

MINUTES

GLYNN COUNTY PLANNING COMMISSION JUNE 1, 1999 9:00 A.M.

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

STAFF PRESENT: Chuck Taylor, Community Development Director
Cindy Olness, Planning Official
Lee Thomasson, Planner
Deborah Taylor, Zoning Administrator
Ellis Carter, Building Official
Buster Reese, Assistant County Engineer
Janet Loving, Administrative Secretary

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

At this time, Chairman Altman introduced and welcomed Mr. Perry Fields as the new member appointed to the Glynn County Planning Commission.

Special acknowledgement was given to Mrs. Glenda Jones in grateful appreciation for six years of outstanding service and leadership to the Glynn County Planning Commission. In making his presentation, Chairman Altman recognized that Mrs. Jones has been an inspiration to staff and to the Board and always gave 100% of her time and knowledge for the betterment of the community. On behalf of staff and the Planning Commission, Chairman Altman presented Mrs. Jones with a plaque and wished her continued success in her future endeavors. Mrs. Jones thanked staff and the Planning Commission for their support over the years.

GC-13-99

Request to rezone from R-9 One-Family Residential to Highway Commercial, 6.439 acres (having an average depth of 400 ft. and width of 627 ft.) beginning approximately 140 ft. west of Highway 341, 161 ft. south of Austin Street and 100 ft. north of Fader Lane. Subject property known as former lands of Frankie May.

Mr. Richard McKinna, Jr., property owner, was present for discussion.

The staff's report was included in the packages for review and was presented by Ms. Olness as follows:

The subject property consisting of 6.2 acres is a portion of an 8.635 acre tract owned by the applicant. The other 2.196 acres owned by the applicant is already zoned Highway Commercial and fronts 691 ft. on the west side of Highway 341/Norwich Street Extension and has an average depth of 153 ft.

The 6.2 acres consist of one large lot, 18 residential lots, and a closed right-of-way (was known as Tinsea Street). At the present time the applicant is in the process of cleaning the property and removing all of the dilapidated structures and junk from the property.

The request is to rezone the property to Highway Commercial to allow the applicant to extend the commercially zoned portion of his property and utilize the entire eight acre site as a car sales lot and/or other commercial uses.

The subject property is surrounded on the north, south and west by residentially zoned property and structures. If the property is rezoned to Highway Commercial, staff recommends that a buffer be provided around the entire property. The property directly across Highway 341/Norwich Street Extension is zoned Highway Commercial and General Industrial.

Staff has reviewed the request as submitted and it is the staff's professional opinion that the rezoning of the entire tract would impact the adjoining residential structures within the immediate area. Staff recommends that only a portion of the property be rezoned. In review of the survey, staff recommends that the commercially zoned area be expanded by rezoning a depth of 130 ft. and width of 570 ft. The remaining property involved in this request, 4.7 acres, would remain as zoned. However, staff further recommends that the applicant consider rezoning this portion at a later date to M-20 to allow manufactured homes if the applicant does not feel the property is suitable for site-built homes.

Access to the back portion would have to be through the commercially zoned property but with adequate buffers, etc. this could be compatible.

In conformance with Section 1103. of the Glynn County Zoning Ordinance, the following findings of fact were considered in making the recommendation:

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

Yes, could be compatible with adequate buffers being provided between the commercial and residential districts.

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

No, with adequate buffers being provided.

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

Could be developed as residential but not necessarily as zoned for site-built homes due to the surrounding land uses. However, it would be reasonable to develop the property for manufactured homes (which would also require a zoning change).

- 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;

Would have an impact on traffic entering and exiting the site. The Department of Transportation is aware of this rezoning request and has stated that if the property is zoned to Highway Commercial that the existing drives serving the existing property would be reviewed and it would be determined at that time what improvements would be needed.

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

No, shown as low density 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;

None that staff is aware of.

Ms. Olness stated that staff is recommending denial of this request as submitted, but would recommend approval of rezoning a portion of the acreage (approximately 1.70 acres).

Mr. McKinna gave a brief presentation. He stated that this particular site has been used commercially since 1940 as a junkyard. When he purchased the property he did an EPA 1 and the Corps of Engineers checked the property. He stated that he found thousands of car tires. Mr. McKinna explained that he's trying to increase the value of the property by cleaning it up and changing the zoning to commercial. He stated that he contacted all of the surrounding neighbors with the exception of three that he could not reach, and he is not aware of any of the neighbors having negative input, they are appreciative that the property is being cleaned up. He has also researched having water and sewer added to the property.

Mr. McKinna stated that approving this property as commercial would be an asset to the tax base of Glynn County. He pointed out that if he doesn't use the entire portion for a car lot, there are other uses that would be appropriate, i.e. warehouses; however, he feels that mobile homes would not be the best use for the property. Mr. McKinna stated that although he did not include buffers in his request, he would be willing to provide whatever type buffer the Planning Commission deems adequate for this project. He suggested a 15 ft. buffer to the neighbors who stated that they would be satisfied as long as he stays off of their property.

Chairman Altman asked Mr. McKinna if he was aware that the property was zoned residential when he purchased it. Mr. McKinna replied yes, he was aware that the back section was zoned residential and that is why he contacted the neighbors to see if there would be a problem. Chairman Altman then asked if he would have a problem with the back portion remaining residential. Mr. McKinna replied yes because of the size of the property and the fact that commercial usage would increase the value of the property. Chairman Altman explained to Mr. McKinna that the problem is not what he says he will do with the property if the zoning were approved, but the problem is what could potentially be done in the future if he were to sell the property. If the rezoning were approved for Highway Commercial, any of the uses under that zoning district would be allowed, which could potentially have an adverse affect on the neighbors. Mr. McKinna stated that he intends to keep the property and move his car business there.

Regarding clearing the property, Mr. Perry Fields asked Mr. McKinna if he had cleared all the way to the back line of the property because there were some fairly substantial oak trees on the property. Mr. McKinna pointed this area out on the map for Mr. Fields and stated that he gave the trees away to a gentleman.

Mr. Fields wanted to know that if the back part of the property were to be redeveloped in the future, would that not require extensive development work, i.e., roads, water & sewer. He stated that he doesn't know that thousands of dollars makes it reasonable to develop the property for mobile home usage. Ms. Olness stated that since there are existing lots-of-record, it would be possible in this case to design it so that the applicant could still utilize and maintain those lots-of-record rather than doing a complete redevelopment of the property. She stated staff's main concern was the traffic impact on Highway 341 if the entire property were developed as Highway Commercial.

Mr. Fields inquired about the size of the lots-of-record. Mrs. Deborah Taylor stated that the lots are approximately 6,000 sq. ft. If Mr. McKinna doesn't bring water & sewer across Highway 341, Mr. Fields asked if he would have to use septic tanks. Ms. Olness stated that Mr. Wayne Nuenke of the Environmental Health Department would have to address that question. Mrs. Iris Touw stated that if the property is up to 500 ft., the applicant would be required to tie into water & sewer. Ms. Olness stated yes, but her question to Mr. Nuenke would be if the applicant maintained some of the lots-of-record without having to resubdivide, would it be possible to put in a septic tank on those lots.

In response to the question of subdividing and the use of septic tanks on lots-of-record, Mr. Nuenke replied yes, his department has worked with owners of lots to see if the septic tanks could fit into the properties in accordance with today's regulations. He stated that 6,000 sq. ft. would be a tough fit at best, but he would question that possibility. Referring to Mrs. Touw's point about the county's requirement of 500 ft., Mr. Nuenke stated that he does know of situations where the county has waived their requirements based on certain criteria, which is where his department gets involved. He stated that Environmental Health will evaluate any situation, but they cannot go against their regulations as far as protecting the public health.

Mr. Jonathan Williams asked if it is possible to include a stipulation that if the applicant were to sell the property, the new owner would have to come back to the Planning Commission before development commences. Ms. Olness replied no.

Mr. McKinna stated that in reviewing his application, Mrs. Taylor asked him to talk with DOT, which he did. He approached DOT with his plans and they were very receptive. He stated that there are about 7 or 8 existing curb cuts on the property. DOT stated that at the time of development it would be up to them (DOT) and they would have control of the curb cuts and the traffic flow problems. However, it would be at Mr. McKinna's expense to get the proper traffic control to DOT's specifications and limit the number of curb cuts down to what would be practical. Mr. McKinna stated that he agreed with DOT in letter and in spirit to cooperate with whatever they recommend.

Mr. Fields stated that he would be concerned about lighting problems and drainage problems. Also, if a buffer is installed, he would like to know what the county setback buffer is for Highway Commercial zoning. Ms. Olness stated that Section 613 of the Zoning Ordinance would be the buffer that would apply; however, if a motion is made to approve this request, the Planning Commission could add in whatever buffer they so desired. She stated that staff would recommend a minimum 20 ft. natural undisturbed buffer to be supplemented with a mixture of deciduous and evergreen plantings to be approved by the Planning Official at the time of development. All required plantings must be completed prior to the issuance of a Certificate of Occupancy. Mr. McKinna acknowledged that he would be in agreement with staff's recommendation. Mr. Fields stated that he would like to see more than a natural buffer. He stated perhaps there should also be a concrete or wooden fence. Mr. McKinna stated he would have no problem with that.

Following discussion, a motion was made by Mr. Hal Hart to recommend approval of this request subject to the following:

- 1) DOT approval;
- 2) Site plan approval by staff;
- 3) A 20 ft. natural undisturbed buffer as recommended by staff, and a solid fence being installed.

The motion was seconded by Mr. Jonathan Williams. However, the motion was amended by Mr. Fields to add that the fence be at least 6 ft. in height. The amendment was accepted and the motion was unanimously adopted.

GC-14-99

Request to rezone from R-9 One-Family Residential to M-20 One-Family Residential Manufactured Home, a parcel of land consisting of 1.83 acres (1.07 acres developable area) having access via private access easement known as Miller Way, P. E., located at the end of Fraser Street.

Property owned by John Miller.

Mr. Elwood Forry was present for discussion.

The staff's report was included in the packages for review and was presented by Ms. Olness as follows:

This request is to rezone a lot to permit a manufactured home. The property located immediately to the west of the subject property, consisting of two residential lots, is also owned by the applicant.

The area located off Old B & W Grade Road, north of Patton Drive, south of the Brunswick Altamaha Canal, west of the Coast Line Railroad and east of the Southern Railroad and Canal, consists of mixed zoning classifications and land uses, i.e., mobile homes, manufactured homes, site-built homes and a mobile home park.

In conformance with Section 1103. of the Glynn County Zoning Ordinance, the following findings of fact were considered in making the recommendation:

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

Yes, there is a mixture of housing types in the area, including manufactured homes.

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

No, for the same reason stated above.

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

Yes, it could be used residentially as zoned for a site-built home or as requested for a manufactured home.

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

No.

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

Yes, the property is shown as low density residential (does not distinguish what type residential use).

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

Yes, within the immediate area there have been other rezonings to the M-20 zoning classification being requested for the subject property.

Ms. Olness stated that staff is recommending approval of this request.

Following a brief presentation by Mr. Elwood Forry, a motion was made by Mr. Hal Hart to recommend approval of this request. The motion was seconded by Mrs. Glenda Jones and unanimously adopted.

GC-15-99

Request to rezone from Forest Agricultural to Highway Commercial, 17,645 sq. ft. located on the east side of F-009 Spur/Spur 25 (75 ft. of frontage) and beginning approximately 450 ft. south of Canal Road. Subject property proposed to be incorporated with a 1.49 acre tract recently rezoned located on the southeast corner of F-009 Spur/ Spur 25 and Canal Road, to be developed as Race Trac.

Property owned by Race Trac Petroleum, Inc.

At this time, Chairman Altman reminded staff to include a name with each request, as opposed to a corporation, etc. Staff concurred.

Mr. Paul Bland was present for discussion.

The staff's report was included in the packages for review and was presented by Ms. Olness as follows:

This request is to rezone 17,645 sq. ft. of property to Highway Commercial. The subject property is located directly behind the 1.49 acre tract that was rezoned to Highway Commercial in April of this year, with the following conditions: 1) Shared access required for Parcels 37, 35, 36 and 40, as shown on the Glynn County Tax Map 76-4; and 2) Compliance with Section 613., to provide a 6 ft. opaque fence, wooden privacy fence/wall with landscaping along the subject property boundaries and the adjacent properties.

The 1.49 acre rezoning was sought to allow the development of a "Race Trac" convenience store at the corner of Canal Road and Spur 25. When the detailed plans for the proposed developed were finished, it was determined that additional property was needed. Therefore, Race Trac Petroleum purchased the subject property on May 7, 1999 and is seeking a rezoning at this time.

It is staff's professional opinion that additional land to the south of the existing Highway Commercial should not be rezoned which could create a major commercial development at this intersection (Spur 25 and Canal Road). However, staff has taken into consideration that the subject rezoning is for the purpose of expanding the proposed commercial development of "Race Trac," not for a separate commercial use. Therefore, by allowing the rezoning it would allow for more area, which hopefully will create more open space within the development.

In conformance with Section 1103. of the Glynn County Zoning Ordinance, the following findings of fact were considered in making the recommendation:

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

Yes, with adequate access and buffers.

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

No, with an adequate buffer being provided along the south property line.

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

No due to the lot size, 17,645 sq. ft. The current zoning, Forest Agricultural, requires a minimum size of 20,000 sq. ft. However, the subject property could remain as zoned and not be developed or sold back to the adjacent property owner.

- 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, access would be reviewed during site plan approval (if the rezoning is approved). As stated in the rezoning of the adjacent property, a gas station and convenience store generates 845.60 trips per 1000 sq. ft. gross floor area.

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

Shown on the Future Land Use Map 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;

Yes, the adjacent property was rezoned to Highway Commercial in April and the subject property is proposed to be developed with the larger tract.

Ms. Olness stated that staff is recommending approval of this request subject to the following conditions:

1. Shared access required for Parcels 37, 35, 36 and 40, as shown on the Glynn County Tax Map 76-4; and
2. Compliance with Section 613, to provide a 6 ft. opaque fence, wooden privacy fence/wall with landscaping along the subject property boundaries and the adjacent properties.

Mrs. Touw asked if there was a requirement on the last zoning for a fence all the way around, or did the County Commission eliminate the buffer except for the sidelines. Ms. Olness stated that the requirement was for the fence to be all the way around the property.

Mr. Paul Bland, real estate representative for this site, gave a brief presentation. He explained that they had been negotiating additional property from Ms. Jonnie Ricks who owns a 9 acre piece of property that wraps the Race Trac property. He stated that this rezoning gives them more open space in which to install a well, septic system and storm water detention on the site. It also gives them the ability to create more comfort on the site for their customers.

In addressing staff's condition #1 regarding the shared access, Mr. Bland stated that they do intend to have shared access, which has been incorporated. He stated that they have executed joint easement agreements between Race Trac and Ricks so that joint access will be from one point off of Canal Road.

Referring to condition #2, Mr. Bland stated that at the County Commission level and previously at the Planning Commission level, there was a question of buffers, fences, walls, etc. Effectively, the County Commission requested a 6 ft. privacy fence to be around the perimeter of the entire property and also down the side. Mr. Bland stated that the applicants are proposing to have a 6 ft. privacy fence and a 30 ft. strip of property consisting of trees and current vegetation that will remain undisturbed. However, along the southern property line, they are requesting, as opposed to a fence, to have a 10 ft. landscaped buffer strip. He explained that aesthetically, a landscaped strip would be

more appealing. He then read a portion of Section 613 of the ordinance pertaining to landscaped buffer strips. Mr. Bland distributed copies of a letter that he received from Ms. Jonnie Ricks indicating her support of a 10 ft. landscaped buffer strip.

Following discussion, a motion was made by Mrs. Glenda Jones to recommend approval of this request subject to the two (2) conditions stated by staff and also subject to there being a 10 ft. landscaped buffer strip with a wall. The motion was seconded by Mr. Perry Fields. Voting Aye: Mr. Richard Altman, Mr. Lamar Cole, Mr. Perry Fields, Mr. Hal Hart, Mrs. Glenda Jones and Mr. Jonathan Williams. Voting Nay: Mrs. Iris Touw. In Mrs. Touw's explanation for voting against this request, she stated that previously when the request was submitted she voted against it because of the County Engineer's hesitancy with the entrance being so close to Spur 25, and therefore she's being consistent in her vote.

GC-16-99

Request to rezone from R-12 One-Family Residential to M-20 One-Family Residential Manufactured Home, a parcel of land consisting of 43,545 sq. ft. located on the northeast corner of Old Jesup Road and Cypress Mill Road, easterly property line beginning 97.30 ft. west of Colonial Way (Helveston Oaks).

Property owned by Southtrust Bank of Georgia, Inc.

Mr. Jay Kaufman was present for discussion.

The staff's report was included in the packages for review and was presented by Ms. Olness as follows:

In 1997, the applicant requested that the subject property be rezoned to Highway Commercial. The Glynn County Board of Commissioners, after receiving a recommendation for denial by the Planning Commission, denied the request.

This request is to rezone a parcel of land located on the northeast corner of Old Cypress Mill Road and Old Jesup Road. Old Jesup Road, which has a narrow roadway (50 ft. right-of-way) is used as a cut through between U.S. Highway 341, Spur 25 and Community Road. Old Jesup Road currently has a traffic count of approximately 8,000 vehicles per day (AADT).

During review of this request, staff evaluated the intended future characteristics of the area, within the immediate area it is predominately residential in character with the exception of two churches and three commercial properties.

In conformance with Section 1103. of the Glynn County Zoning Ordinance the following findings of fact were considered in making the recommendation:

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

Yes, would be located within an area that has mixed uses as stated above.

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

No, the properties located immediately adjacent to the subject property are zoned R-12 but vacant.

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

Yes, but due to the commercial uses within the area and high traffic volume, it might be less desirable to construct a site-built home on the subject 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;

No, would have the same impact as a site-built home on the property.

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

Yes, shown as low-density 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;

None that staff is aware of.

Ms. Olness stated that staff is recommending approval of this request.

Mr. Kaufman gave a brief presentation. He explained that Southtrust Bank is the current owner of this property as well as the owner of three other building lots within Helveston Oaks. They obtained the title of this property through foreclosure proceedings. Mr. Kaufman stated that approximately 8 or 10 years ago, a commercial rezoning was requested on this property, but the Helveston Oaks residents were opposed to that request and the application was denied.

Mr. Kaufman stated that Ms. Susan Hammond has contracted to purchase this property contingent upon her being able to put one manufactured home on the property. He pointed out that the residents of Helveston Oaks were approached and were in favor of this rezoning.

Mr. Bobby Dickerson, resident of Helveston Oaks Subdivision, was present to oppose this request. He presented a petition consisting of 26 signatures of Helveston Oaks residents who are also opposed. Mr. Dickerson stated that they are all concerned about their property value and they do not want a mobile home in their neighborhood.

Mr. Perry Fields asked if the parcel in question is adjacent to or in Helveston Oaks. Mrs. Deborah Taylor replied neither; the parcel is not part of the Helveston Oaks Subdivision.

Mr. Hart was concerned that Mr. Dickerson might not understand the difference between a mobile home and a manufactured home. Mrs. Taylor explained that according to the ordinance, a mobile home is considered a single-wide unit. A manufactured home is required to have skirting, minimum width of the body of the double-wide unit has to be no less than 20 ft. and measured across the nearest point, the pitch of the main roof shall be no less than 4 to 1 slope, a minimum distance from the eave to the roof shall be 10 ft., any roofing material may be used that is generally accepted for site built housing. A manufactured home can also be a triple-wide unit.

Ms. Susan Hammond pointed out that before she approached the Planning Commission for this rezoning she spoke to 75% of the residents of Helveston Oaks including Mr. Dickerson. She explained to Mr. Dickerson that the request was for a manufactured home and not a mobile home. At that time, he was in favor of this request. Ms. Hammond stated that she simply wants a nice comfortable place for her mother and father to retire. She stated that the manufactured home would be compatible with the surrounding homes in the area.

Mrs. Touw stated that this is a better use for the property and thereupon made a motion to recommend approval of this request. The motion was seconded by Mr. Hal Hart. Voting Aye: Mr. Richard Altman, Mr. Perry Fields, Mr. Hal Hart, Mrs. Glenda Jones, Mr. Jonathan Williams and Mrs. Iris Touw. Abstained From Voting: Mr. Lamar Cole.

SUP-3-97

**Revision to Special Use Permit
 "Hole In One Bagels", Unit 1, Village Plaza
 511 Ocean Boulevard, Zoned General Commercial
 St. Simons Village Preservation District**

**Jamie Kendall, Business Owner
 Attorney Mark Podlin, Agent**

Ms. Jamie Kendall was present for discussion.

The staff's report was included in the packages for review and was presented by Ms. Olness as follows:

This request is to amend the Special Use Permit for "Hole In One Bagels" located on the corner of Neptune Way and Ocean Boulevard. The subject property is known as Unit 1 of Village Plaza and is attached to an existing convenience store, "Parker's."

The Special Use Permit was approved in 1997. At that time, the interior patron space for the restaurant consisted of 234 square feet. It was determined at that time that a seating capacity of approximately 16 seats could be accommodated. Since that time the interior has been redesigned. According to the information submitted by the applicant, there is only 182 sq. ft. of patron space inside the restaurant. The applicant desires to expand the seating in the exterior and add exterior seating as well, which will add an additional 72.5 sq. ft. of patron space according to the concept plan. The total patron space was estimated by the applicant to be 254.5 sq. ft.

The property is zoned General Commercial. A restaurant can be permitted as a special use within a General Commercial district if on-site parking can be provided. The following is a break-down of the parking ratio for the uses and property, which has been provided by the applicant:

Number of Parking Space Required, Section 611.6

"Hole in One Bagels" 182 square feet inside dining space
 72.5 square feet outside dining space
 254.5 square feet total dining space

1 parking space for each 70 square feet = 3.64
 1 parking space for each 2 employees = 1.00
 Total parking spaces needed 4.64

"Parker's Convenience Store" 1,208.1 square feet

1 parking space for each 200 square feet = 6.04
 2 parking spaces for each gas pump = 4.00
 1 parking space for each 2 employees = 1.00
 Total parking spaces needed 11.04

Total Parking Spaces Required = 15.68
 Total Available Parking Spaces = 16.00
 Surplus parking = .32

Based on this information, the applicant is requesting a revision to the existing Special Use Permit to allow seating on the inside and outside sidewalk area in front of the building. The applicant would like to place three 30 inch wide tables on the left side of the entrance door to the Parker's side of their building, and two 30 inch wide tables on the right side of the building. Each table would have 2 seats. Information submitted further states that the total seating capacity being requested is for 26 seats.

Ms. Olness distributed the latest site plan that was submitted by the applicant on Friday. The original concept plan was not drawn to scale, which is what staff needed in order to determine the patron space. After reviewing the concept plan and scaling it out, it appears that the applicant would need additional parking spaces. Also, staff has made a request to the Building Inspections Division to determine if it is still possible for wheel chairs to use the sidewalk even though there is seating on the location. For those two reasons, Ms. Olness stated that staff is requesting a recommendation of deferral rather than denial so that these issues can be worked out with the applicant.

Ms. Kendall stated that basically she is just asking that she be allowed to put the seats on the outside sidewalk, which is private property. However, she is willing to comply with staff's recommendation for deferral to work out the issues.

Chairman Altman wanted to know how many seats the applicant could have without asking for additional parking. Ms. Olness stated that it is based on patron space and not seating. She pointed out that a scale on the revised site plan was provided, but when she tried scaling out the measurements she did not reach the same numbers. Therefore, without taking a tape measure to the site, she could not answer the question accurately. She stated that it does appear that they need a minimum of one more parking space because the aisle at the front counter was not counted as patron space, but according to our ordinance, it has to.

Mr. Bill Hooker, speaking in favor of the request, stated that a 30 day deferral would impact Ms. Kendall's summer season. He stated that Ms. Kendall is trying to provide space for patrons to sit outside when there's sunny weather. He pointed out that the times that he's been in the area he hasn't seen that many people parking there, but he has noticed cars and trucks from other establishments parking in her parking lot and taking up more spaces than what her patrons are using. Mr. Hooker feels that the request should be approved.

Mr. Perry Fields had questions about page 2 of the staff's report, with emphasis placed on the phrase "the applicant desires to **expand on the seating in the exterior and add exterior seating as well.**" He stated perhaps it should read "...**interior seating and add exterior seating as well.**" Ms. Olness stated that was probably a poor choice of wording. She stated that the applicant primarily wants to add the space outside. Mrs. Taylor pointed out that the applicant did redesign the inside from what was approved in their Special Use Permit.

For clarification, Mr. Hart wanted to know that if the applicant does not meet the requirement, can she ask for a variance or can she not do this at all. Ms. Olness stated that she doesn't believe that the applicant can ask for a variance in this case. Adding the exterior seating will block part of the sidewalk, which is used for handicap accessibility to the building, and therefore staff needs the Building Inspections to review this to ensure that there is still adequate space for wheel chairs to maneuver.

Mr. Hart asked that if this request is deferred, does staff see a solution. Ms. Olness replied that the problems could be worked out. She stated that based on the information submitted, staff was unable to make a recommendation of approval at this time.

Mr. Lamar Cole stated that a lot of the applicant's customers are walk-up customers and for that reason, he could see making an exception to the parking space. Thereupon, a motion was made by Mr. Cole to recommend approval of this request. The motion was seconded by Mrs. Glenda Jones. For clarification, Ms. Olness stated that in order to make an exception on the parking spaces, that would have to be a variance

before the Board of Appeals. Mr. Fields then asked that the motion be amended to recommend approval subject to a variance being granted by the Board of Appeals. The amendment was accepted; however, discussion continued.

As an observation, Mr. Hart stated he feels that this is a math problem. He stated that he is aware of the motion being on the floor, but he wondered how the Board would feel about staff making a decision in this case. Mr. Williams stated that he would hate for the Board to penalize a business for one parking space that probably won't be used. Mr. Taylor stated that if the information is provided to staff in its entirety, the issues could be resolved.

Mrs. Touw stated that she would not have a problem with the motion being retracted and allowing staff to work out the issues with the applicant; however, she would like to take exception to the amendment regarding the variance. She stated that in her opinion and according to the ordinance, the applicant would not have to go to the Zoning Board of Appeals. Mrs. Touw pointed out that Section 709.12 states "...by reason of unusual circumstances, the strict application of any provision of the St. Simons Village Preservation could result in an exceptional or practical difficulty or undue hardship...the Planning Commission or the Glynn County Board of Commissioners, in passing upon the application, shall have the power to vary or modify strict adherence to said provision..." Therefore, Mrs. Touw stated that if the Planning Commission determined that one parking space was an undue hardship or practically impossible, they would have the power to make that variance.

Ms. Olness explained that the variance power that the Planning Commission has is only for Section 709. She stated that the parking requirements are in a different section of the ordinance. Therefore, only the Board of Appeals could grant a variance to that section. At this point, Mrs. Touw requested a work session between staff and the Planning Commission for clarification as to what they can and cannot do.

After discussion, the motion and the second recommending approval of this request subject to a variance being granted were retracted. A new motion was then made by Mrs. Glenda Jones recommending that the applicant work with staff in an effort to resolve the one parking space issue and the issue of the handicap access. If these issues are resolved, this application should be forwarded to the Board of Commissioners and not be returned back to the Planning Commission. The motion was seconded by Mr. Lamar Cole and unanimously adopted. (It was noted that the applicant, Ms. Jamie Kendall, understood the motion and was in agreement.)

The Planning Commission took a 10 minute recess. The meeting resumed at 11:04 a.m.

Island Rock Café - Signage
Located at 303 Mallory Street, SSI
Zoned General Commercial-Core

Mr. Michael Teal, applicant, was present for discussion.

The staff's report was included in the packages for review and was presented by Mr. Lee Thomasson as follows:

The applicant is requesting two signage approvals. Request #1 is for a wall-mounted sign measuring 3 ft. by 5 ft. This sign has been in place for two years (owner states he was unaware of the Sign Ordinance). The sign is predominately white with

chrome trim and is the changeable message type with slide rails for black letters and numbers.

Request #2 is for allowance of a banner measuring no larger than 3 ft. by 8 ft., which is greater than permitted per Section 816.5 of the Glynn County Zoning Ordinance. The banners are to advertise special events and performances and will be changed accordingly. The signs are to be professionally made on white vinyl with red lettering and will be displayed for the two weeks preceding the scheduled event/performance.

Mr. Thomasson stated that staff is recommending approval of request #1, but denial of request #2.

Mr. Teal gave a brief presentation. He stated that the banners would only be used one week leading in to the show. He pointed out that he is in the tourist area and he provides a tremendous service for local people as well. Mr. Teal stated that the banners are professionally done and are tied down on all four sides. He stated that he is only trying to promote his business and it would be a real hardship if he could not promote the special events. Chairman Altman wanted to know the size of the existing sign. Mr. Teal stated that the sign that is currently up is 3 ft. by 8 ft. He explained that in proportion with the building, the sign that he is requesting is really not large. He stated he believes that there are exceptions to all rules.

Mrs. Touw asked if regular banners require permits. Mr. Thomasson replied no. Mrs. Deborah Taylor explained that an application has to be filed to notify staff, but a permit is not required. Mr. Thomasson elaborated on the enforcement procedures in case of violations.

Mr. Hart wanted to know the status of the Fluttering Ribbons and Banners. Mrs. Touw stated that according to the ordinance, they are not permitted on St. Simons. They are permitted in Highway Commercial Districts. Mrs. Taylor read the following from the proposed ordinance: "Fluttering ribbons and similar devices are prohibited in all zoning districts except in Highway Commercial; however, fluttering ribbons and similar devices shall not be permitted in Planning District 2, as shown on the official Planning District Map. Banners shall be allowed in commercial districts with conditions: 1) temporary promotional...maximum of 30 days; 2) all four sides tied down; 3) all setbacks to be met; and 4) one banner per location."

Mr. Teal pointed out that he is not asking for 30 days. He is only asking for 7 days and no more than two times a month.

Following discussion, a motion was made by Mr. Hal Hart to approve request #1 (wall-mounted sign). The motion was seconded by Mrs. Iris Touw and unanimously adopted.

A motion was made by Mrs. Iris Touw to deny request #2 (banner). The motion was seconded by Mrs. Glenda Jones. Voting Aye: Mr. Richard Altman, Mr. Lamar Cole, Mr. Hal Hart, Mrs. Glenda Jones and Mrs. Iris Touw. Voting Nay: Mr. Jonathan Williams. Abstained From Voting: Mr. Perry Fields.

**Village Music and Café
Signage and Exterior Changes for
Coffee Shop, 410 Mallory Street, SSI
Zoned General Commercial-Core**

J. Atticus Hutchinson & Kellie Parr, Applicants

Mr. Atticus Hutchinson was present for discussion.

The staff's report was included in the packages for review and was presented by Mr. Thomasson as follows:

The applicants are seeking to add a coffee shop to an existing retail music business, as well as a change in the window sign. The current retail operation encompasses 1,242 square feet, which includes the front patio area between the building and the property line. The area to be used for the coffee shop will cover 282 sq. ft., including the kitchen, counter and seating area at the rear on the inside of the store, and an outdoor seating area on the front patio. The coffee shop area will consume 22.7% of the combined operation.

The change requested for the signage involves the existing window sign. The applicants request that they be allowed to place "& Café" beneath the existing logo on the front window of the store. The words "& Café" will be blue and white which is consistent with the existing logo.

The two tables planned for the front patio area of the shop will have solid beige umbrellas with no markings or printed words on them. The tables and chairs will be black painted metal.

Mr. Thomasson stated that staff is recommending approval of this request.

Following review, a motion was made by Mrs. Glenda Jones to approve this request. The motion was seconded by Mr. Lamar Cole and unanimously adopted.

**109 Strachan Lane
Remodel Exterior of Existing Residence
Located in Butler Mews Subdivision,
Zoned R-6 One-Family Residential**

Mr. Joe Garner, applicant, was present for discussion.

The staff's report was included in the packages for review and was presented by Mr. Thomasson as follows:

The applicant proposes to renovate/remodel the exterior of the existing residence, as well as build a front deck addition. The redesign of the exterior will create a European style with shutters, verandas and gates. The structure will be rough stucco to blend with the existing tabby and stucco in the neighborhood. Complete landscaping is planned in keeping with the Butler Mews neighborhood. The new deck will be constructed of stucco and wood and the colors (taupe with dark green and rose accents) will be the same as the rest of the structure. Although the deck addition will violate the front yard setback, the Zoning Appeals Board has granted a variance for this addition.

The site coverage for this lot, including the proposed deck, is 2,733 sq. ft., while the total lot size is 6,038 sq. ft. for a coverage of 45%. As to the footprint requirement, the additional 168 sq. ft. of the proposed deck does not expand the footprint of this structure beyond the average size of the adjoining structures. This addition will not affect the height of this structure in any way.

Mr. Thomasson stated that staff is recommending approval of this request.

Following review, a motion was made by Mr. Perry Fields to approve this request. The motion was seconded by Mrs. Glenda Jones and unanimously adopted.

**548 Magnolia Street, New Residence
Zoned R-6 One-Family Residential
Mary & Rich Ellison, Applicants
Magnolia Construction, Developer**

Mr. Bill Hooker was present for discussion.

Mr. Thomasson explained that the application and the staff's report included in the Planning Commission packages have been changed due to information received after the report went out to the members.

As stated in the earlier report, this application is necessary because Mr. Hooker has erected a structure, which violates the previously approved conditions of the Planning Commission for this project (VP99-02). In addition to this violation, Mr. Hooker has constructed this building without obtaining a building permit. In a letter from the developer to Community Development Department dated May 19, 1999, Mr. Hooker stated "the building permit can be obtained with no further construction on the dormers until reviewed and approved by the Planning Commission." However, on the next day (May 20, 1999) staff observed work being performed on the structure, including the dormers. Work had also continued since the 20th, including the garage. A "stop work order" was issued, and at that time the work did stop.

The height of the structure (as previously noted in the staff's report as the first issue) is no longer an issue. Therefore, the first issue is the proposed change in color. Mr. Thomasson stated that apparently, the color scheme is now to paint the building white with a red shingle roof. This change from a "green shingle and an earth tone siding" will require the Planning Commission's approval.

The second issue is the change in the structure's architectural design features. A second roofline is now part of a constructed house, as well as a second dormer on the eastern side of the roof. The garage has apparently shrunken in size and the "hallway" between the main structure and the garage has been lengthened creating a change in the lot footprint. These architectural features were not submitted to, nor approved by the Planning Commission previously.

Mr. Thomasson stated that it is staff's opinion that considering the previously approved scale of the structure, this does not significantly impact the harmony or the integrity of the neighborhood any more than what was previously approved. Therefore, staff is recommending approval of this request.

Mrs. Touw had questions about the current setback as shown on the building permit. Mr. Thomasson stated that the plans submitted indicate that the structure has been moved forward approximately 3 ft. Where as 18 ft. from the edge of the porch to the right-of-way line was approved previously, there was also a 3 ft. measurement on the front steps, bringing the edge of the structure 15 ft. from the right-of-way. The developer explained his reasons for moving the structure to the Building Official who in turn approved the new measurement.

Mr. Thomasson stated that currently, the front steps are 12 ft. from the right-of-way and the porch line is 15 ft. from the right-of-way. Mrs. Touw pointed out that the plans that the Planning Commission approved show the measurement from the front porch to the property line of 18 ft. She explained that the Village Preservation District requires that a site plan be submitted and that it meets building setback, color, landscaping, etc., which was approved and subsequently forwarded to the Building Official for a building permit. Any change in that site plan necessitates a return to the Planning Commission.

At this time, Mrs. Touw referenced Section 619.7 Enforcement (Site Plan) of the Glynn County Zoning Ordinance as follows: "Any failure by the applicant or any assignee to construct or maintain any building structure in the manner provided for in the site plan as approved by the Planning Commission shall constitute a violation of this ordinance." Mrs. Touw stated that the Building Official can make adjustments, but on a

site plan, once it is approved with certain setbacks, any changes would require an amendment and a return to the Planning Commission.

During his presentation, Mr. Bill Hooker gave a brief history of his initial request and an overview of all correspondence leading up to his current request.

Following discussion, a motion was made by Mrs. Glenda Jones to approve this request. However, Mrs. Touw asked what is being approved. Mrs. Jones replied that the new color is being approved. Mr. Hart stated that he'd also like to know what is being approved and if there is anything in writing to substantiate this. Mrs. Touw further stated that the Planning Commission has a site plan that was previously approved with the specified setback. They also have a drawing, which was approved showing one arch and one gable. She stressed that if something is being changed, she will not vote unless she knows the current setback. She stated that they do not have a site plan for the changes.

Mr. Fields stated that it appears to him that the developer builds what he wants and then comes back for approval. He's concerned that the setback was approved at 18 ft. but built at 15 ft. He then asked, "why have this process if it is not going to be followed." Mrs. Jones stated that it was her understanding that the 18 ft. was changed to 15 ft. with the concurrence of the Building Official.

Chairman Altman asked Mr. Carter if he approved the 3 ft. change in the front. Mr. Carter replied yes, but only after meeting with staff. He explained that he treated this application in the same manner as any other application and tried to use common sense. He stressed that he was not trying to second-guess the Planning Commission by making that decision. Chairman Altman assured Mr. Carter that had that been the only change they probably would not be here; however, he stated that there were numerous other problems that magnified this situation.

Referring to the question of what is being approved and the question about the site plan not being provided, Mr. Thomasson pointed out that the site plan in the packages was taken directly from the construction plans submitted by Mr. Hooker, which shows a slight reconfiguration of the house due to the placement of a tree. The overall footprint of the house was reduced, not increased. Staff feels that the only two pertinent issues are the change in color and the change in the architectural features.

At this time, the motion to approve the color change and the architectural features was seconded by Mr. Jonathan Williams. Voting Aye: Mr. Lamar Cole, Mr. Perry Fields, Mrs. Glenda Jones and Mr. Jonathan Williams. Voting Nay: Mr. Richard Altman, Mr. Hal Hart and Mrs. Iris Touw.

Site Plan
Walden Shores - Revision
21 acres located on Altamaha Boulevard
Golden Isles Gateway Tract
Zoned Planned Development-General

Hathaway Development Co., Owner/Developer

Mr. Jeff Halliburton was present for discussion.

The staff's report was included in the packages for review and was presented by Mr. Thomasson as follows:

This application is a revision to a previously approved (12-1-98) multi-family residential development on 26 acres in the Golden Isles Gateway Planned Unit Development. The revision increases the number of units from 180 to 192, although the

number of structures will remain the same. The density figure of 6.7 units per acre increases to 7.4 but remains under the permissible limit of 10 units per acre.

The percentage of open space remains over 50%. The revised project will have 341 total parking spaces. All water, sewer and storm drainage is planned in accordance with facilitating the further development of the Golden Isles Gateway development.

Glynn County Environmental Quality Department will provide the water source and sewage treatment. A Sedimentation & Soil Erosion Control Permit has been issued by the Building Official.

Planning & Zoning, Building Inspections, Fire Department, GIS, Environmental Quality and Engineering have all favorably reviewed this site plan. Mr. Thomasson stated that staff is recommending approval of this request.

Following review, a motion was made by Mrs. Glenda Jones to approve this request. The motion was seconded by Mr. Lamar Cole and unanimously adopted.

Site Plan
Glynn County Fire Station #7
1.895 acres, located on the west side of
Lawrence Road, St. Simons Island,
Zoned Forest Agricultural

Glynn County, Owner/Developer

Due to no one being present to represent this item, a motion was made by Mrs. Glenda Jones to defer this request. The motion was seconded by Mrs. Iris Touw and unanimously adopted. It was noted that if a representative arrives before the end of the meeting, the motion to defer would be rescinded and the item would be discussed at that time.

Preliminary Plat
Holly Street, Opening of Right-of-Way
Glynn Haven Subdivision, Portion of
Block 40 and 47, located between
6th and 7th Streets, St. Simons Island

Michael McMillan, Owner/Developer
Larry Bryson, Agent

Mr. Larry Bryson and Mr. Chris Amos were present for discussion.

The staff's report was included in the packages for review and was presented by Mr. Thomasson as follows:

This project consists of 1.44 total acres to be subdivided into 7 lots comprising 1.313 acres. Five of these lots (Lots 2, 3, 4, 5, & 6) are existing lots of record. The two newly created lots average 21,309 sq. ft., with the smallest lot being 17,748 sq. ft. Also proposed is a 40 ft. right-of-way extension of Holly Street totaling 0.127 acres. The new roadway is to be constructed to county standards, including curb and gutter, and then dedicated to Glynn County.

Glynn County Environmental Quality Department will provide the water source and sewerage treatment service. A Sedimentation & Soil Erosion Control Permit is required for this development.

Planning & Zoning, Building Inspections, Fire Department, GIS, Environmental Quality and Engineering have all favorably reviewed this site plan. Mr. Thomasson stated that staff is recommending approval of this request.

Mrs. Touw wanted to know what DNR would permit the applicant to do. Mr. Amos stated that the variance from DNR reduced the setback to 15 ft. on the lots and to zero feet within the road right-of-way. Mrs. Touw asked Mr. Amos if he would be able to build within the 15 ft. setback without a hardship. Mr. Amos replied yes because the type of retaining wall proposed will not require any kind of projection into the marsh.

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

In an effort to be more accommodating to the general public as well as to developers, etc., Chairman Altman requested that in the future, the agenda reflect that site plan applications would be heard at 11:00 a.m. Staff concurred.

At this time, it was noted that Chief Carl Johnson was now in attendance to represent Agenda Item 11, Glynn County Fire Department. Therefore, a motion was unanimously adopted to rescind the previous motion for deferral.

Site Plan

**Glynn County Fire Station #7
1.895 acres, located on the west side of
Lawrence Road, St. Simons Island,
Zoned Forest Agricultural**

Glynn County, Owner/Developer

Chief Carl Johnson, representing Glynn County, apologized for being late.

The staff's report was included in the packages for review and was presented by Mr. Thomasson as follows:

This project consists of one lot comprising 1.895 acres to serve as Glynn County Fire Station #7. The proposed building size will be 5,400 sq. ft. of space. There will be an access driveway of 24 ft. opening onto Lawrence Road. The parking will consist of 13 spaces, including one space for handicapped parking.

Glynn County Environmental Quality Department will provide the water source and sewerage treatment service. A Sedimentation & Soil Erosion Control Permit will be required prior to construction.

Planning & Zoning, Building Inspections, Fire Department, GIS, Environmental Quality and Engineering have all favorably reviewed this site plan. Mr. Thomasson stated that staff is recommending approval of this request.

Mrs. Touw asked if the county is held to the standard that they will not begin construction until they have the LDA Permit. Mr. Chuck Taylor explained that under the direction of Mr. Gilmour (3 months ago) staff was advised that county projects have to meet all development requirements.

Chief Johnson pointed out that the building will be set back an additional 25 ft. from the road. Mrs. Jones wanted to know the distance between this project and Frederica Road. Chief Johnson stated that it is approximately 2.1 miles.

Following discussion, a motion was made by Mrs. Glenda Jones to approve this request. The motion was seconded by Mr. Lamar Cole and unanimously adopted.

**Site Coverage/Lot Coverage
Committee Report**

Mrs. Touw reported that she and Mr. Hart met several times with the Planning Official to discuss the interpretation of site coverage versus lot coverage. They considered many alternatives and finally decided to clarify only the terminology at this point. She stated that their recommendation would be to change the term "lot coverage to "building coverage." Mrs. Touw stated that the committee is open to suggestions on wooden decks versus concrete patios. She stated that they strongly urge staff to recreate the form used for applicants to fill in and sign. This form would contain information necessary to meet the ordinance requirements. Also, perhaps a packet could be designed to contain the required information so that it could be distributed, and not require that an interested party wait to get all of the information in person.

Chairman Altman advised staff to put the committee's recommendation in the proper form and bring it back to the Planning Commission at the July meeting for discussion.

**Article VIII
Sign Ordinance Amendments**

Amendments to the Sign Ordinance were presented for review and discussion. Mr. Taylor stated that he would like to advertise the draft for the July Planning Commission meeting. However, during the course of discussion it was noted that public input is essential, and therefore the Planning Commission scheduled a Public Meeting for Tuesday, June 22nd, 7:00 p.m. in Room 234 of the Office Park Building to discuss the amendments and to obtain public input.

MINUTES

A motion was made by Mrs. Glenda Jones to approve the minutes of the May 4, 1999 Planning Commission meeting. The motion was seconded by Mr. Lamar Cole: Voting Aye: Mr. Richard Altman, Mr. Lamar Cole, Mr. Hal Hart, Mrs. Glenda Jones, Mrs. Iris Touw and Mr. Jonathan Williams. (Mr. Perry Fields was not a member at that time and therefore abstained from voting.)

Under Staff Items Mr. Taylor reminded the members and staff of the Community Planning Institute training scheduled for June 4th and 5th in Macon, GA. Afterward, he stated that he would like to schedule a Saturday workshop to share information with those who were unable to attend the training in Macon and to discuss other pertinent issues. Chairman Altman stated that with a specified agenda, perhaps a date could be set at the July meeting.

Under Commission Items there was a brief discussion regarding Site Plan Approval in relation to Planning District 2. Mrs. Jones stated that the section dealing with restrictions should be addressed possibly at the July meeting.

Also Under Commission Items, regarding Mr. Conley's memo dated May 27, 1999 Mrs. Touw stated that the right-of-way of the property located on the Barnes commercial outparcel needs to be examined.

There being no further business to discuss, the meeting adjourned at 1:30 p.m.