteret Road. The

apartments will be housed in six clusters, as shown on the Site Plan. Of the 132 apartments, 32 are planned to be one bedroom, one bath; 38 are planned as two bedrooms, two baths; 38 are planned as two bedrooms, two bath units; and 24 are planned as three bedrooms, two baths. The apartments are being underwritten for financing through the U.S. Department of Housing and Urban Development. A clubhouse, 24' X 60' swimming pool, tennis court, picnic area and a one-acre pond will also be developed on-site.

This site plan meets or exceeds the PDR Zoning District requirements of site density, parking, height, site coverage, setbacks, and access. There are PDR requirements that will not be met by this plan. The plan has also been reviewed and approved by the Building Inspection's office, Planning and Zoning, Fire, City of Brunswick Water and Sewer, and Engineering. The owners have successfully secured approval of a Sedimentation and Erosion Control Permit application.

The traffic impact of this project will be substantial. According to Trip Generation publication, a total of 854 trips (132 apartments X 6.45 vehicle trips per day) will be generated per average weekday. This will add additional stress to the traffic flow along South Palm Drive. There are no GA DOT traffic counts available for South Palm Drive.

Mr. Newbern stated that staff recommends approval of this request with no conditions.

Mr. Armstrong stated that he is looking forward to building an upscale complex to add to the community.

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

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**Georgia Sea Grill  
Revision to the existing Special Use  
Permit to incorporate additional square  
footage to the restaurant, Units 310-B  
and 310-A Mallory Street, St. Simons**

**Alan K. & Kimberly C. Worthley, Business Owner  
Thomas H. Smoot, II, Property Owner**

Mr. Alan Worthley was present for discussion.

The following report from staff was included in the packages for the Planning Commission's review:

On February 6, 1997, the County Commission, following recommendation of approval from the Planning Commission, approved a Special Use Permit for a restaurant to be located at 310-B Mallory Street in the St. Simons Village Area. The restaurant, "Georgia Sea Grill," consisted of 1,140 sq. ft. of floor area which was renovated into 615 sq. ft. of patron area and 524 sq. ft. of service area.

The business owner was required to provide 5 off-street parking spaces. These parking spaces were provided on property owned by Beachview Bed & Breakfast/Irvines, located just east of Coastal Bank. At that time, the Worthley's signed a lease for 9 spaces. As part of the approval, the lease agreement between the Worthleys and Irvines was approved by the County Engineer. The agreement states that the public parking provided for "Georgia Sea Grill" will be available for the duration of the business.

The addition at this time involves 622 sq. ft. with 424 sq. ft. being for patron space. The 424 sq. ft. area will accommodate 14 additional seats, which will require 3 parking spaces. As stated previously, in 1997 the business owners leased additional parking, which in this case will be the additional parking required for this request.

No exterior improvements are proposed. However, the door currently being utilized at 310-A as the main entrance would not be used after the proposed addition. Improvements would be interior only, and would have to meet all requirements of the Building Inspections Office and Environmental Health. Both departments have reviewed the preliminary plans and have indicated that the requirements have been met.

The other condition placed on the approval in 1997 was the hours of operation to be from 11:00 a.m. till 10:00 p.m. There are no changes in this revision. A parking plan, existing restaurant layout, overall plan and a letter from Georgia Sea Grill explaining the proposal were included in the packages for the Planning Commission's review.

Mr. Newbern stated that staff recommends approval of this request.

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

Mrs. Iris Touw had questions regarding the extra parking spaces. Mr. Worthley stated that the extra spaces will be marked.

After discussion, the motion for approval was unanimously adopted.

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GC-16-97

This request involves two issues:

Land Use Change  
Plat Revision

Request to rezone from R-20 One-Family Residential to Planned Development Residential 34.30 acres located approximately 360 ft. south of U.S. Highway 17 and having a depth of approximately 1,900 ft., located immediately northwest of Lots 60-83 of Royal Oaks Subdivision, Phase I and having access via existing rights-of-way known as Regal Road and Royal Drive; proposed development to be known as Royal Oaks, Phase II.

Consider revision to Royal Oaks Subdivision, Phase I, Lots 80 and 81 for the location of a 60 ft. access road consisting of 11,995 sq. ft. off of Royal Drive across Lot 80; changing the lot configuration of Lots 80 and 81 for the subject road and creation of 1 lot with 36,289 sq. ft.

Mr. Bill Gross and Mr. Ralph Lackey were present for discussion.

The following report from staff was included in the packages for the Planning Commission's review:

In April of 1997, a rezoning request was submitted for this property. The request at that time was for a rezoning to R-12 One-Family Residential. However, prior to the Planning Commission considering the application, the owner/developer requested a deferral to enable him time to meet with the adjacent property owners to discuss the proposal. At that time, staff suggested that if the owner/developer still desired to seek a rezoning, the request should be for a Planned Development to create a minimum lot size that would be compatible with the adjacent development (Royal Oaks Subdivision, Phase I).

The request at this time is for Planned Development Residential. The current zoning classification of R-20 One-Family Residential requires a minimum lot size of 20,000 sq. ft. with a density of 2 units per acre. Planned Development outlines the development standards as having minimum lot sizes of 14,000 sq. ft., which would allow a density of 3 units per acre. The Planned Development Zoning Text indicates that there will be no more than 59 single-family homes built on the 34 acres, to be known as Phase II.

The lots located in Royal Oaks Subdivision, Phase 1, have a required minimum lot size of 20,000 sq. ft. but the average lot size consists of 26,000 sq. ft. Also, Phase 1 has a minimum lot width requirement of 100 ft., but an average lot width of 120 ft. The developer for the subject property (which is a different developer than for Phase 1) is requesting a minimum lot width of 90 ft. The PD Plan and Zoning Text outlines an average lot width of 95 ft., except on curves and cul-de-sacs.

There are two access points proposed to serve the 34 acre tract. The most distant access road is proposed to be from Regal Road right-of-way, which currently dead-ends at the subject property. According to the Planned Development Master Plan, the developer proposes another access road off of Royal Drive. This road would be created by utilizing a

portion of an existing lot within Phase I, which would require a revision to Lots 80 & 81. The Planned Development Zoning Text further indicates that Lots 80 and 81 would become part of Phase II to allow for better traffic flow, but would remain as zoned. Such revision requires approval by the Planning Commission in accordance with the Glynn County Subdivision Regulations, and would be considered during review of this application.

In 1997, a zoning change to Planned Development-Commercial was approved for the property lying immediately to the east of this property, to be known as Brampton, Phase II. The approved Planned Development provided for a 50 ft. natural buffer between the commercial area and the subject property.

The rezoning of 34 acres would impact the existing subdivision due to the increase in density and traffic. It is felt that the adjacent subdivision phase was platted and developed based on the subject property being zoned R-20 and developed in the same manner.

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 residential use is the same but the density would increase.

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

Yes, because of the increase density and the traffic circulation through Phase I.

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

Yes, the subject property can be developed at R-20 standards and be as feasible as Phase I.

- **Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;**

Yes, increased density would increase traffic volumes.

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

Yes, the Plan calls for an average density of 3.5 units/ acres for Low-Density Residential, which converts to 12,445 sq. ft. lots. The proposal is for a minimum of 14,000 sq. ft. lots.

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

Re-platting Lots 80 & 81 of Royal Oaks Subdivision, Phase I must be addressed.

Mr. Milburn stated that based on the findings of the 6 standard questions, staff recommends denial of this request.

Mr. Hal Hart wanted to know how many existing lots are included in the R-6 zoning. Mr. Milburn replied that the property has not been platted and is considered vacant, undeveloped land. Mr. Hart asked what the estimated number of lots would be under the R-20 zoning. Mr. Milburn replied that the applicant could have 9 additional lots over the proposed 59 for a total of 68 lots. Mrs. Deborah Taylor explained that the applicant did not submit an R-20 concept. Supposedly, if an R-20 design were submitted, the road system would be different. Mr. Milburn stated that 59 lots are less than what could be developed.

Mr. Lackey explained that part of the problem is that there are several wetland pockets involved, which cuts down on the number of lots that could go on the property. He stated that he did an R-20 concept plan and found that they could get 43 lots instead of 59. He pointed out that due to the configuration and location of the wetlands, there would basically be the same amount of road frontage, and all lots would have water and sewer.

Mr. Bill Gross gave a brief presentation. He stressed that he does not want to do anything that would be contrary to the value of anybody's property in the subdivision. He stated that he purchased the property three years ago. He bought the existing lots in Phase I and developed property, which is now the subject property in Phase II. At that time, there was a wetland delineation that came with the property. The amount of wetlands increased from 2 acres to approximately 6 acres, which has impacted 20% of the undeveloped property.

Mr. Gross explained that in the first phase, any wetlands that were delineated were included in the lot sizes. He stated that according to Mr. Lackey, under the new interpretation of the wetlands, it is better to exclude the wetlands from the lot sizes. Mr. Gross stated that they have had good success with Royal Oaks and he would like for it to continue being an upgraded subdivision.

There were several property owners present to oppose this request. Everyone was given an opportunity to state his/her concerns.

Mr. George Tindle, president of the Royal Oaks Homeowners Association, stated that upon notification of this request, a survey was mailed to all property owners, and the response was overwhelming. All of the property owners were opposed to this request. He stated that each property owner has made a substantial investment in Royal Oaks. The original intent of the development was to establish a first class community. The size of the lots

was one of the strongest selling points. Mr. Tindle stated that he and the other property owners do not see any advantage to their community in supporting this rezoning request. It is their belief that if this request is approved, it will have a negative impact on their property and will present an additional burden on the community. He stated that Lots 80 & 81 could remain in Phase I.

In conclusion, Mr. Tindle asked the Planning Commission to look at the site plan and visually compare Phase I with Phase II because it does not look like one community. He stated that the property owners of Royal Oaks respectfully request that this rezoning be denied.

Mr. Bobby Tatum, adjacent property owner, stated that he recently purchased a house in Royal Oaks and he doesn't want his property to lose its value.

Rev. Hammock stated that this rezoning would devastate the property owners and he is bitterly opposed to this request.

Mr. Gene Weeks, 124 Royal Oaks, stated that he would like for all of the homes to meet the same standards. He stated that he is opposed to this request. Also present to oppose were Mr. Bill Pethanis and Mr. & Mrs. Lavern Carter of Royal Oaks.

In rebuttal, Mr. Gross stated that if this were approved, he would be willing to stay within the same covenants, restrictions and architectural guidelines as Phase I. He reiterated that he does not want to jeopardize anybody's property value.

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

Mr. Jeff Shell stated that the required minimum lot size for Phase I is 20,000 sq. ft. He wanted to know if the minimum square footage is being met for the next phase, and also if preliminary plans were done for this phase. Mr. Lackey replied yes, the minimum square footage is being met. He stated that according to the concept plan for this phase, the developer could get approximately 43 lots. Also, there would be no impact on utilities.

Mr. Hart asked if the motion for denial includes both parts of the request. Mr. Altman replied yes. However, Mrs. Taylor explained that this request was advertised as a two-part request. Therefore, two motions would be required. Mr. Altman withdrew the motion and Mrs. Touw withdrew the second.

**Part 1** of the request is to rezone the property from R-20 One-Family Residential to Planned Development Residential. A motion was made by Mrs. Iris Touw to recommend denial of this request. The motion was seconded by Mr. Hal Hart. Discussion continued.

Mrs. Touw stated that the zoning text shows 4.88 acres of wetlands, which is translated into approximately 9 lots. She also noted that the developer is asking for a maximum

height of 45 ft., but according to the ordinance, single-family zoning is 35 ft. Mr. Lackey stated that the 45 ft. was an oversight and would be changed to 35 ft.

For clarification, Mr. Cole asked that if the developer were to use the 14,000 sq. ft. and use the same size houses as Phase I, would this affect how the houses are positioned on the lots. Mr. Lackey replied no, there would be no impact on the size of the houses to be constructed. Basically all of the lots are 95 ft. in width. The lots in Phase I are 100 ft. width. The depth would be 150 ft. more or less.

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

**Part 2** of this request is to consider revision to Royal Oaks Subdivision, Phase I, Lots 80 & 81. Discussion continued.

Mr. Phil White, adjacent property owner, stated that Lots 80 & 81 appear to be smaller than the other lots in the subdivision. He wanted to know if these lots are in conformance with the existing zoning. Mrs. Taylor stated that the new configuration would create a lot size of 36,000, which would be larger than the lots within Phase I.

Mr. Hart asked the applicant if he still wanted Lots 80 and 81 to access the back part of the property. Mr. Gross replied yes because he is trying to divert some of the traffic.

Following discussion, a motion was made by Mr. Hal Hart to recommend approval of the revision to Royal Oaks Subdivision, Phase I, Lots 80 & 81. The motion was seconded by Mrs. Iris Touw. Discussion continued.

Mr. Shell stated that from listening to the comments, the residents seem to think that the two lots are going to remain separate, but the drawing shows that they would be combined into one lot. Mr. Tindle stated that with the new access road, the combination of the remaining square footage between Lots 80 and 81 would be one lot. He stated that the residents recognize the need for another access to Phase II; however, he feels that it could stay in Phase I because it meets the R-20 zoning.

Mr. Gross stated that he would like to reserve the right to re-use a portion of the lot in reconfiguring the second phase.

After discussion, the motion for approval was unanimously adopted.

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**Minor Plat  
Scarlett Gardens, Lots 4-10 and  
Lots 19-25, reconfigure lots from  
14 to 12, located on Highway 82  
and Tison Road**

**OCI, Ltd., Owner/Developer**

Mr. Leo Owens was present for discussion.

The following report from staff was included in the packages for the Planning Commission's review:

The developer is proposing to consolidate 14 existing substandard lots into 12 lots that meet the R-20 zoning requirements. (A letter from the Glynn County Health Department stating approval of this request was also included in the packages for the Planning Commission's review.)

Mr. Newbern stated that staff recommends approval of this request subject to the following condition:

1. Applicant must include language on the plat as follows: "Georgia DOT has approved three (3) access cuts from Highway 82. Access from Highway 82 will be performed in accordance with Georgia DOT regulations."

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

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**Minor Plat  
Cart Subdivision at Musgrove,  
Lots 4 & 5, reconfiguration of  
Lot Lines, located on Cart Drive  
Off North Harrington Drive, SSI**

**Ben Cart, Owner/Developer**

Mr. Roger Purcell was present for discussion.

The following report from staff was included in the packages for the Planning Commission's review.

The applicant is proposing to move the south lot line on Lot 5 to expand Lot 5 and correspondingly reduce the lot size of Lot 4. The R-6 zoning requirements are currently met, and will continue to be met with approval of this application.

Mr. Newbern stated that staff recommends approval of this request with no conditions.

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.

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**Preliminary Plat  
Center Drive Extension  
Extension of a private 60 ft. road,  
located off Scranton Road, west of  
Spur 25, zoned Highway Commercial**

**Center Square Ltd., Owner/Developer**

Mr. Don Hutchinson was present for discussion.

The following report from staff was included in the packages for the Planning Commission's review.

The applicant is proposing to extend the existing private paved road to the lot line of F & S Investments, which borders the applicant's property on the north. Extension of this road would allow the applicant to propose a subdivided lot on the west side of Center Dive, adjacent to "Kids R Kids." A subdivided lot would have to be processed through a minor plat application. The road extension could also serve as an access for a future easement that would access Highway Commercial property on the west side of Center Drive. Future developments must be in accordance with the Highway Commercial Zoning District.

Approval has been received from the Engineering Department, Brunswick Water & Sewer, County Fire Department, Planning & Zoning and Building Inspections.

Mr. Newbern stated that staff recommends approval of this request subject to the following condition:

1. Prior to final plat approval, the County Engineer, Brunswick Water & Sewer, and the County Fire Department must approve the new road extension project.

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

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**Preliminary Plat  
Ivy Subdivision  
4.97 acres, 7 Single-Family Lots,  
Zoned Forest Agricultural, located  
Off Baumgartner Road**

**Ivy Johns, Owner/Developer**

Mr. Roger Purcell was present for discussion.

The following report from staff was included in the packages for the Planning Commission's review.

The developer is proposing to build Ivy Lane and subdivide 7 lots for a single-family residential development. Ivy Lane measures 941 lin. ft., which is

within the 1,200 lin. ft. subdivision regulation requirement for permanent dead-end streets[Sec. 602.2 (g)]. All other subdivision requirements regarding the cul-de-sac radius, lot width and size, frontage, and setbacks have been met. The development will be located on the north side of Baumgartner Road, approximately 1.866 ft. west of Highway 82.

The 7 lots all exceed the minimum Forest Agricultural lot size of 20,000 sq. ft. to allow for the residential development. Lot 5 has at least 20,000 sq.ft. of net high ground, less the pond area. A 10 ft. utility easement is located along the western lot lines of Lots 1-4. No wetlands are located on-site and there are no plans for a subdivision sign at this time; however, the owner must meet the requirements of the Glynn County Sign Ordinance if a sign is proposed in the future.

The preliminary plat has been favorably reviewed (with conditions) from the Board of Health, Building Inspections, Fire Department, Engineering, and Planning and Zoning. Approval of this project will generate an additional 58 vehicle trips per day onto Baumgartner Road. No traffic counts are currently available on Baumgartner Rd.

Mr. Newbern stated that staff recommends approval of this request subject to the following conditions:

1. The following language, as recommended by the Board of Health, to be included on the preliminary plat and final plat: "The Glynn County Health Department approves Ivy Subdivision for on-site sewage disposal and community well. The septic systems for Lots 4 & 5 are to be located at least 50 ft. from the pond. A permit for on-site sewage disposal systems will be issued upon property owner's application. One combined area, equal to twice the area needed to install the original on-site sewage disposal system must be left on property free of buildings, concrete pads and major trees to accommodate original system and future repairs."
2. The following language regarding utility poles should be added to the preliminary and final plats: "Prior to the issuance of any building permits in this subdivision, the utility poles located on Lots 1, 3 and 4 will be moved to the 10 ft. utility easement located along the western lot lines."

Mrs. Touw asked if the county had taken any action regarding approval of unpaved private roads. Mr. Gilmour stated that there have been preliminary discussions about the issue, but the Board has not taken any final action at this time.

Mr. Frank Quinby stated that it seems ludicrous for the county to allow a private unpaved road to have additional lots. This is an unnecessary burden on taxpayers. Mr. Quinby stated that if a private road is being created, it should remain on the property deed as private.

Mr. Hart asked if this request meets the current requirements of the Glynn County Subdivision Regulations. Mrs. Taylor replied yes. Thereupon, a motion was made by Mr. Hart to approve this request. The motion was seconded by Mr. Lamar Cole and unanimously adopted.

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**Site Plan**

**Island Car Wash and Laundry**

**1.05 acres, Zoned Planned**

**Commercial, located on Demere**

**Road across Brockinton Drive**

**Palm Coast Associates, Owner**

**Patrick Parker & Patrick Sapp, Developers**

Mr. Parker and Mr. Sapp were present for discussion.

In order to avoid a conflict of interest, Mr. Hal Hart removed himself as a Planning Commissioner and joined the audience to participate in the discussion of this item as an adjoining property owner. (It was noted that Mr. Hart would abstain from voting on this item.)

The following report from staff was included in the packages for the Planning Commission's review.

This request is for a car wash and laundry pick-up establishment being proposed in a Planned Commercial District. The 1.05 acre site is bordered by Ace Hardware Garden Center on the west and the county water tower on the east. The developer is proposing a shared access with the Ace Hardware Garden Center. Agreement on the precise terms of the shared access is pending.

There will be a total of 5 self-service car wash bays and 2 automatic car wash bays. The 5 self service car wash bays will have outdoor vacuum machines located in front. The laundry pick-up will be a 1,600 sq. ft. (40' X 40') retail area with an adjacent 400 sq. ft. (20' X 20') mechanical and storage room. This facility will require a sewer line to be extended under Demere Road from the Brockinton area. A private sewer lift station will be maintained at ground level on-site. There are no wetlands on site.

The site plan, as it is now presented, has been favorably reviewed by the Water & Sewer Department, Engineering, and the Fire Departments. There are restrictions set forth in the 10/24/94 zoning amendment resolution, and setback and site coverage requirements set forth in the original 8/5/98 Planned Commercial text that have not been addressed and are significant enough to warrant deferral of this application.

According to the publication Trip Generation, an additional estimated average 560 vehicle trips per day will be generated by the car wash alone, though it is possible

that many patrons may be using Demere Road anyway. There is no trip generation data for pick-up laundries. Any additional traffic generation will impact an already overcrowded Demere Road.

Consideration for approval of this application must incorporate two conditions:

1. An agreement on the shared access with Ace Hardware Garden Center must be finalized.
2. The owners must agree to a monetary pro rata share of lane or traffic improvements along Demere Road that is attributable to their new development.

Mr. Newbern stated that staff is recommending that this site plan be deferred due to the applicant not having addressed the four conditions of the zoning amendment resolution.

Mr. Shell wanted to know how staff determined the estimated 560 vehicle trips. Mr. Newbern explained that it was determined through ingress and egress (280 vehicles entering and 280 vehicles existing) extrapolated out of the Trip Generation publication and based on a survey of four car washes.

Mr. Patrick Parker stated that he assumed he was here for site plan approval. He thought all of the zoning issues were resolved. Mrs. Touw stated that perhaps it would be helpful if Mr. Newbern were to read the four conditions. Mr. Newbern concurred. He then read the following:

"The applicant has not addressed the four conditions of the zoning amendment resolution adopted by the Board of Commissioners on October 20, 1994. During site plan review, this resolution was forwarded to the applicant's engineer. These conditions were made pursuant to a rezoning application submitted by Palm Coast Associates, the present owners of the property.

These conditions set fourth that a 50 ft. undisturbed buffer is to be maintained on Demere Road, which is not shown on the proposed site plan.

The site plan also does not conform to the 50 ft. building setback requirement or the maximum site coverage of 80%, as referenced in the Planned Commercial document dated August 5, 1994.

These issues must be satisfactorily addressed prior to a recommendation for site plan approval."

Mr. Parker explained that Mr. Patrick Sapp owns several car washes and he owns one car wash. They decided that with the population of St. Simons, a car wash would be useful in the area. During their research, they found the property owned by Palm Coast, which was zoned Planned Commercial. When they received the information from Mr. Paul Sanders of Palm Coast, a zoning text was included. After reading the zoning text, it seemed to them that a car wash was an allowed use.

Mr. Parker stated that they went to the Planning & Zoning staff and inquired about how they should proceed in order to build the car wash. Planning & Zoning advised that they could not do this. Mr. Parker stated that he and Mr. Sapp read the text again and found nothing in the text that prohibited them from doing the car wash. Therefore, they proceeded with the site plan, but noticed that the text was referenced differently than the text from Palm Coast. In order to properly prepare the site plan, they then asked staff to provide them with the entire text involving this property. Staff complied, but at the last minute (a week before today's meeting) he and Mr. Sapp were notified that additional information was needed.

Mr. Parker stated that they have tried to go through the proper channels and if staff had given them all of the information the first time, everything would have been done. He stated that he has prepared the site plan based on the zoning text provided to them, and he is requesting that the site plan be approved as it is presented before it goes to the County Commission.

Mrs. Touw commented that she had a hard time reading the site plan. She stated that she could not find the required 25 ft. natural buffer on the site plan.

Mr. Parker stated that there is a problem with the natural buffer setback because there is a ditch on the property that provides drainage for the county. Mr. Don Hutchinson explained that they could not show the 25 ft. natural buffer on the site plan because the drainage ditch for Demere Road has been cut in to the property. Mr. Parker pointed out that the amendment from the county states that they can landscape the first 25 ft. but if they were to do sloping berms and landscape the first 25 ft., it would fill in the ditch and flood Demere Road.

Mr. Parker stated that they are trying to be good neighbors with the county. He stated that they are tying into the adjoining property owner's project, and they have made an agreement with Mr. Hal Hart (Ace Hardware Garden Center) to share a driveway. Mr. Parker stated that all of the neighbors are in favor of this request. He reiterated that they have tried to do everything in accordance with the zoning text.

Mr. Cole asked if the ditch could be part of the 25 ft. buffer. Mr. Parker replied yes, and they would also be responsible for maintaining the ditch.

Mr. Milburn explained that the applicant has two alternatives: 1) submit a site plan that would meet the requirements, specifically the 50 ft. natural buffer; or 2) go through the process and amend the zoning text. He stated that the applicant told him that they were going to try to prepare a site plan that meets all of the requirements, but this was not done.

For clarification, Mr. Altman stated that the applicant requested and received a zoning text. The zoning text was changed in 1994. He asked if the applicant received an incorrect text. Mr. Milburn explained that there is a four-week review period for site plans. During

the second or third week, staff advised the applicant of the requirements of the original zoning text. Shortly thereafter, further investigation revealed the action taken by the Board of Commissioners. When staff discovered this information, the applicant was notified right away (approximately one week ago). Mr. Parker stated that it was not shortly after that staff discovered the amended zoning text, it was months later.

Mr. Milburn stated that staff has four-weeks to turn something around. During review of the site plan within that period of time, staff sent a letter to the applicant advising them of the requirements that had not been met; however, the 50 ft. buffer requirement was not included in the letter, which Mr. Milburn acknowledged was a staff error.

Mr. Altman asked for an explanation as to how the information from 1994 gets into the text. Mr. Milburn stated that whenever final action is taken by the Board of Commissioners to change the zoning text, staff should automatically incorporate the changes to the text and indicate that it is the official approved zoning text. Obviously, this was not done.

Mr. Altman asked if the Planning Commission is at liberty to accept the 25 ft. buffer. Attorney Gary Moore replied no, approval cannot be granted for a site plan that does not conform to the zoning text. The 50 ft. buffer requirement is part of the zoning text.

Mr. Parker wanted to know if he could ask for a variance to the zoning text or would he have to amend the zoning text. Mr. Moore stated that he would have to amend the zoning text.

Mrs. Touw pointed out that the Planning Commission needs a site plan that can be read. She does not think that the applicant has the 25 ft. setback that was required on the original text. Also, the site plan does not conform to the 50 ft. building setback, and according to the staff's report, the applicant has not met the maximum density coverage. She stated that these items come under the original text provided to the applicant by county staff. She stated that no one is trying to cause a hardship, but this plan does not reflect what was originally proposed.

Mr. Parker stated that if they agree to redo the site plan to include the 50 ft. buffer, all concerns would be properly addressed.

Mr. Altman had questions about the agreement between the applicant and Ace Hardware Garden Center. Mr. Hal Hart, adjacent property owner, explained that they do not have a written agreement; however, they have a verbal, handshake agreement to share the access driveway. He and the applicant also share the same attorney. Mr. Hart stated that his property suffers from the lack of right-of-way easement. Drainage from Demere Road goes onto his property. There is a swell area where water collects from Demere Road, runs eastward from his property onto Palm Coast property. If the requirements were met, it would

stop the drainage off of his property. He stated that the problem did not exist before the by-pass lane was installed.

Mr. Frank Quinby stated that the RUPA organization has several objections: 1) they object to Glynn County considering this use as retail; 2) this request would create more traffic problems and therefore should not be permitted; 3) the applicant should contribute to signalization of the intersection; and 4) the applicant should be required to pipe the ditch and maintain the 50 ft. buffer.

Mr. Everett Ferrell, RUPA, stated that he is opposed to the entire concept. He then asked if the easement and setback could be used interchangeably. Mr. Jim Bruner stated that there is no easement at that particular site.

Mrs. Ruthie Cobb stated that she is not opposed to this request, but she is concerned that the buffer is no longer in place.

Ms. Ilene Hutchinson, RUPA, stated that the county is currently working on a new buffer ordinance. She feels that the county should not allow any more building along Demere Road or anywhere else without a good vegetative buffer being in place.

Mrs. Touw stated that in view of the fact that the Planning Commission cannot approve the site plan subject to things being done later, she would offer a motion to defer this item. Mr. Moore agreed that a site plan cannot be approved if it does not currently conform to the requirements. To state approval on the condition that the plan be changed to conform to the requirements at some date, renders void any examination by the Planning Commission. Mr. Moore stated he understands that it may be an inconvenience for the applicant to have to come back, but when a site plan is submitted that does not conform, the only option is to deny the request.

Mr. Shell stated that this is not a perfect world and the applicants prepared the site plan based on the information they were given. Mr. Moore stated that by the same token, if staff had been remiss in finding the 1994 conditions from the Board of Commissioners and not provided the applicant with the information, then the question would be "does the public pay the price." If this happens, the solution is a) the applicant could do their own research; or b) the applicant could fix the problem before it goes to the Planning Commission after being notified by staff; or c) the request could be deferred until the applicant makes the necessary corrections.

Mrs. Touw stated that her motion is for deferral. The motion was seconded by Mr. Richard Altman. Voting Aye: Mr. Richard Altman, Mr. Lamar Cole, Mrs. Glenda Jones and Mrs. Iris Touw. Abstained From Voting: Mr. Hal Hart and Mr. Jeff Shell.

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**Site Plan**

**Pittman Apartments**

**Three triplexes, 9 units, 1.17 acres,  
Zoned General Residential, located on  
Pittman Circle off of Walker Road**

**Tharion Pittman, Owner/Developer**

Mr. Pittman was not present; however, Mr. Jim Bruner advised that Mr. Pittman agreed to a deferral. Thereupon, a motion was made by Mr. Lamar Cole to defer this request. The motion was seconded by Mr. Richard Altman and unanimously adopted.

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The Planning Commission took a 10 minute recess. The meeting resumed at 10:55 a.m.

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**GC-2-97 D**

**Consider Amending the Glynn County Zoning Ordinance  
Section 617. Exception to Height Limits**

The amendment was presented in two options as follows:

**OPTION A: Section 617. Exceptions to Height Limits**

The height limitations in this ordinance shall not apply to chimneys, which can be constructed at 5 ft. above the highest point of the roof.

Any structure, including spires, belfries, cupolas, domes, monuments, roof signs, water towers, observation towers, electrical transmission towers, silos, chimneys, smokestacks, elevators, conveyors, flag poles, mast, steeples, and windmills, that exceeds the height limitations in this ordinance requires approval from the Glynn County Planning Commission.

All structures which exceed a height of 100 ft. MSL shall be reviewed and approved by the Planning Commission prior to the issuance of a building permit. Structures in excess of 200 ft. MSL shall be approved by the Planning Commission prior to submitting the "Notice of Proposed Construction of Alteration" (FA Form 7460-1). The Planning Commission, before hearing the request, shall afford the Glynn County Airport Manager an opportunity to comment in writing as to the effect such structures may have on airport approach zones and flight patterns. Further, it may also be necessary to obtain approval of the structures from the Federal Aviation Administration, which shall be the responsibility of the applicant.

**OPTION B: Exceptions to Height Limits**

Any structure that exceeds the height limitations in this ordinance requires approval from the Glynn County Planning Commission, except for chimneys, which can be constructed at 5 ft. above the highest point of the roof.

All structures which exceed a height of 100 ft. MSL shall be reviewed and approved by the Planning Commission prior to the issuance of a building permit. Structures in excess of 200 ft. MSL shall be approved by the Planning Commission prior to

submitting the "Notice of Proposed Construction of Alteration" (FA Form 7460-1). The Planning Commission, before hearing the request, shall afford the Glynn County Airport Manager an opportunity to comment in writing as to the effect such structures may have on airport approach zones and flight patterns. Further, it may also be necessary to obtain approval of the structures from the Federal Aviation Administration, which shall be the responsibility of the applicant.

Mrs. Iris Touw stated that Option A lists everything that is currently in the ordinance, but at the work session it was noted that all exceptions would be eliminated. Option B states **"any structure that exceeds the height limitations..."** Mrs. Touw stated that roof signs and windmills are covered other places in the ordinance and should not be mention because they have height limitations. She pointed out that a statement such as **"any structure that exceeds the height limits require approval..."** would be adequate. Thereupon, a motion was made by Mrs. Iris Touw to accept Option B for referral to the County Commission. The motion was seconded by Mr. Hal Hart. Discussion continued.

Under Option B, Mr. Frank Quinby had questions regarding **"all structures which exceed a height of 100 ft. MSL shall be reviewed and approved by the Planning Commission..."** Mr. Milburn explained that the language regarding the 100 ft. was included for cellular towers in accordance with the recommendation from the former Airport Manager.

Mr. Larry Bryson, local architect, commented that according to the proposed, elevators are being eliminated. He stated that he deals with elevator shafts, which are required by law to extend 5 ft. above the highest floor. Therefore, every time he does a commercial structure he would have to request a variance. He stated that he would like to avoid this process if possible. Mrs. Touw asked if this meant 5 ft. above the living level. Mr. Bryson explained that when there is a residential or commercial structure with a roof, this could accommodate an attic with 6 ft. of space. He stated that he is limited in height, so he is having to "crunch" down the roof structures to virtually nothing, especially in motel/hotel projects when the roof structure may be only a foot in thickness. However, there is an equipment carriage on top of an elevator, which takes up about 5 ft. of space.

Chairman Jones stated that Section 502 deals with building heights. Mrs. Taylor explained that the committee is in the process of reviewing definitions for building heights. Mr. Gilmour stated that during the Planning Commission work session, there was a series of discussions regarding this issue. As it stands right now (from the work session), it was noted that there would be no exceptions to the height, and if an applicant wanted to get an exception for any type of structure exceeding the height in that particular zone, the applicant would have to come to the Planning Commission for review and approval.

Attorney Gary Moore stated that this language significantly relaxes the height requirements. In the previous ordinance, certain kinds of structures, i.e., chimneys, windmills, flag poles, etc. were not covered

under the height restrictions, but now these items would be covered and everything else could be exempted by coming to the Planning Commission. However, there are no criteria set for the Planning Commission to look at this type of request.

Mrs. Touw stated that there is a section in the ordinance that limits to 3 habitable stories on St. Simons. Mr. Moore stated that Option B reads, "**any structure that exceeds the height limitations in this ordinance requires approval from the Planning Commission.**" He stated that would mean any structure, any limits, which basically overrides all of the height limitations in the ordinance. Under Option A, Mr. Moore suggested deleting the wording that states "**any structure including...**" and perhaps it should state that the particular named uses can be exceptions to the height limitations if they get the consent of the Planning Commission. Mr. Moore stated that if there is going to be an approval process, then there needs to be some type of enumerated criteria in the ordinance.

Mr. Moore then suggested that the Planning Commission defer this amendment and rewrite it. Thereupon, the motion and the second to accept Option B were withdrawn. Discussion continued.

Mrs. Patricia Collins of East Beach asked that staff include the word "railings" in rewriting the amendment. She also stated that for the record, the residents of East Beach would like to hold to the 35 ft. height restriction without variances and exceptions.

Following discussion, a motion was made by Mr. Richard Altman to defer this amendment to further examine the language. The motion was seconded by Mr. Hal Hart. Voting Aye: Mr. Richard Altman, Mr. Lamar Cole, Mr. Hal Hart, Mrs. Glenda Jones, and Mr. Jeff Shell. Abstained From Voting: Mrs. Iris Touw.

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**GC-2-98 A**  
**Consider Amending the Glynn County Zoning Ordinance, Section 608. Home Occupation**

The proposed amendment was included in the packages for the Planning Commission's review.

Mrs. Touw stated that in her opinion, this amendment is a dramatic change and it would be helpful to know what problem is trying to be solved. Mr. Milburn explained that there are home occupations that do not meet the requirements. They meet the intent but not the requirements. Therefore, the purpose of the changes is to recognize businesses that are operating out of the home and operating with less impact on the neighborhood.

Mr. Gilmour explained that the Board feels that the concept of working at home has changed and therefore certain issues have to be addressed, i.e., parking, storage and delivery. Mrs. Touw stated that the ordinance does not permit storage of materials in yards in any commercial district. She stated that she cannot conceive the impact of abuse except perhaps in the rural areas. Mrs. Touw further stated that under this proposal, if she had a 2000 sq. ft. home she could construct a 500 sq. ft. building and have an office on the premises, which would create a mix use.

Mr. S. C. Anderson stated he feels that this amendment does very little to protect the integrity of the neighborhood. He pointed out that when this proposal went to the Board of Commissioners, Commissioner Dowdy tried several times to mention covenants as a means of protecting the people in the neighborhood. Mr. Anderson stated that perhaps the solution to this would be to not allow businesses in residential areas. He stated that there needs to be further thoughts to this amendment.

Mr. Gilmour explained that it is not a county policy to enforce neighborhood covenants. Covenants are addressed between the property owners. Also, this amendment is not a concern that deals only with rural areas.

Mr. Hart stated that parking seems to be a big grievance. He then referenced paragraph **a) ...other persons who report to work and conduct activities off site.** As an example, Mr. Hart stated what if a building contractor is working out of his residence and the foreman comes to the contractor's house everyday to do a job report, would this come under the category of other persons reporting to work and conducting activities off site. Mr. Gilmour stated that as long as the person does not violate the standard parking requirements in the neighborhood, then that would probably be acceptable. Mr. Milburn stated that perhaps the language needs to be clarified.

Attorney Gary Moore explained that previously, if you had a business at home, you were not allowed to employ anybody that was not a member of your family. This amendment says you can employ members of your family, but they have to report somewhere else. If they are checking in or working out of your home, this does not qualify as a home occupation. The amendment is relaxed to the point that you can employ the person, but it is not relaxed to the point that the person can come in and out of your home.

Mr. Hart stated that the phrase **non-residential** in paragraph **b)** looks as though the Planning Commission is legitimizing a business being operated on site. Chairman Jones stated that perhaps the language should be changed to **non-habitable.**

Mrs. Touw commented that she has a problem with leaving the door open for outside storage material (as referenced in paragraph **k**). She stated that storage material, fenced or not fenced, should not be permitted in residential neighborhoods. She would like to recommend that the County Commissioners take this into consideration.

After a lengthy discussion, a motion was made by Mr. Hal Hart to recommend approval of the proposed amendment subject to the following changes:

- b) Change the language: "non-residential" to "non-habitable."
- g) Add the following language: "Applicant is required to submit a plan showing how much space would be used for home occupation and where parking spaces would be located."
- k) Delete the following language: "an acre in size."

The motion was seconded by Mr. Richard Altman. Voting Aye: Mr. Richard Altman, Mr. Lamar Cole, Mr. Hal Hart, Mrs. Glenda Jones and Mr. Jeff Shell. Voting Nay: Mrs. Iris Touw. (It was noted that Mrs. Touw stated she is in favor of everything except paragraph k).

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**GC-2-98 B**

**Consider Amending the Glynn County Zoning Ordinance Section 613. Landscaped Buffer Strips; & Section 611. Off-Street Parking. Add requirements for Exterior Landscaping, Exterior Lighting and Interior Landscaping in Commercial Districts, include amending the following:**

- Sections 710. Office Commercial**
- 711. Local Commercial**
- 712. General Commercial**
- 713. Highway Commercial**
- 714. Freeway Commercial**

Mr. Milburn advised that staff received public in-put regarding this amendment but the committee assigned to work on this amendment has not seen this information. Therefore, he would suggest that this item be referred back to the appointed committee for further discussion, and re-advertised for public hearing at the next Planning Commission meeting.

Following discussion, a motion was made by Mr. Richard Altman to defer this item until the April 7<sup>th</sup> Planning Commission meeting. The motion was seconded by Mr. Hal Hart and unanimously adopted.

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**GC-2-98 C**

**Consider Amending the Glynn County Zoning Ordinance Section 1102.2 Application for Amendments: Change submission deadline from 21 days to 28 days (prior to Planning Commission meeting that application is scheduled to be heard)**

A motion was made by Mr. Lamar Cole to recommend approval of this amendment. The motion was seconded by Mrs. Iris Touw and unanimously adopted.

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**SR-1-98**

**Consider Amending the Glynn County Subdivision Regulations Section 703.3 Filing of Preliminary Plats: Change submission deadline from 28 days to 35 days.**

A motion was made by Mr. Lamar Cole to recommend approval of this amendment. The motion was seconded by Mrs. Iris Touw and unanimously adopted.

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**MINUTES**

Upon a motion made by Mrs. Iris Touw and seconded by Mr. Richard Altman, the minutes of the February 3, 1998 Planning Commission meeting were approved and unanimously adopted.

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**STAFF ITEMS**

**Report from Subcommittees**

**a) Section 507. Lots of Record:**

Mr. Hal Hart stated that the committee met and discussed goals. He stated that he would compile written comments and submit a recommendation at a later date.

**b) Article VIII. Signs**

Chairman Jones stated that the committee is still waiting for an explanation from Attorney Gary Moore regarding the Supreme Court ruling and how it may affect the Sign Ordinance. Mr. Moore advised that he would research this material and report back to the Planning Commission.

**c) Building Height**

Mr. Altman advised that a committee meeting is scheduled for Friday, March 6, 1998 at 8:30 a.m. in Room 234 of the Office Park Building to further discuss this item.

**d) Accessory Apartments**

Chairman Jones stated that the committee has not met yet. She also advised that another board member is needed to serve on this committee.

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**COMMISSION ITEMS**

Under Commission Items, planning members voiced their concerns about the necessity of having readable site plans, and a general discussion followed.

Also discussed was the availability of amendments. The members felt that when an amendment and/or other pertinent information is available to the public, the same information should also be available to the planning members.

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There being no further business to discuss, the meeting adjourned at 1:00 p.m.