

MINUTES

GLYNN COUNTY PLANNING COMMISSION APRIL 6, 1999 9:00 A.M.

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

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

Chairman Richard 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.

VP-99-2
New Residence, 548 Magnolia Avenue
6,654 sq. ft. lot, located on the south side of
Magnolia Avenue between Oak Street and
Neptune Way, Zoned R-6 One-Family Residential

Mary and Rich Ellison, Property Owners

Mr. Bill Lorenz-Hooker, developer, was present for discussion.

This request was deferred from last month. The following report from staff was included in the packages for review and was presented by Mr. Lee Thomasson:

This is a request to build a new residential structure on the above referenced lot. This lot had a structure on it until February 23, 1999 when demolition was carried out. This application would require a variance on site coverage. Staff has determined that the site coverage of the proposed development is 4,256 sq. ft., while the lot size is 6,654 sq. ft. for a coverage of 64%

Also, this proposed development would need a variance to the requirement that a building footprint not exceed the average footprint of the structure of the adjoining side lots. The average footprint of the side lots is 983 sq. ft., while the footprint of this project is 1,470 sq. ft. (487 sq. ft. over the limit, or 50%).

Additionally, the applicant would need a variance to the height requirement. The applicant is utilizing the option of no more than 10 ft. over the average height of the structure of the adjoining side lots. According to the application, the new structure is listed as being 29 ft. in height, which is approximately 1.5 ft. higher than the average height of the adjoining side lot structures (one is 22 ft. high and the other is 15 ft. high).

Mr. Thomasson stated that staff's recommendation remains that this project should be denied for multiple reasons listed.

Mr. Hooker presented several overlays of the project, including the elevation of the structure. He stated that the structure is architecturally in character with the neighborhood and is in harmony with the area. Mr. Hooker presented an overlay of the Cundiff residence, which he stated is a model for the proposed structure. He explained that in order to keep the structure more in scale with the neighborhood, he is proposing habitable space under the roof.

Regarding the footprint of the building, Mr. Hooker stated that he is taking into account three lots: 544 Magnolia Avenue, 552 Magnolia and 411 Oak Street. He then elaborated on how he calculated the footprint based on the tax card for each lot. He pointed out that the lot coverage that he is proposing is 35% of the lot, which includes the residential portion (1450 sq. ft.), the deck (400 sq. ft.), and the garage (22 sq. ft.). Therefore he is not asking for a variance in this case because the proposal is in harmony with the area.

In addressing the height issue, Mr. Hooker stated that he and a registered land surveyor were able to physically measure at 542 and 411; however, the property owner of 544 would not allow them on her property, therefore they did an electronic measurement, for an average measurement of 19.7 ft. The ordinance allows you to add 10 ft. onto the average, for a total of 29.7 ft. The proposed structure is 29 ft., which is below the height requirement. Therefore, he is not requesting a variance for the height.

Mr. Hooker stated that the footprint is a 35% average of the lot. The average of the three adjacent lots is 34%. At the last meeting the application was given a 22% increase over the adjacent footprint. Mr. Hooker explained that site coverage is not addressed in the ordinance for the Village Preservation. He spoke with Mr. Larry Evans who was on the Planning Commission at the time of adoption of the Village Preservation District. Mr. Evans stated to him that the intent of the ordinance was the scale of the buildings, which is related to the footprint of the structure and not the impermeable areas such as driveways.

After hearing two different sets of numbers, Chairman Altman asked Mr. Taylor if he could put things in prospective. Mr. Taylor stated that regarding lot coverage, there seems to be two different opinions of the interpretation of the ordinance. He pointed out that according to Page VII-42, Section 709.5 of the Village Preservation District, "in all zoning districts except General Commercial Core Districts, no new construction or alteration to existing construction of a principal building or accessory building or structure will be allowed which will result in a lot coverage of greater than 50%."

Mr. Taylor explained that the term "lot coverage" is not defined in the ordinance. The closest definition that staff found is the definition of "site coverage." In staff's opinion, site and lot are interchangeable terms. He stated that "site coverage" is defined as staff has applied it in making the report, which includes driveways, etc. He then read the definition for "site coverage" as follows: "The area of land covered by the ground floor area of buildings and/or structures, surface parking and drives, whether permeable or impermeable to water, as well as walkways, patios and similar improvements that are impermeable to water. Site coverage will be computed from development area."

Following through with the Planning Commission's request for a legal interpretation, Mr. Taylor stated that staff contacted the County Attorney's office for an interpretation of these terms and the County Attorney's office is in support of staff's interpretation.

Chairman Altman then read Section 505.3 which also refers to density and site coverage as follows: "Inasmuch as St. Simons Island and Sea Island are designated as Areas of Scenic Beauty and Historic Interest, no dwelling or dwellings (exclusive of a single-family dwelling on an individual zoning lot) or accessory structures shall hereafter be used or occupy land area in excess of the prescribed site coverage regulations for the

zoning districts Resort Residential, Medium Residential and General Residential located on said Islands.”

Mrs. Iris Touw stated that we're in the process now of discussing how to interpret the ordinance. She feels that this would be better served if we make a decision when we reach the part of the agenda pertaining to the ordinance. She stated that this is an application in process, and she was surprised at the new interpretation at the last meeting. She feels that if we are going to say that "site coverage" and "lot coverage" are the same, then there is a direct conflict. According to the ordinance, site coverage does not apply to single-family homes. Section 709.3 specifically says "construction or alteration to existing construction of a principal building or accessory building or structure will be allowed which will result in a lot coverage of greater than 50%." Mrs. Touw stated that the Planning Commission should look at this application from the historical perspective, and then deal with the differences of opinion at the appropriate time, which would be when the ordinances are changed with proper public notification.

Mr. Hart had questions about calculating the footprint of the proposal. Mr. Thomasson explained that staff's calculations were for footprints compared to average footprints, and not as a definition for "lot coverage." Chairman Altman asked if this is the way that it has always been done. Mr. Thomasson replied that this is the way that he has interpreted the ordinance since he's been on staff; however, he could not address past history.

Mrs. Jones asked Mrs. Deborah Taylor if this had been interpreted in this way in the past. Mrs. Taylor replied that she could not be sure without first looking at individual cases. She did state however that when the Village Preservation Ordinance was adopted "lot coverage" was not the same as "site coverage." She stated that it was never intended to be, and it never was in the very beginning.

Mrs. Touw stated in that this proposal is compatible with the neighborhood and meets the intent of the ordinance, she would therefore make a motion to approve the request for a variance. Mrs. Touw quoted her reason for approval from the staff's December report as follows: "The home is compatible with other homes in the neighborhood in size; however, the proposed building footprint is larger than the average of the building footprint on the adjacent side lot. The structures on the adjacent lots are relatively small in size for the neighborhood." The motion was seconded by Mr. Lamar Cole. Voting Aye: Mr. Lamar Cole, Mr. Hal Hart, Mrs. Glenda Jones, Mr. Jeff Shell, Mrs. Iris Touw and Mr. Jonathan Williams. Voting Nay: Mr. Richard Altman.

VP-99-05
Addition to Residence, 403 Kings Way
8,750 sq. ft. lot, Zoned R-6 One-Family Residential
Located on the north side of Kings Way between
Mallory Street and Park Avenue

Tom and Anita Broadbent, Property Owners

Mr. Tom Broadbent 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 build an underground pool and concrete patio of 756 sq. ft. on the above referenced lot. Along with the house, driveway, walkway, porch and rear deck, this brings the site coverage to 3,809 sq. ft. The lot size is 8,750 sq. ft. for a site coverage of 43.5%.

Although the building footprint of this lot exceeds the average footprint of the structures of the adjoining side lots, the addition of the pool does not increase the footprint (an existing non-compliant situation). The average footprint of the side lots is 2,141 sq. ft., while the footprint of this project is 2,391 sq. ft. (250 sq. ft. over the limit, or 11.6%).

Mr. Thomasson stated that there is no increase in height and staff is recommending approval of this request.

Following review, a motion was made by Mr. Jeff Shell to approve this request. The motion was seconded by Mr. Jonathan Williams. Voting Aye: Mr. Lamar Cole, Mr. Hal Hart, Mrs. Glenda Jones, Mr. Jeff Shell, Mrs. Iris Touw and Mr. Jonathan Williams. Voting Nay: Mr. Richard Altman.

**VP-99-06
Addition to Residence, 559 Magnolia Street
6,600 sq. ft. lot, Zoned R-6 One-Family
Residential, located on the north side of
Magnolia Street Between Neptune Way and
Oak Street**

Mr. Cap Fendig, property owner, 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 is proposing to build onto an existing structure a rear porch/laundry room. Staff has determined that the site coverage of the proposed development is 2,658 sq. ft., while the lot size is 6,600 sq. ft. for a site coverage of 40.3%.

The average footprint of the two side lots is 2,045 sq. ft. and the footprint of this project is 1,872 sq. ft. or 173 sq. ft. under the limit.

Mr. Thomasson stated that there is no change to the height of the existing structure due to this addition. He stated that staff is recommending approval of this request.

During the course of discussion, the applicant advised that a tree had fallen through the roof of the structure and he decided to install skylights in that particular area.

Following discussion, a motion was made by Mr. Hal Hart to approve the addition onto the existing structure to include a laundry room/porch and skylight. The motion was seconded by Mr. Jonathan Williams and unanimously adopted.

**Preliminary Plat
Austin Acres, 9.7547 acres, 7 lots
Zoned Forest Agricultural, locate on the north
side of Castleberry Road, west of the Cate Road
Intersection**

Mr. Randy Underwood, property owner/developer, was 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 9.7547 total acres to be subdivided into seven (7) lots comprising 9.0353 acres. Also proposed is a 60 ft. right-of-way, titled Cindy Trail, encompassing .7194 acres. This right-of-way replaces and extends an existing 60 ft. private access easement and is to be improved to county standards and then dedicated to Glynn County. The lots average 21,805 sq. ft. with the smallest lot being 20,000 sq. ft.

The water source will be provided by Glynn County Department of Environmental Quality and there will be an individual septic system on each lot. A Sedimentation and Soil Erosion Control Permit has been granted for this development.

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

Mrs. Iris Touw questioned the number of lots shown in the subdivision because she has counted nine (9). Mr. Thomasson stated that the subdivision creates seven (7) additional lots, the others were already there fronting on a private easement. He explained that the entire subdivision would be considered Austin Acres and was created as four (4) lots off of a private access easement; however, to further develop the property the owner has created seven (7) additional lots. The common area is planned to be owned by Homeowners Association or by the owner.

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.

**Preliminary Plat
Laurel Grove Plantation, Phase IV
48.9 acres, 55 lots, Zoned Forest Agricultural
Located on the south side of Buck Swamp
Road east of Myers Hill Road**

Mr. Al Outlaw, property owner/developer, was 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 48.9 total acres to be subdivided into 55 lots comprising 41.1 acres. The average lot is 32,551.2 sq. ft. and the smallest lot is 22,500 sq. ft. Also proposed is the removal of approximately 500 ft. of a paved roadway of a previously platted private 60 ft. right-of-way named Laurel Grove Plantation road. It will end in a newly created cul-de-sac. A new 60 ft. private right-of-way named Chinquapin Drive is to be developed as well as a new 60 ft. private right-of-way named Algie Drive, which will merge and continue along the previously titled Laurel Grove Plantation Road. These rights-of-way will encompass a total of 7.8 acres with no intention of requesting dedication to Glynn County.

The water source will be provided by individual wells, while sewerage treatment will be by septic system. A Sedimentation and Soil Erosion Control Permit will be required prior to construction.

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

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

**Minor Plat
Willow Creek Plantation, Phase II, Section B
Request for Variance from the Glynn County Subdivision
Regulations, 11.86 acres, 22 lots, Zoned Forest Agricultural
Located on the south side of Baumgartner Road, north of
Live Oak Lane**

Sunbelt, Inc., Robert Jenkins, Property Owner

Mr. Robert Jenkins, Mr. Charles Johnson and Mr. Bill Kirby were 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 develop 22 lots on 11.86 acres along the south side of Baumgartner Road, an unopened 60 ft. public right-of-way. In a letter dated January 7, 1999, this Minor Plat application was denied for several reasons including the fact that the proposed number of lots exceed the allowable number of lots on an unpaved road (no more than 10 permitted in accordance with Section 902 of the Subdivision Regulations).

On March 24, 1999, the applicant requested a variance from the above referenced section of the regulations. After review of the county paving list, Baumgartner road is listed as a Priority 5 (no schedule for paving nor cost table has been established). The Board of Commissioners has not approved the list with Baumgartner Road attached at this date.

Mr. Thomasson stated that this plat was reviewed by the Planning & Zoning Division, Building Inspections and Engineering. He stated that staff is recommending denial of this variance request.

Mr. Charles Johnson, land surveyor, gave an overview of the design of the area and explained that the property owners cannot pave Baumgartner Road because they don't own the road. Baumgartner Road is county property. He stated that he understands the stipulation about restriction of 10 lots on dirt roads to new roads being created as part of the subdivision; however, this is an existing road. He pointed out that they are not creating a new dirt road or right-of-way for the county to maintain. Mr. Bill Kirby, co-owner of Sunbelt, Inc. agreed with Mr. Johnson and stated that they are not creating a new road.

Mr. Robert Jenkins, co-owner of Sunbelt, Inc. stated that he always thought the intent of the ordinance was for new roads under construction. In discussing this with staff, Mr. Taylor told him that although that may have been the intent, that is not the way it was written. Mr. Taylor further stated to him that his only alternative was to request a variance. Mr. Jenkins explained that the county owns the road, but his company should be able to market the lots. He stated that the intent of the 10 lot subdivision was for the subdivision to be located on a new dirt road, not opened and not county owned. He then presented the original plat for the Planning Commission's review.

Mr. Jim Bruner explained that the road in question is in Category 5. -Category 5 roads are roads that were not included in the original Splost III list approved by the voters. These are roads that have come about since the list was compiled. Mr. Bruner stated that it is his desire to pave the roads, but they will have to be paved at the end of all of the other roads already committed under the Splost III Program. Mr. Bruner stated that

his recommendation to the Board of Commission would be to pave all of the roads listed in Category 5.

Mrs. Glenda Jones asked if the county has ever requested a private developer to pave a county owned road. Mr. Bruner stated that he is unaware of a situation similar to this where the county has required a developer to pave an existing county dirt road.

Chairman Altman stated that according to the staff's report, staff is recommending denial of this request for several reasons including the fact that the proposed number of lots exceed the allowed number of lots on an unpaved road. However, he stated that the road is not the applicant's unpaved road. He then asked if there were any other reasons why staff is recommending denial. Mr. Taylor stated that according to the ordinance, you cannot create more than 10 lots off of an unpaved road. The ordinance does not say new road, and it does not say private or county road. Staff is recommending denial in accordance with the ordinance. Mr. Taylor further stated that it may not be in the county's best interest to have a great deal of lots created off of unpaved roads due to traffic and safety concerns.

Mrs. Jones stated that the county has never asked a property owner to pave a county owned road. Mr. Thomasson explained that staff is not trying to imply that the applicant be required to pave the county owned road. He stated that staff is willing to discuss several other options with the applicant.

Referring to the January 7, 1999 letter, which lists several items upon which the applicant must meet, Mrs. Touw wanted to know that if the Planning Commission were to approve this request, would the applicant still be required to meet the items listed in the January 7th letter. Mr. Thomasson replied yes. It was noted that the issues could be resolved administratively.

Following discussion, a motion was made by Mrs. Glenda Jones to approve the variance request but not require the developer to pave Baumgartner Road, which is a county owned road. The motion was seconded by Mr. Lamar Cole. Voting Aye: Mr. Richard Altman, Mr. Lamar Cole, Mr. Hal Hart, Mrs. Glenda Jones, Mr. Jeff Shell and Mr. Jonathan Williams. Voting Nay: Mrs. Iris Touw.

At this time, the Planning Commission took a 15 minute recess. The meeting resumed at 10:55 a.m.

Site Plan
Barnes Center
42,732 sq. ft. lot known as the Commercial Out-Parcel
of Barnes Plantation, Planned Development-General,
Located on the east side of Frederica Road, north of
Fourth Street

ABNA, Inc., Property Owner

Attorney Jim Gilbert and Mr. Abbas Vakili 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 one lot comprising .981 acres (42,736 sq. ft.) to be a combination retail and office space commercial development. The proposed building size will be 18,200 sq. ft. of space and will be two-stories high. There will be two access

driveways; one of 24 ft opening onto Barnes Plantation driveway; and one of 28 ft. opening onto Frederica Road. The parking required for this amount of square footage is 91 spaces and this project meets this standard.

The Planned Development Text calls for this project to be approved by the Planning Commission and the Board of Commissioners.

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

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

Mrs. Touw pointed out that when the site plan was approved for Barnes, 25 ft. of right-of-way was given to the county. At that time the condition was that when the deceleration lane that goes into Barnes is completed it would be installed and would include the relocation and alignment of the sidewalk at a minimum of 7 ft. wide. To her knowledge, the sidewalk is not in at the 7 ft. minimum. Mrs. Touw pointed out that this was a condition of the site plan approval for Barnes, but she is not sure how it would affect this request. Also, when the road entrance was done, it was placed 79 ft. north of the south property line, but she's not sure if this was initiated by the County Engineer or perhaps it was done to consider another entrance off of Frederica Road for the adjacent property. Mrs. Touw stated that this particular area at Frederica is a critical area for traffic. It was pointed out to Mrs. Touw that there would be no left turns from the southbound lane of Frederica Road. Attorney Jim Gilbert stated that the 25 ft. right-of-way has been accommodated, and there is enough room to move the sidewalk.

Following discussion, a motion was made by Mrs. Glenda Jones to recommend approval of this site plan. The motion was seconded by Mr. Jeff Shell and unanimously adopted.

At this time, Chairman Altman requested staff to include the property owner's name or the developer's name with the agenda item, as opposed to a corporation's name or initials. If the applicant has requested to remain anonymous, a notation should be included with the agenda item.

SUP-1-99

Request for a Special Use Permit to allow a private child care center within an R-9 One-Family Residential District. Subject property being Lot 1 of Parade Rest Subdivision, consisting of 1.205 acres, located on the northeast corner of Blythe Island Highway (formerly known as Highway 303) and Ellis Point Way.

Ms. Celeste Rowland, property owner, was present for discussion.

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

This request is for a Special Use Permit to allow a private child care center. There is an existing single-family residence located on the property that the owner proposes to use as a residence and a child care center with a maximum of 18 children.

Section 701.4 of the Glynn County Zoning Ordinance lists the proposed use as a special use within an R-9 Zoning District as follows:

- 4) Private child care center, kindergarten or pre-school nursery provided:
 - a) Buildings are structures which shall retain a residential appearance and character shall have a minimum of 35 sq. ft. of useable space per child within the building;
 - b) Outdoor play areas shall have a minimum of 100 sq. ft. per child and shall be enclosed by a fence at least 4 ft. in height;
 - c) The location of parking, loading areas, buffers, hours of operation and renewal review dates shall be determined;
 - d) Facilities shall meet all state and local requirements and codes for the operation of a child care center;
 - e) The location and operation shall receive the written approval of the GA Department of Human Resources and the approval of the Glynn County Fire Chief prior to issuance of a business license.

A survey and a concept plan have been submitted which shows 1.205 acres. The fenced in yard area located at the rear of the residence consists of 9,650 sq. ft. and will be used as the outdoor play area. There will be a dirt circular drive in front of the residence off of Ellis Point Way, with five off-street parking spaces being provided. However, if additional parking spaces are needed there is sufficient property to provide for this.

Also submitted is a layout of the existing residential structure. The residence consists of approximately 2,600 sq. ft., which includes 3 bedrooms, 2 bathrooms, family room, kitchen/dining area, living room and a 2-car garage. The owner proposes to add an additional restroom (8'x 10') onto the back of the residence and convert an existing bedroom and 2-car garage into a group day care area, play center, office and laundry area, which will consist of 1,305 sq. ft. The property owner will continue living in the remainder of the residence.

According to the documents submitted, the requirements outlined in the ordinance can be met to accommodate 18 children. The hours of operation are proposed from 7:00 a.m. to 6:00 p.m.

There should not be any negative traffic impact to the residents of Ellis Point Subdivision due to the subject property being the first residential structure into the subdivision. With the circular drive, the parents dropping the children off can enter and exit Ellis Point Way without having to travel through the subdivision. Also, with the child care center having a maximum of 18 children, traffic generation should not exceed approximately 36 trips per day.

A petition from all of the adjacent property owners stating no objection to this proposal has been submitted with the application.

Any interior and/or exterior improvements to the structure, including signage, would require a building permit and approval by the Building Inspections Department, Fire Department and Dept. of Natural Resources.

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

Following discussion, a motion was made by Mr. Lamar Cole to recommend approval of this request. The motion was seconded by Mr. Jonathan Williams and unanimously adopted.

SUP-2-99

Request for Special Use Permit for a restaurant in the General Commercial-Core and St. Simons Village Preservation Districts. Subject property being Unit 1 of Island Shoppe Condominium, former site of Sugar Babies.

Property owned by Shirley J. Ralston

Mr. Mike Teal and Mr. Robert Ussery were 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 for a special use in the General Commercial-Core Zoning District to allow a restaurant. The proposed establishment, to be known as "Teal's," will be located on the first floor of an existing building (315 Mallory Street), which was the previous location of "Sugar Babies." The property is also located within the St. Simons Village Preservation Zoning District.

The Glynn County Zoning Ordinance does not allow a restaurant and/or drinking establishment as a permitted use within the GC-Core District and states that in order for the use to be allowed as a special use, it must meet at least one of the following:

- Must have a history of being in operation some period of 1 year before the enactment of the ordinance and have no increase in size or seating capacity;
- The total overall patron space not to exceed 400 sq. ft. and a seating capacity of 16 patrons; or
- Having a patron space larger than 400 sq. ft. and 16 patron seating capacity will be allowed as a special use only when parking spaces are provided for 50% or greater of the total number of spaces required per Section 611.6. Parking requirements to be determined by total patron space including outside patios, decks and sidewalk seating areas. Parking requirements can be met by one or a combination of the following:
 - a) Provide a private parking area for customer and employees adjacent to the use or on properly zoned property within 100 ft. of the use.
 - b) Provide a public parking area within the Core District or on properly zoned property within 500 ft. of the Core District.

When "Sugar Babies" was granted a Special Use Permit at the subject location in 1994, the establishment was permitted under the 16 patron seating capacity. In accordance with Section 709.7 of the ordinance for restaurants and drinking establishments when a business changes ownership, the Special Use Permit will expire and the new owner or owners will be required to make an application for a new permit.

The new business owner is seeking a Special Use Permit at this time to allow a restaurant having a patron area of 1,188 sq. ft. and a seating capacity of 41 patrons. The plan also shows 2 pool tables at the establishment (which has been included in the patron area square footage). Hours of operation are proposed from 2:00 p.m. to 2:00 a.m.

The proposed patron space of 1,188 sq. ft. and 3 employees would require nine off-street parking spaces, which would need to be provided in one of the above stated manners. The applicant has presented a survey for the Dairy Queen property located on the corner of Magnolia Avenue and Mallory Street. According to the information submitted and the documentation in staff's files, there is additional parking spaces or site that are not required for the existing establishment. The Dairy Queen is required to have a total of 19 off-street parking spaces. There are 36 spaces on the site; 17 additional spaces of which "Teal's" proposes to lease 9 of these spaces.

The proposed parking would be located approximately 100 ft. from the Core District and approximately 550 ft. from the proposed establishment. The 9 parking spaces would be required to be depicted as public parking as long as "Teal's" is in operation.

If the Special Use Permit is granted all renovations and structural changes for the interior would be required to be approved by the Building Inspection Department. Any exterior improvements would require review for compliance with the St. Simons Village Preservation District and approval by the Planning Commission.

Also, in order for the restaurant to sell alcoholic beverages, a license will have to be requested through the Glynn County Finance Occupation License Division, and approved by the Board of Commissioners.

As outlined in the Glynn County Zoning Ordinance, if the Special Use Permit is granted, any violations of any conditions of the permit could result in revocation of the permit.

Ms. Olness stated that staff is recommending approval subject to off-street parking and all other requirements of the Zoning Ordinance being met.

Mrs. Touw asked for the current definition of a restaurant. Ms. Olness read the definition in accordance with the alcoholic beverage license as follows: "Bonafide full-service restaurant shall mean an establishment which is licensed to sell alcoholic beverages, malt beverages and wines, which will also meet the following additional requirements: 1) where meals with substantial entree selected by patrons are served; 2) has adequate facilities and sufficient full-time employees to prepare, cook and serve meals for consumption at tables in a dining room located in the licensed premises; 3) derive at least 50% of its total annual gross income from the sale of meals prepared, cooked and consumed on the licensed premises as determined by totaling all of combined retail outlets located on the licensed premises; and 4) alcoholic beverages, malt beverages and wines may only be served as an accessory to a food service."

Mrs. Touw stated that since staff is recommending approval, she wanted to know if staff feels that this request meets the definition of a restaurant. Ms. Olness explained that staff is recommending approval under the Zoning Ordinance. When the request goes before the Board of Commissioners for the alcoholic beverage license, then this ordinance would apply. Mrs. Touw stated that the Planning Commission approved a request similar to this that should not have been approved because it did not meet the definition of a restaurant. She stated that the Planning Commission cannot approve a request unless it meets the definition for a restaurant in the St. Simons Village.

Chairman Altman asked staff that when the request is presented to the Board of Commissioners will it be presented as a restaurant. Ms. Olness stated that at the time of reviewing the application for an alcoholic beverage license, based on the information that the applicant will be serving snacks, she feels that it would not meet the definition of a restaurant for alcoholic beverage license purposes.

Chairman Altman then asked the applicant if the establishment would be defined as a restaurant. Mr. Teal replied yes, it would be similar to what is currently existing in the Village, i.e., Coconut Willie's and Brogen's, serving sandwiches and salads along with entertainment such as pool tables and video games.

Mrs. Touw stated that according to the ordinance, at least 50% of the revenue must be derived from food; however, serving sandwiches might make it hard to meet that requirement. She stated that a restaurant in this case means serving food rather than snacks with drinks.

Chairman Altman asked the applicant if 50% of his revenue would be derived from food. Mr. Teal replied yes.

Mrs. Touw asked which parking spaces at Dairy Queen are being considered. Mr. Ussery pointed the spaces out and stated that they are numbered 1 through 9.

Following discussion, a motion was made by Mrs. Glenda Jones to recommend approval of this request. The motion was seconded by Mr. Lamar Cole. Voting Aye: Mr. Richard Altman, Mr. Lamar Cole, Mr. Hal Hart, Mrs. Glenda Jones, Mr. Jeff Shell and Mr. Jonathan Williams. Voting Nay: Mrs. Iris Touw.

GC-10-99

Request to amend the Planned Development Zoning Text and Master Plan (21-82, 9-88 and 21-95) for the regional mall area. Proposed amendment to eliminate conditions as outlined in 21-95 involving the opening of the road from F-009 Spur/Spur 25 to Cypress Mill Road, known as Altama Connector Extension.

Initiated and owned by Glynn County

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

When the Planned Development Zoning Text was amended in 1995 to incorporate additional acreage (GC-21-95), there were conditions that were adopted. These conditions were attached to the Planned Development Zoning Text, as follows:

- 1) The developer will convey to the County the right-of-way for a future arterial street to be constructed from Golden Isles Parkway to the zoning boundary line, and set aside a roadway easement through the remaining properties (owned by the applicant, consisting of approximately 39 acres) extending to Cypress Mill Road.
- 2) All commercial property lines adjoining residential zoning will require the standard landscape buffer as required in Section 613 of the Glynn County Zoning Ordinance, as well as a 50 ft. development setback line. No buildings, parking, paving or structures will be allowed in the 50 ft. setback area. All easements to adjoining residential property to be a minimum of 50 ft. and meet all zoning standards.
- 3) In addition to the buffer and setback line, an 8 ft. screening fence will be constructed along the boundary line between the commercial area and the residential property. The developer will extend this fence along the entire tract of commercial property.
- 4) The developer will seek permission from the Department of Transportation for the access onto the Golden Isles Parkway.
- 5) The developer will be responsible for all costs of road improvements and signalization needed at the Golden Isles Parkway and Scranton Road entrances.
- 6) No access way will extend from the line of rezoned property to Cypress Mill Road.
- 7) The proposed access would be a cul-de-sac, which would terminate on their property. Any additional improvements of that access way from the Spur would need approval from the Board of Commissioners.
- 8) All the property to have access to public water and sewer at the time of development.

- 9) All drainage plans will be reviewed and approved by the County Engineer with the entire commercial tract. Developer will provide a drainage easement to Glynn County to drain all adjacent property affected by the development including areas along the western boundary line as determined by the County Engineer.
- 10) All the above items will be incorporated into the Planned Development Text for this property and addressed as part of the preliminary plat process, which will be approved by the Glynn County Planning Commission.

The road, Altama Connector Extension, has been constructed from the Spur to Cypress Mill Road. However, the road has not been opened onto Cypress Mill Road. As stated in the conditions above, the road has been constructed but has not been opened past the commercially zoned line. The commercial line is located approximately 900 ft. from the Spur and 1,500 ft. from Cypress Mill Road.

This proposed amendment is to eliminate the conditions #1 and #6 and to rewrite condition #7 to allow the opening of the Altama Connector Extension from F009 Spur/Spur 25 to Cypress Mill Road, as follows:

- 7) The proposed access will be opened through such property to Cypress Mill Road. Any additional improvements of that access way from the Spur would need approval from the Board of Commissioners.

Ms. Olness stated that staff is recommending approval of these amendment changes. Mr. Taylor noted that the Department of Transportation approved opening the road subject to the decision by the Board of Commissioners.

Following discussion, a motion was made by Mrs. Glenda Jones to recommend eliminating conditions #1 and #6 and change condition #7 as stated by staff. The motion was seconded by Mr. Lamar Cole and unanimously adopted.

GC-11-99

Request to rezone from Local Commercial to General Residential, 5.04 acres located on the southeast corner of Altama Avenue (664.19 ft. of frontage) and Baybridge Drive (339.21 ft. of frontage).

Property owned by Altman, Fendig, Downey & Whelchel.

Mr. Murray McGarvey 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 5 acre parcel from Local Commercial to General Residential to allow the development of multi-family residential.

When the Official Zoning Maps were adopted in 1966, the subject property was zoned General Residential. In 1975, the property owner obtained a rezoning to Local Commercial, which was granted subject to conditions and deed restrictions for any commercial development. In 1976, the property located immediately to the south was also rezoned from General Residential to Local Commercial with the condition that all site plans be reviewed by the Planning Commission and approved by the County Commission.

According to the documentation in staff's files, when the rezonings listed above were approved, it was the intent of the County Commission that the rezoning of the properties to commercial would be reviewed and approved prior to building permits being issued to ensure the orderly development with particular emphasis upon adequate

but not excessive buffer zones and green areas for the protection of abutting residential uses. As noted, the Board felt that the rezoning would allow for a neighborhood oriented commercial growth area compatible with and supportive of nearby residential uses. Since that time, the Glynn Place Regional Shopping Area located on the west side of Altama Avenue, has been zoned and developed to provide commercial services.

According to the application, the property owners feel that the subject property would be more desirable being developed to provide housing for local civilians and personnel at FLETC, and are therefore seeking a rezoning to multi-family residential.

The subject property is located immediately across Altama Avenue (east) from a 44 acre tract zoned Medium Residential, of which approximately 11 acres has been developed as multi-family. Approximately 400 ft. to the south is a large tract of land zoned Planned Development-Residential and has been developed as multi-family residential and duplexes.

To the east of the subject property is a single-family residential subdivision, which has only one access road (Baybridge Drive) and located immediately north of the property.

According to the concept plan, the property would only have access from Altama Avenue. Baybridge Drive would not be utilized. Access to the property would be subject to the approval of the Glynn County Engineer and Traffic Safety Engineer.

If the property were rezoned to General Residential, the maximum density according to the Glynn County Zoning Ordinance would allow for 10 units per acre, and a 20% open space, including landscaped areas being required. This would be reviewed during site plan approval by the Planning Commission as a requirement of the ordinance.

Ms. Olness stated that in conformance with Section 1103. 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, the proposed multi-family development should be compatible with the surrounding area with an adequate landscaped buffer between adjacent to the single-family subdivision.

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

The requested General Residential zoning could possibly have less impact on the adjacent property than the existing Local Commercial zoning, with an adequate landscaped buffer being provided.

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

Yes, the property could be developed commercially.

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

The use will have an impact on the surrounding area. If rezoned to General Residential and allowing a maximum of 50 units, the traffic generated is estimated to be 331.5 trips per day.

If developed as Local Commercial, the traffic generated has the potential to be significantly greater. For example, a single 1,000 sq. ft. convenience store would generate an estimated 738 trips per day.

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

The subject property is shown as commercial.

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

This rezoning would revert the property back to its original zoning classification of General Residential. As previously stated, the property is located within an area that consists of other multi-family residential developments.

Ms. Olness stated that staff is recommending approval of this request subject to a landscaped buffer 20 ft. in width being provided on the east side of the property (adjacent to the single-family subdivision).

Following discussion, a motion was made by Mr. Lamar Cole recommending approval of this request subject to a landscaped buffer 20 ft. in width being provided. The motion was seconded by Mr. Hal Hart; however, Mrs. Jones asked that the motion be amended to include that trees within the 20 ft. buffer be undisturbed. The amendment was accepted and the motion was unanimously adopted.

GC-2-99 G

Consider Amending the Glynn County Zoning Ordinance Section 302 Definitions, Variance; Section 709. St. Simons Village Preservation District, Subsection 709.10 Signs and Subsection 709.12 Variances; and Article X Appeals, How Taken; Section 1005 Powers & Duties, Subsection 1005.3

The amendment was included in the packages for the Planning Commission's review; however, Mr. Taylor advised that due to a numbering conflict within the amendment, the County Attorney has recommended that the item be deferred.

Following a brief discussion, a motion was made by Mrs. Glenda Jones to defer this item until the May 4th meeting due to incorrect numbering. The motion was seconded by Mr. Lamar Cole and unanimously adopted.

GC-2-99 H

Consider Amending the Glynn County Zoning Ordinance Section 723 Planned Development; 723.3 Procedure for Creating and Maintaining a PD District; add #5) Regarding Signage

The following was included in the packages for the Planning Commission's review and was presented by Mr. Taylor:

Add:

- 5) Once the zoning text has been adopted, no amendment to said text shall be made regarding types, number and size of signs except such amendments which are initiated by the County Commission or the Planning Commission of Glynn County, Georgia.

During the course of discussion, it was the consensus of the Planning Commission that a property owner should have the right to make changes to his/her text, and approval of this amendment would be taking that right away. Thereupon, a motion was made by Mrs. Iris Touw to recommend denial in that approval of this ordinance amendment would deny a property owner due process. The motion was seconded by Mr. Jeff Shell and unanimously adopted.

Also during the course of discussing ordinance amendments, the planning members expressed concerns about staff advertising ordinance amendments for a public hearing before giving the members a chance to review and discuss the amendment. Thereupon, a motion was made by Mrs. Glenda Jones stating that in the future, staff will not advertise any new ordinance amendments for public hearing until after the Planning Commission has had an opportunity to review and discuss the amendment at a regularly scheduled meeting. The motion was seconded by Mrs. Iris Touw and unanimously adopted.

GC-2-99 I

Consider Amending the Glynn County Zoning Ordinance Section 302 Definitions, Site Coverage; Section 709 St. Simons Village Preservation District, Section 709.5 General Provisions to change language of "Lot Coverage" to "Site Coverage" and add language regarding height; and Section 709.9 to change submittal deadline

The amendment was included in the packages for review and was presented by Mr. Taylor. During the course of discussion, Chairman Altman appointed a committee consisting of Mr. Hal Hart and Mrs. Iris Touw to work with staff on the language contained in this amendment.

Following discussion, a motion was made by Mrs. Glenda Jones to defer this item to allow the committee to work with staff and come up with the appropriate language for this amendment. The motion was seconded by Mr. Lamar Cole and unanimously adopted.

SR-2-99

Consider Amending the Glynn County Subdivision Regulations Section 501 Definitions; Section 602.2 General Provisions; and Appendix C Subdivision Review Process Flow Chart for Conformity with Section VII Subdivision Plats

The amendment was included in the packages for review and was presented by Mr. Taylor.

During discussion, Mrs. Touw asked if staff would have any objection to including the Soil Erosion and Sedimentation Control Permit in the checklist. However, Mr. Reese pointed out that this particular permit is included in the Construction Plan Checklist.

Following discussion, a motion was made by Mrs. Iris Touw to recommend approval of this amendment. The motion was seconded by Mr. Jeff Shell and unanimously adopted.

MINUTES

Upon a motion made by Mrs. Glenda Jones and seconded by Mr. Jeff Shell, the minutes of the March 2, 1999 Planning Commission meeting were approved and unanimously adopted.

At this time, the Planning Commission took a 5 minute recess. The meeting resumed at 12:55 p.m.

1999-2000 BUDGET PROPOSAL

Mr. Taylor presented the budget proposal and a general discussion followed. Afterward, a motion was made by Mr. Lamar Cole recommending the Planning Commission's full support of the 1999-2000 Budget Proposal for Community Development. The motion was seconded by Mr. Jeff Shell and unanimously adopted.

COMMISSION ITEMS

Mr. Taylor advised that the 1999 Community Planning Institute Conference will be held in Macon on June 4th and 5th this year. The county will provide transportation and pay the program cost. All those interested in attending should complete the registration form and return it to staff as soon as possible.

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