

## MINUTES

### GLYNN COUNTY PLANNING COMMISSION NOVEMBER 7, 2000 9:00 A.M.

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**MEMBERS PRESENT:** Lamar Cole, Chairman  
Wayne Stewart, Vice Chairman  
Hal Hart  
Ann McCormick  
Iris Touw  
Jonathan Williams

**ABSENT:** Perry Fields

**STAFF PRESENT:** John Peterson, Director  
Lee Sutton, Planning Official  
Ed Halbig, Transportation Coordinator  
Buster Reese, Assistant County Engineer  
Janet Loving, Recording/Admin Secretary

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Chairman Lamar Cole 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.

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Chairman Cole advised that Item #2 (GC-21-00) would be moved further down on the agenda in order to allow more arrival time for interested parties to attend and participate in the discussion. Also, at the request of the applicant, Items 13 and 16 (Casino Pool) have been removed from the agenda in order to allow the applicant to reconfigure the design.

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#### **SUP-16-00**

Request for a Special Use Permit to allow a restaurant in General Commercial-Core Zoning District; Subject property consists of 5400 square feet with 60 feet of street frontage and is located at 121 Mallory Street; Property owned by H. L. Hinnant.

Mr. Hinnant and Mr. Peter Archibald, agent, were present for discussion.

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

This request is for a special use in the General Commercial-Core Zoning District, to allow a Restaurant at 121 Mallory Street. This encompasses the former sites of Coconut Willies and the adjoining St. Simon's Bait Shop. The subject property is also located within the St. Simons Village Preservation District. The Glynn County Zoning Ordinance only allows a restaurant and/or drinking establishment as a special use within the General Commercial-Core District, per section 715.3.

The hours of operation are anticipated to be from 11 A.M. to 2 A.M. The restaurant use will not provide items such as a sound system, lighting or entertainment.

At issue is the conversion of the bait shop to a restaurant use. Given that the two uses were taking place on one property, the use can be said to have previously existed on the property. However, incorporating the additional space of the bait shop into restaurant use is seen as an "increase in size or seating capacity" (Section 715.3, Special Uses, 2. b. 1.) and requires new parking calculations.

The bait shop had approximately 280 sq. ft. of retail space, which requires 1 space per 200 ft. of retail floor area. Therefore the shop required 1.4 spaces. The sketch of the floor plan for the new restaurant shows approximately 896 sq. ft. of floor area to be gained from expanding into the bait shop, in addition to the floor area of the former restaurant. Restaurants require 1 parking space per 70 sq. ft. of patron space. The new use would therefore require an additional 12.8 spaces. Staffing is expected to be a maximum of 18 people at any one time, adding another 9 parking spaces, for a total of 21.8 spaces. If the parking that was available for the bait shop is subtracted, the total then becomes 20.4 spaces.

Section 715.3, Special Uses, 2. b. 3. states that a Special Use Permit may be granted if the applicant can provide "50% or greater of the total number of parking spaces required as per section 611.6 'Number of Spaces Required' for restaurant use." Therefore, the applicant would need to provide for a minimum of 11 parking spaces, in accordance with the aforementioned sections.

With regard to Village Preservation, Section 709.7 requires that the applicant make application for a new Special Use Permit.

After granting of a Special Use Permit, per section 709.8, "exterior alteration, improvement or façade alteration of the property which will require a building permit" requires submittal of all architectural plans and elevations along with building and site plans, and materials and colors of each proposed improvement as part of site plan review. In addition to Special Use Permit and Village Preservation requirements, the property is located in an AE flood zone and would be subject to further regulation from the Federal Emergency Management Agency with regard to improvements made to the property. Requirements for Special Use Permits for the GC-Core District, per Section 715.3, were included in the packages for the Planning Commission's review.

Mr. Halbig stated that staff is recommending denial of this request in accordance with Section 715.3 of the Ordinance.

Mr. Peter Archibald gave a brief presentation. He explained that the proposed development would enhance the Village. The parking issue has been in existence for years and always seems to work out, therefore he sees no reason to be denied the opportunity to develop something that would enhance the Village. He also pointed out that he had been complimented by Village tenants for bringing in such an establishment.

Mr. Archibald stated that he understands the significance of what the previous business (Coconut Willie's) was. However, his purpose is to completely gut and renovate the building, which would greatly improve the appearance of the Village. He explained that he is in the process of negotiating with Coastal Bank for additional valet parking, however he did not anticipate being denied. Instead, he was looking forward to being included in the "grandfather rule" in that the previous business had been substantially operated as a restaurant with a great number of customers.

Mr. Archibald stated that the proposed steak and seafood restaurant would be a high quality establishment, and not a "hamburger and pizza joint." He explained that the bait shop would be used as a raw bar area, with oysters served ten different ways, shrimp, Calamari, etc. He stated that he is soliciting the Planning Commission's approval of this request.

Mr. Larry Hinnant, property owner and long-time resident of Glynn County, explained that when his family inherited the property from his grandfather, which was in a trust with a local bank, the lease was set up with Coconut Willie's. He stressed that his family had nothing to do with operating that particular business. He stated that he understands that everyone wants a quality establishment in the Village and he believes that Mr. Archibald is proposing a quality business for the area.

Mr. Hinnant pointed out that when Coconut Willie's first got started, the portion that is known as the bait shop was actually a sandwich/hotdog stand and was part of the restaurant operation. Later, the owner sublet it to someone else who turned it back into a bait shop. He stated that as a resident of St. Simons, he wants to keep the integrity of the Pier in tact, and he is hoping that the Planning Commission will grant approval of this request. (It was noted that the bait shop had been utilized as a sandwich shop longer than a year.)

Mr. Wayne Stewart wanted to know if there were any plans to have live music in the proposed restaurant. Mr. Archibald replied yes. Mr. Stewart pointed out that the restaurant would not provide a sound system or lighting. Therefore, the applicant is basically saying that the entertainers would provide their own lighting, equipment, etc. Mr. Archibald replied yes. He stated that the restaurant would provide some entertainment, i.e., beach music and would cater to the 30 to 70 year age group. Mr. Hinnant explained that the entertainment would be more like piano music and occasionally beach music.

Mrs. Iris Touw commented that there are certain items within the Core Commercial District that the applicant is required to address, i.e., hours of operation, music, lighting, etc. From reviewing the diagram provided by the applicant, Mrs. Touw stated that the square footage is not clear, and whether or not the bait shop is included is not clear. Also, seating arrangement, number of employees and the patron space is not shown. Mrs. Touw stated that all of this has to be filled out by the applicant, as well as the affect of FEMA regulations.

Mr. Archibald stated that the square footage was submitted which showed how much would be used by patrons. He also submitted an appraisal, which indicated compliance with FEMA regulations. Mr. Halbig stated that the applicant did present the FEMA information, which was forwarded to the Building Inspections Department. However, he was not aware that it would be a factor in determining whether or not a Special Use Permit would be allowed.

Mr. Stewart stressed that he is very much in support of seeing the changes that the applicant is proposing and he has received numerous phone calls from residents in favor of the proposal. However, he agrees with Mrs. Touw that the seating arrangement, patron space, etc. should be shown on the plans. Therefore, a motion was made by Mr. Stewart to continue this application within 60 days in order to allow the applicant to submit the required information. The motion was seconded by Mrs. Iris Touw. Discussion continued.

Mr. Stewart pointed out that the 60-day continuance would allow more time for the applicant to confer with the bank regarding the parking issue. In addressing the patron space, Mr. Halbig stated that the applicant did indicate that the patron space of Coconut Willie's would be the patron space for the new restaurant in addition to the space used for the bait shop. Mr. Stewart stated that this information should be in writing.

Mr. Hart stated that it seems as though the bait shop is the problem at this time. Mr. Halbig stated that the use of the bait shop as retail encompasses approximately 1/3 of the parking requirement of a restaurant use. A restaurant requires space for every 70 ft. and a retail requirement is 1 space for every 200 ft. Mr. Hart wanted to know the total size of the bait shop. Mrs. Touw stated that according to the information in the packages, the total is 280 sq. ft. of patron space. For clarification, Mr. Hart stated that the problem is incorporating the 280 sq. ft. into the new addition. He stated that if the applicant were

to drop the 280 sq. ft. the problem would be solved. However, Mrs. Touw stated that the fact remains that the other required information is not shown.

Mr. Jonathan Williams wanted to know if staff was aware that the freezers, etc. (at Coconut Willie's) were part of the bait shop when the applicant petitioned to open a new business. Mr. Halbig stated that staff was not aware that the area behind the 280 sq. ft. was Coconut Willie's property.

Mr. Stewart asked if the 30 to 60 day continuance would be sufficient time for the applicant to address the parking, live music, patron space, seating, etc. Mr. Archibald stated that the 30 to 60 days would delay them from opening in the spring. Ms. Ann McCormick suggested that the two topics of concern (special use and architectural drawings) be addressed at the next meeting. Mr. Archibald agreed to get the drawings, sketches of the tables, parking, etc. in time for the next meeting. For clarification, he asked that if he were to lease the property, would valet parking still be permitted. Mr. Stewart replied yes. Mr. Archibald stated that he would comply with the continuance but would rather have a 30 day continuance in order to be heard by the Board of Commissioners as soon as possible.

After discussion, the motion to defer this request for up to 60 days was unanimously adopted.

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#### **GC-30-00**

Request to Rezone from R-9 Single Family Residential to Freeway Commercial, 6.35 acres known as Lots 3 and 4 of Section "C" Glyndale Subdivision, 6.35 acres fronting 290 feet on the south side of Glyndale Drive, beginning approximately 300 feet east of Highway 341; Property owned by Kyung Sun Lee.

Ms. Kyung Sun Lee and Mr. Mike Murray and Mr. Kevin Higgins were present for discussion.

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

This request is to rezone two adjacent lots having frontage of 290 ft. on Glyndale Drive, located 300 ft. east of the intersection of Glyndale Drive and Highway 341. A similar request to rezone was made by the same agent and applicant on the same site in 1993. At that time, staff recommended denial, based on the following:

- Residential character of the area; and
  - The need for improvements at the intersection of Glyndale Drive and 341.
- Staff also cited that the Comprehensive Plan showed the area as residential.

Current staff review finds that the character of the area is still residential to the north and east of the subject property. The traffic issues have been addressed with the improvements to 341 from Yellow Bluff Creek to north Crispen Boulevard. Improvements in signalization and turn lanes have been added. The improvements to Glyndale Drive extend from the intersection of 341 back to beyond the subject property.

The applicant proposes a hotel on the site; this was the requested use mentioned in the 1993 staff's report.

Currently, the property includes a boundary between two disparate zoning districts. However, an extensive vegetated buffer exists between the subject property and the Freeway Commercial along 341. Dense buffer also exists between the subject property and the properties to the northeast on Glyndale Drive, albeit with gaps. The concept plan indicates a 50 ft. distance buffer to the adjacent residential properties, which includes the existing vegetative buffer, and a 150 ft. buffer at the front of the property.

701.1 Intent of Districts.

*It is the intent of this section that the R-6, R-9, M-6, M-9, Mh-6 and Mh-9 One-Family Residential Zoning Districts be developed and reserved for low-to-medium density residential purposes. The regulations which apply within these districts are designed to encourage the formation and continuance of a stable, healthy environment for one-family dwellings situated on zoning lots having an area of six thousand (6,000) square feet or more, and to discourage any encroachment by commercial, industrial, high density residential, or other uses capable of adversely affecting the single-family residential character of the district.*

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;

No. While the rezoning can be seen as an extension of the Freeway Commercial Zoning District that is immediately adjacent to the subject property, other residentially zoned properties would be impacted by such development.

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

Freeway Commercial will have adverse effects on the existing use of adjacent and nearby properties that are residential.

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

The property is currently residential in use. The size of the property, available utility service and its current zoning would allow for additional density as it is currently zoned.

- 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 property will add to vehicle traffic on Glyndale Road and 341. The City of Brunswick is responsible for the utilities at that intersection and Brunswick Engineering has indicated that capacity exists to accommodate a 3-story motel at that location. The proposal should have no impact on schools, given that the proposed use serves the travelling public.

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

The Comprehensive Plan Future Land Use Map shows the area to be "Low Density Residential." However, on page VI-16, the Comprehensive Plan describes the "Location Guidelines for Land Uses."

Priority II – Areas best suited generally for urban development to the degree a tract of land meets the following:

- 1) Areas contiguous to similar land uses and/or intensities of use.
- 2) Areas presently served by public water and sewer or will be served in the 20-year period by planned expansions.
- 3) Access by paved streets with adequate capacity or can be served by the extension of a nearby street without adversely affecting its functional capability.

- 4) Within the effective service radius or will not overload public services such as fire and police protection, solid waste pick-up and public parks.
- 5) Will not conflict with valuable historic sites or obstruct scenic views.

The proposal meets all of these criteria describing an area as suitable for urban development.

- Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for approval or disapproval;  
Improvements to the intersection of Glyndale and 341, which were an issue when first application was made, have since been addressed.

Mr. Halbig stated that staff is recommending denial of this request per Section 701.1, Intent of Districts (R-9).

During his presentation, Mr. Mike Murray attested to Ms. Lee's character as a resident of Glynn County and as a business owner. He then explained that this proposal will be an upper level hotel site to accommodate families, and in his opinion, would only be compared with hotel sites on St. Simons or Jekyll Island.

Mr. Murray stated that currently, the applicant has various homes on the subject property and tried numerous times to rent the property but has been unsuccessful in getting quality tenants. The applicant is requesting to convert the property to Freeway Commercial but she is open to the idea of Highway Commercial with signage limited to the front corner of the property behind Pizza Hut. Mr. Murray stated that he sees this request as an extension of the existing commercial property in the area. He explained that the roadways have been adequately changed to include turning lanes, lighting, etc. to handle traffic flow. Again, he reiterated that the proposal would cater to a family atmosphere, such as those traveling who may need overnight lodging before reaching their destination.

Mr. Kevin Higgins, architect, elaborated on the design of the hotel, which he stated would be in keeping with the view of the marsh. He then asked for the date that Section 701.1 of the ordinance was established. Mr. Halbig replied that Section 701.1 went into effect in February of 1966. There have been amendments but none specifically to this section. Mr. Higgins stated that the area has grown and changed tremendously since 1966 and with this particular proposal, the applicant is trying to grow with the area. Mrs. Touw explained that the intent is for protection of residential areas in all of Glynn County, and she is not sure that the intent has or should change. Mr. Murray stated that the applicant is choosing to extend what is already there, and not necessarily go into the middle of a residential community and disrupt anything.

Following discussion, a motion was made by Mr. Wayne Stewart to deny this request based on the encroachment into the residential area. The motion was seconded by Ms. Ann McCormick. Discussion continued regarding the fact that no one was present to oppose this request. Ms. McCormick asked if all of the adjacent property owners had been notified of this request. Mr. Halbig replied yes. It was noted that none of the members had received phone calls from residents voicing an opinion for or against this request.

After discussion, the following vote was taken on the motion for denial: Voting Aye: Mr. Lamar Cole, Ms. Ann McCormick and Mr. Wayne Stewart. Voting Nay: Mr. Hal Hart, Mrs. Iris Touw and Mr. Jonathan Williams. The motion failed due to a tie vote. A motion was then made by Mr. Hal Hart to recommend approval of rezoning the property to Freeway Commercial subject to limiting the use to hotel/motel and subject to site plan approval. The motion was seconded by Mr. Jonathan Williams and unanimously adopted.

**GC-31-00**

Request to Rezone from R-9 One-Family Residential to M-12 One-Family Residential (Manufactured Homes), 1.2621 acres described as tracts 1, 2 and 3 of Robert H. Griffin Subdivision; Property having 190 feet frontage on Carteret Road; Property owned by Robert H. Griffin.

Mr. Robert Griffin, Ms. Debra Walker and Ms. Diane Young were present for discussion.

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

The intent of the agent is to locate a manufactured home with city water and individual septic on each of Lots 2 and 3. The lots are 12,027 sq. ft., which is in conformance with current requirements for lot size.

There is currently a residence on tract 1, owned by the applicant; this lot abuts Carteret Road. An extensive vegetative buffer shelters the back portion of the property.

The area is a mix of mobile homes and site-built homes. Zoning has been changing to and from mobile homes in the area with relative frequency. Since the area is developing as a mix of uses, staff recommends maintaining the residential quality of the tract 1 by maintaining its current zoning. Since the agent is seeking to locate manufactured housing on the site, Section 702.5 must be addressed as follows: Manufactured homes in M-12 and M-20 must comply with the following standards in order to assure visual compatibility with site-built single-family homes:

- a) Prior to occupancy each unit must be secured to an accepted foundation by tie-downs. The unit shall have a visible foundation or skirting, in conformance with Section 302. Definitions - Skirting.
- b) The minimum width of the main body of the doublewide units as assembled on the site shall not be less than twenty (20) feet wide, as measured across the narrowest point.
- c) The pitch of the main roof shall not be less than a 4 to 1 slope. Minimum distance from eaves to ridge shall be ten (10) feet. In general, any roofing material may be used that is generally acceptable for site-built housing.
- d) Any materials that are generally acceptable for housing built on the site may be used for exterior finish if applied in such a manner as to be similar in appearance.

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 use would be residential.

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

No. The addition of manufactured housing to the area should have no negative impact, given the mixed nature of the surrounding land uses and housing types.

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

Yes. Tracts 2 and 3 could each be developed as R-9 single-family residential.

- 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. As stated above, since the properties can already be developed as one form of single-family residential, allowing a different category of single-family residential should have no additional impact on the area roads, schools or infrastructure.

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

Yes. The area is 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;

Since the front tract (tract 1) is currently developed, and the agent is seeking to locate homes on the rear two tracts, the front part should not be included in this request.

Mr. Halbig stated that staff is recommending approval of Tracts 2 & 3, and denial of Tract 1.

Ms. Debra Walker gave a brief presentation. She explained that due to the failing health of her mother and father, she and her sister (Ms. Diane Young) would like to have the property rezoned in order to be near their parents and provide the necessary care for them. She stated that she and her sister are trying to maintain their own homes and their parents' home, which is very difficult because they both work as well. She is asking for the Planning Commission's approval of this request. (Ms. Diane Young expressed the same concerns.)

Ms. Julie Thorn of Emanuel Farm Road was present to oppose this request. She stated that there are already two existing mobile home parks in the area, which she feels is sufficient. She stated that the majority of the existing mobile homes are rental and are not properly maintained. This particular request lacks only one lot from being classified as a mobile home park. Ms. Thorn stressed that she and other residents in the area invested a lot of money in their homes and are totally against this request, as it would depreciate their property value. She respectfully asked that this application be denied.

Also present to speak in opposition of this request due to the decrease in property value as well as traffic safety were Mr. Donnie Fraser of 108 Emanuel Farm Road, Mr. James Longshore of 118 Emanuel Farm Road and Ms. Hiawatha Clark of 110 Emanuel Farm Road. It was noted that the residents were sympathetic to the applicants' needs, but strongly expressed that they do not want another mobile home park in their neighborhood.

Mr. Wayne Stewart explained to the applicants that there is a provision in the Glynn County Zoning Ordinance for hardships on a temporary basis. He stated that there are other ways to accomplish what they want in the way of taking care of their parents besides rezoning property that could become permanent or sold at a later date. As an alternative to rezoning the property, he suggested that the applicants confer with staff regarding the requirements for a hardship request.

Following discussion, a motion was made by Mr. Wayne Stewart to recommend denial of this request. However, it was discovered that this application was advertised as a request to rezone to M-12 One-Family Residential (Manufactured Homes), but the letters to the adjacent property owners and the staff's report indicated that the request was to rezone the property to MH-12 One-Family Residential (Mobile Homes). Therefore,



Mr. Stewart withdrew his motion for denial and recommended that the request be deferred and re-advertised within 60 days or sooner and that adjacent property owners be re-notified of the correct rezoning request. The motion was seconded by Mrs. Iris Touw and unanimously adopted.

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**GC-32-00**

Request to Rezone from MH Mobile Home Park to R-20 One-Family Residential, 22,647 square feet described as Lots 2 and 19, Block "E" Blythe Beach Subdivision; Property having 75.14 feet of frontage on Beach Drive; Property owned by Hoke S. Wilder.

Mr. Hoke Wilder was present for discussion.

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

The applicant seeks to develop his property as a single-family residence. In 1982, seven platted lots of Blythe Beach Subdivision, including the subject property, were rezoned from R-12 to MH; this was in conformance with the zoning of contiguous lots at the time. MH is designed for mobile home park development. Mobile Home Park zoning does not list single family residences on separate lots as a permitted use. Therefore, the applicant is requesting to rezone the property back to R-20 in order to develop it as a single-family residence.

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. Property would be in character with adjacent properties.

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

No. Rezoning will have no negative impacts on adjacent properties.

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

No. The property as it is currently zoned has no economic use since use as a mobile home park requires 5 acres or more of land. Only mobile home parks and those uses that serve mobile home parks are permitted within the zoning district.

- 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. Rezoning would create no more intense use than already exists in the area.

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

Yes. The Comprehensive Plan Future Land Use Map shows the area 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;

There are none at this time.

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

Following review, a motion was made by Mr. Wayne Stewart to recommend approval of this request. The motion was seconded by Mr. Hal Hart and unanimously adopted.

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### **GC-33-00**

Request to Rezone from HC Highway Commercial to FC Freeway Commercial, 0.909 acres, property described as the southwestern corner of U.S. 17 and U.S 82, having 202.88 feet frontage on the south side of U.S. 82 and 294.03 feet frontage on the west side of U.S. 17; Property owned by Lewis & Raulerson, Inc.

Mr. John Deese was present for discussion.

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

The applicant is seeking to install a pylon sign 75 ft. in height in hopes of attracting business from the intersection of I-95 and US 17 to the store location approximately 3500 ft. away. The Maximum sign height in Highway Commercial is 35 ft. Should the property be rezoned, the applicant would then be allowed to erect a pylon sign as stated in Section 806 of the Glynn County Zoning Ordinance.

In August of this year, the applicant went before the Board of Appeals to seek a variance to section 806(b) of the Zoning Ordinance. (The Board of Appeals denied the applicant's request; a copy of the Minutes from the August 10<sup>th</sup> meeting was included in the packages for the Planning Commission's review.)

The streets in question are U.S. 82 and U.S. 17. U.S. 82 has a width of approximately 80 ft. per the Glynn County Tax Maps. U.S. 17 has a width of over 100 ft. In 1999, U.S. 82 had an Average Annual Daily Traffic (AADT) count of approximately 7998 trips, and U.S. 17 had an AADT of approximately 2784. Accepting that the segment with the greater traffic is the street of greater importance, the setback from U.S. 82 would have to be 70 ft. The building setback is currently 33.89 ft., less than half of the required setback. The rear yard building setback is 10.49 ft. Therefore, rezoning would create conditions of non-conformity to the requirements of the ordinance with regard to setbacks.

The following sections of the ordinance were outlined in the staff's report for the Planning Commission's review: Sections 501.1; 714.4; 604; 806 b.

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;

The use will not change. However, rezoning will result in a use that is non-conforming, given the requirements of the new zoning district.

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

The zoning proposal could affect adjacent property if the use changes.

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

Yes. The property is operating as a filling station, which is a conditional use in Highway Commercial.

- 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 Comprehensive Plan's future land use map shows the property 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;

There are none at this time.

Mr. Halbig stated that staff is recommending denial of this request. (Photographs of the area were distributed for review.)

Mrs. Touw stated that according to staff, if the property were rezoned to Freeway Commercial, the buildings on the property would be non-conforming. Mr. Halbig explained that should this rezoning take place the buildings will not conform with the setbacks of the Freeway Commercial District with regard to side and rear yard setbacks.

Mr. Stewart stated that if the Planning Commission were to approve this request it would do the applicant more damage than good because the sign is a variance issue, and not a rezoning issue. Mr. Hart stated that a rezoning cannot take place into a non-compliant use.

During his presentation, Mr. Deese explained that he was originally advised to go to the Zoning Board of Appeals for a variance request. One of the reasons the Board of Appeals turned down his request was because he had the avenue of requesting a rezoning in order to get what he wanted. Mr. Deese stated that all he wants is a sign. He does not want a rezoning. He then asked, "where do I go now?"

At this time Mr. Lee Sutton read the following Minutes from the August 10<sup>th</sup> Board of Appeals meeting: "...in the Appeals Section of the Ordinance, Section 1005.3 states that relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of this Ordinance, provided, however, that no variance may be permitted for a land use that is prohibited by this Ordinance within the district in which the property is located. Mr. Sutton suggested that the applicant pursue his request through the rezoning process for a Freeway Commercial zoning change, which would allow for the height increase of the sign."

Mr. Sutton stated that when he made the above suggestion, he did not have a completed application for review and was unaware of the points brought out by Mr. Halbig regarding the non-conforming uses that would be created. He further stated that on two separate occasions Mr. Deese depended on staff's guidance and in both instances staff has recommended denial.

Mrs. Touw pointed out that the Zoning Board of Appeals made a motion to deny the variance request. They did not make a motion to send this item for a rezoning. She then asked to whom should the applicant appeal the Board's decision. Mr. Sutton replied that the applicant should appeal to the County Commissioners.

During the course of discussion, it was determined that the time limit for the applicant to appeal the Board of Appeals decision had lapsed. Therefore, in order for the applicant to appeal to the County Commissioners expeditiously, the Planning Commission would have to take action. Thereupon, a motion was made by Mr. Wayne Stewart to recommend denial of this request. The motion was seconded by Mrs. Iris Touw and unanimously adopted.

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At this time, the Planning Commission took a 10 minute recess. The meeting resumed at 11:00 a.m.

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**GC-21-00**

Request to Rezone from Conservation Preservation to R-6 One-Family Residential, an irregular shaped 11,813.47 square foot parcel of land located northeast of Lot 7 of Thompson Cove Subdivision incorporated into said lot; Subject property further described as being located immediately south of South Point Subdivision and east of the Hendrix Tract (fronting on Demere Road approximately 1,000 feet south of East Beach Causeway); Property owned by Ronald and Deborah Bell.

Attorney Robert Cunningham was present for discussion.

Mr. Halbig stated that since the application is being reheard because of an error in public notification, no changes have been made to the content of the staff's report. The report was presented as follows:

When the Official Zoning Plate Maps were adopted in 1966, a tract of land identified by survey as the "Property of A.W. Jones, Portion of Messengale Tract" was classified as being zoned Conservation Preservation. (However, it has recently been determined that the boundaries shown at that time were not correct but has been revised in accordance with the Glynn County Zoning Ordinance and original survey dated 1924).

In 1995, 10 acres of this tract was submitted to be rezoned from Conservation Preservation to Planned Development and a portion of the tract (consisting of approximately 3 acres) located at the end of the cul-de-sac of Thompson Cove Road was sold and incorporated into the ownership of lots located within Thompson Cove Subdivision.

In 1996, after legal challenges and public hearings, the 10 acre tract was rezoned from Conservation Preservation to Planned Development. Since that time, a single-family subdivision (South Point) has been constructed on the 10 acre tract.

In March 1999, the subject property (11,813 sq. ft.) was subdivided from the 3 acre parcel and sold to the property owner of Lot 7 in Thompson Cove Subdivision. This was accomplished by a deed being recorded in Superior Court, not processed in accordance with the Glynn County Subdivision Regulations.

The 11,813 sq. ft. parcel is being requested to be rezoned at this time. The owner of Lot 7 desires to construct accessory uses (swimming pool and pool house) on the property. The property has no other access except by means of Lot 7 and could not be considered a separate residential lot for development of a residential structure; can only be incorporated into the existing lot (Lot 7) that has access via Thompson Cove Road.

According to the survey submitted with this request (dated June 12, 2000), the property has no wetlands or marsh. However, there is a 15 ft. drainage easement located on the property.

In accordance with Section 722 the Glynn County Zoning Ordinance, Conservation Preservation states the following as one of the intents of the district: "utilized for outdoor recreation purposes." A swimming pool and/or pool house are not listed as allowed uses in the Conservation Preservation District. However, it does states the following as permitted or conditional uses: "private non-commercial dock or boat house and swimming beach."

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 rezoning of the parcel would only allow for accessory uses for the residential lot; would not allow for the development of a residential structure.

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

With setbacks being met along on the property lines, as required by Zoning Ordinance, the rezoning should not have an adverse effect on the adjacent properties.

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

The property could be utilized as zoned (CP) for limited uses, as outlined in the Zoning Ordinance.

- 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, the accessory uses proposed within this rezoning would have a minimum effect on the county's infrastructure.

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

No, shown as undeveloped/unused.

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

The rezoning in 1996 of the adjacent property from Conservation Preservation to Planned Development.

The County Attorney has forwarded an opinion that the uses desired by the applicant are not permitted in a Conservation Preservation District. Mr. Halbig stated that staff's recommendation of this request remains approval.

Attorney Robert Cunningham, representing Mr. & Mrs. Bell, gave a brief presentation. He explained that the staff's report is the same as pointed out by Mr. Halbig, with the addition of the deed restriction proposed by the Board of Commissioners. He stated that the Bells would like to put a swimming pool and a cabana/bathhouse on the property. However, according to the County Attorney, these

are not permitted uses under the current zoning. Therefore, the Bells filed an application to rezone the property. Due to the size of the property, R-6 is the only zoning classification available that would allow these uses. He stressed that his clients have no intention to use the property for a residential building.

Attorney Cunningham stated that several months ago at the County Commissioners meeting his clients submitted, in writing, a request for the property to be rezoned R-6 with a restriction that would limit the use to an accessory use. A motion was made at that particular meeting to approve the rezoning with a restriction that would limit the use to a swimming pool and a cabana/bathhouse.

At this time, Attorney Cunningham presented the following material to the Planning Commission that was not available when this process began: 1) a letter from DNR dated October 3, 2000 confirming that after inspecting the property there is no marsh fill on the property; 2) a letter from the Army Corps of Engineers dated October 19<sup>th</sup> that states as per their inspection on October 13<sup>th</sup> there are no wetland issues on the subject property; and 3) a petition of all of the residents on Thompson Cove (with the exception of one resident) stating that they are in favor of this rezoning with the restriction. Attorney Cunningham pointed out that the resident who did not sign the petition had already forwarded a letter to the County Commissioners stating that she liked the idea of the swimming pool and was in favor of the rezoning. He elaborated on the language drafted by the County Attorney detailing the size and specifications of the structure as part of the restriction.

The surveyor for this property, Mr. Norman Blood, was present to answer questions and to confirm that there was no marsh on the property prior to construction of the bulkhead.

Ms. Mittie Hendrix, adjacent property owner, was present to oppose this request. She voiced the same opposition as stated at previous meetings. She also disagreed with staff's comment that this rezoning would not have an adverse effect on her property. Ms. Hendrix stated that this rezoning would "murder" a community art project she had planned for her property. She explained that she presented a counter proposal to Mr. Bell's attorney offering a land swap for a portion of her property, which she feels would afford Mr. Bell with the property that he needs to serve his purpose without having to rezone the property. Ms. Hendrix stated that she is generally opposed to changing limited Conservation Preservation land into marketable lots.

Mr. Tom Swan, representing RUPA, was present to reiterate his opposition to this request. In addressing the letter from the Army Corps of Engineers, Mr. Swan pointed out that the letter states that "based on the findings of our inspection, it was determined that the filling activity associated with the bulkhead construction has not impacted wetlands under our jurisdiction." Mr. Swan questioned whether or not the Corps of Engineers has jurisdiction over this particular piece of property. He stated that they have jurisdiction over fresh water marshes but not salt marshes. Regarding the DNR letter from Rhonda Knight, Mr. Swan pointed out that the letter states that "there was no marsh fill." However, it does not say whether the land is or is not marsh. Therefore, he feels that the marsh issue is still unresolved.

Mr. Swan stated that he had spoken with Duane Harris who is the Director of the Coastal Resources Division of DNR who relayed in writing that there are three tests to determine marshland: 1) vegetation; 2) presence of peat; and 3) height of the land. He stated that it is very possible that the property in question is marshland and he is asking that this rezoning request be denied.

Mr. James Holland, Altamaha Riverkeeper (a non-profit organization formed in January 1999 consisting of approximately 600 members), stated that it is their mission to ensure that the Coastal GA as well as the Altamaha Delta has high water quality, which also includes protection of buffer zones. He stated that Glynn County is required to delineate salt marsh, fresh water marsh buffer lines. As of yesterday morning (11-6-00),

there had been no buffer delineation. He pointed out that he submitted a letter to Harold Rehise, Director of the Environmental Protection Division, requesting that a portion of the swimming pool deck, which is in the salt marsh buffer zone, be removed. Coastal Resources Division delineated the salt marsh buffer.

Mr. Holland stated that there has been irreplaceable damage to the salt marsh buffer because of a portion of the applicant's deck. There has been no variance issued for the salt marsh buffer by DNR, which means that the only person in the State of Georgia who can sign a buffer variance is the Director of EPD in accordance with the State Waters Quality Manual. Mr. Holland respectfully asked that this request be denied on behalf of the Altamaha River Organization.

Attorney Cunningham explained that in a letter from Buddy Akins of the Building Inspections Division, Mr. Akins stated that "the DNR marsh demarcation line had migrated towards the work site since it was previously determined several weeks ago. The engineers determined that the grading operation was thus inside the 25 ft. buffer in a minor fashion, approximately 14 ft." The letter further states that "since the Bells had consistently cooperated with DNR representatives on the project, he (Mr. Akins) finds no violation at this time."

Attorney Cunningham explained that DNR set a line, the contractor did some work, and then DNR came back and moved the line. Mr. Holland stated that the line was moved because part of the salt marsh buffer zone was filled, which has caused irreplaceable damage to the vegetation on the site. Attorney Cunningham explained that there was fill put in but there was also instructions to remove the fill, and in the process the contractor raked the ground too low. DNR stated that once the ground has been raked too low, it cannot be refilled; it has to remain too low. The area in question is located between the bulkhead and the marsh.

Mrs. Iris Touw asked Attorney Cunningham if his clients had given any consideration to the offer from Ms. Hendrix regarding the land swap. Attorney Cunningham replied yes. He stated that his clients spent over a year trying to work out a land swap, with no success. They therefore moved forward with the rezoning. He stated that on yesterday (11-6-00) he received a drawing from a representative of Ms. Hendrix. However, it is not true that her proposal would afford the Bells the property that they need, but they are interested. Attorney Cunningham stated that a last minute effort after many years of trying to get a land swap should not delay today's vote. He stated that his clients are willing to discuss this with Ms. Hendrix, but they also would like to have a pool in their backyard.

It was noted that at this time, Mr. Hal Hart read the entire letter from DNR, dated October 25, 2000.

Following discussion, a motion was made by Mr. Hal Hart to recommend approval of the rezoning to R-6 subject to the land being restricted to accessory use per Section 609.1 (f). The motion was seconded by Mr. Jonathan Williams. Discussion continued. Mrs. Touw asked if there would be any restrictions on the accessory use. Mr. Hart pointed out that Section 609.1(f) restricts the use to swimming pools and cabanas. Mrs. Touw expressed concerns about size and height limitations. Mr. Hart amended his motion to incorporate the letter from the County Attorney specifying size and specifications. The amendment was accepted; however a general discussion continued. Afterward, the following vote was taken: Voting Aye: Mr. Lamar Cole, Mr. Hal Hart, Mr. Wayne Stewart and Mr. Jonathan Williams. Voting Nay: Ms. Ann McCormick and Mrs. Iris Touw.

**Preliminary Plat/True Landing (PP99-19)**

4.519 Acre Tract, Located at the end of Lord Avenue  
St. Simons Island, 22 Residential Lots, Zoned R-6  
True Landing, LLC, Owner/Developer

Mr. Gary Beaver was present for discussion.

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

This project proposes to create a 22-lot subdivision. The smallest lot will be lot 3 at 6,000 sq. ft. The minimum lot size for this zoning class is 6,000 sq. ft. Total area of lots is 3.59 acres and total area of roads is 0.93 acres. A 40 ft. private right-of-way called True Landing Drive is proposed. The water supply will be Glynn County Water System, and the sewage disposal will be Glynn County Sewer. An LDA permit and a State Waters Buffer Variance is required.

The Building Inspections Division, Planning and Zoning, Engineering, as well as the Fire Department and Environmental Engineering and have all reviewed this project.

Mr. Sutton stated that staff is recommending denial until the applicant files for and receives approval of a State Waters Buffer Variance and issuance of a LDA permit.

Chairman Cole wanted to know if the permit had been received. Mr. Sutton stated that it had not been received or applied for to his knowledge.

Mr. Jaxon Hice, adjoining property owner, stated that he is very familiar with the real estate involved with this particular piece of property. He stated that he understands that the issue of the DNR Permit is critical to the action of the Board and he is hoping that it can be resolved today. Mr. Hice stressed that he is speaking on behalf of himself and not as a representative for the owner. He explained that the pond on the property was once a barrow pit and used to provide fill dirt for the Village area. There was drainage down from the Village area that ultimately drained out to Kings Creek. The drainage is not particularly titled, but it is water that connects to the river system and into the ocean.

Mr. Hice elaborated on the history of the property. He stated that this request is in conformance with the R-6 zoning and he does not perceive any environmental issues once the DNR problem is settled. He further stated that he does not see any traffic issues or any neighborhood issues impacting the value of real estate.

Mr. Gary Beaver gave a brief presentation. He stated that this is a very sensitive piece of property in that it is the last remaining undeveloped property in the Village area. A portion of the property has been used for a barrow pit as pointed out by Mr. Hice. Over a period of time, it became a basin for run-off, etc. He stated that he has explored the dynamics of the drainage issues, which can be seen in the plan being presented today. He explained that the Corps of Engineers issued a permit to fill the lake. The permit required that it be only put into place with the blessing of the County Engineer. As he progressed through this, he learned that he would probably be required to obtain a variance. He further stated that he had a drainage study done which addresses the entire Village basin and identifies the water sources that come into the property. He also did an impact study and identified and addressed some remedies for the drainage.

Mr. Beaver explained that what will ultimately happen is the lake is going to be reconfigured and made more efficient from the drainage standpoint. He stated that he is very cognizant of the drainage issues and he has been working very closely with the County Engineer's office to resolve these issues. He pointed out that DNR looked at the property and based on their information, he has every reason to believe that they consider it to be fresh water. In his communications with the county, he has asked for a preliminary plan approval of the concept with the proviso that he is to address the buffer issue in back of the property where the drainage area is located. He stated that he is prepared to do this and he is asking for the Planning Commission's guidance.



Mrs. Touw explained that once the preliminary plat is approved, the Planning Commission never sees it again. It should be concise and should include the lot sizes and setbacks delineated on the map. Any deviations should come back to the Planning Commission for review. Mrs. Touw pointed out that this particular plat is not ready.

Following discussion, a motion was made by Mr. Wayne Stewart to defer this request for up to 60 days. The motion was seconded by Ms. Ann McCormick and unanimously adopted.

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**Preliminary Plat/Pappy's Trail (PP00-27)**

21.49 Acre Tract, Located at the end of Pyles Marsh Road off of U.S. Highway 341, 24 Residential Lots, Zoned Forest Agricultural  
Jean Smith Kirkland, Owner/Developer

Mr. Ernie Johns of Atlantic Survey Professionals was present for discussion.

Mr. Sutton explained that this item was presented last month with the first request being a variance. The Planning Commission opted to send the request back to staff to look at the possibility of creating a second crossing on the drainage ditch. Staff has agreed that the second crossing is possible. The applicant has submitted revisions that indicates tying the two roads together which eliminates the cul-de-sac in excess of 1200 ft. in accordance with Section 602.2 (g) of the Subdivision Regulations. As a result, the variance process is not necessary at this time. Mr. Sutton proceeded with the staff's report as follows:

The applicant proposes to create a 24-lot subdivision. The smallest lot will be Lot 22 at 20,341 sq. ft. The minimum lot size for this zoning class is 20,000 sq. ft. The total area for lots is 14.47 acres, 4.00 acres for roads, 1.48 acres for the drainage ditch right-of-way and 1.54 acres for common areas. This plat proposes extending Pyles Marsh Road and creating Pappy's Trail and Orié Lane as cul-de-sacs and together with the Pyles Marsh extension all are suggested 50 ft. public right-of-ways. An LDA permit will be required. Building Inspection has suggested that the flood zone line is incorrectly labeled and will need to be corrected. The water supply will be individual wells and the lots will be served with individual septic tanks.

As a final note, Mr. Sutton emphasized that there are no provisions for on-site fire protection in this subdivision.

The Building Inspections Division, Planning and Zoning, Engineering, as well as GIS, the Fire Department and Environmental Engineering have reviewed this project.

Mr. Sutton stated that staff recommends approval of this request conditioned on correcting the flood zone label. He pointed out that Ms. Alison Fletcher of Atlantic Survey Professionals has indicated that she would correct the flood zone label.

Following review, a motion was made by Mrs. Iris Touw to approve this request as presented. The motion was seconded by Mr. Wayne Stewart and unanimously adopted.

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**Variance Request & Plat/Hawk Landing (PP00-29)**

Request Variance from Section 602.2(g) of Subdivision Regulations  
37.070 Acres, Located on Pennick Road, Zoned Forest Agricultural  
Hawk Properties, Owner/Developer

Mr. Ernie Johns was present for discussion.

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

The applicant is requesting a variance from Article VI, Section 602.2(g), of the Subdivision Regulations, in accordance with Article IX, Section 901 of the Subdivision Regulations. Hawk Landing Drive is a dead-end street with a cul-de-sac and its overall length is estimated at 3,900 ft.

Mr. Sutton stated that staff is recommending denial of this request based on the length of the cul-de-sac and the intent of the Forest Agricultural property. He pointed out that he was asked to emphasize the definition of a dead-end lane, which was included in the packages. Mr. Sutton then read the following from the report: "*Permanent dead-end streets shall not be longer than 1200 linear feet measured from the center-line of the nearest intersecting thru street to the center of the turnaround.*" According to Section 501.38, the word *shall* is always mandatory.

Mr. Ernie Johns explained that the property is a very long narrow strip, and because of the location of the wetlands, cannot be put in any kind of loop. He stated that he did what he could to provide a small cul-de-sac near the end so that there would be a place for fire vehicles to turnaround.

Mr. Johns stated that the owner understands that the regulations do not permit cul-de-sacs longer than 1200 sq. ft. from an intersection of the nearest thru street. However, the Subdivision Regulations also allow for a variance to be issued when the size, shape and topography of the property do not allow them to meet the criteria.

Following discussion, a motion was made by Mr. Hal Hart to deny this request based on staff's recommendations. The motion was seconded by Mr. Jonathan Williams. Voting Aye: Mr. Lamar Cole, Mr. Hal Hart, Ms. Ann McCormick, Mr. Wayne Stewart and Mr. Jonathan Williams. (It was noted that Mrs. Iris Touw was not in the meeting room at this time.)

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**Site Plan/Saint Cinnamon (SP00-20)**

31,442 Sq. Ft. Tract, Located at 1801 Frederica Road  
St. Simons Island, Zoned Planned Development-General  
Irwin Mazo, Owner/Developer

Mr. Mark Kacos was present for discussion.

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

This plan calls for the renovation of an existing structure for the purpose of operating a bakery café. Improvements include building renovation including new deck areas, paved parking areas, correction of a storm water runoff onto Riverview Drive and extensive landscaping. 25 parking spaces have been provided and 25 are required. The lot size is 31,442 sq. ft. Total site coverage is 16,055 sq. ft. or 51%. Water and sewer will be provided by Glynn County Water and Sewer Department.

The Building Inspections Division, Planning and Zoning, Engineering, as well as, Environmental Engineering, GIS and the Fire Department have all reviewed this project.

Mr. Sutton stated that staff is recommending approval of this request with the following conditions prior to issuance of a Building Permit:

1. Comply with Environmental Engineering's requirement that grease trap and cross connection control requirements are met.
2. Frederica Road access point to be right turn in/right turn out only.

Mr. Mark Kacos gave a brief presentation. He explained that this request is to convert a previous commercial location to a bakery/café, which is really a coffee shop with sandwiches, pastries and soups. He stated that he has been working closely with staff and has agreed with the requirement to put in a grease trap. He stated that this would be a very low impact site with no open flames, no deep-frying or grilling.

At this time Mr. Sutton pointed out that condition #2 (access point) has been worked out.

Following discussion, a motion was made by Mr. Wayne Stewart to approve this request subject to the two conditions. The motion was seconded by Ms. Ann McCormick. Voting Aye: Mr. Lamar Cole, Mr. Hal Hart, Ms. Ann McCormick, Mr. Wayne Stewart and Mr. Jonathan Williams. (It was noted that Mrs. Iris Touw was not in the meeting room at this time.)

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**Site Plan & SSVPD/Lot 302, King City (SP00-26)**

3600 Sq. Ft. Tract, Located at Mallory Street between  
Butler Avenue and Lord Avenue, St. Simons Island  
Zoned General Commercial-Core  
Peter Nermoe, Owner/Developer

Mr. Robert Ussery was present for discussion.

At the Planning Commission's request, the Site Plan and the Village Preservation District Application for Lot 302 would be addressed at the same time. However, two separate motions are required. The staff's report, which is the same for both requests, was included in the packages for review and was presented by Mr. Sutton as follows:

This project consists of the demolition of existing wooden structures located at the rear of the property, and the replacement with an addition to the main structure extending it to the property line, in-line with the adjoining buildings. The existing main structure consists of 2,396 sq. ft., with 462 sq. ft. of wooden structures to be removed. The proposed addition to the main structure is 1,013 sq. ft. for a new total of 3,409 sq. ft.

The renovation is intended for storage space and not for additional patron space. Flood zone substantial improvement limits apply. No additional signage or lighting is suggested with this application.

The Building Inspections Division, the Planning and Zoning Division, Engineering, as well as Environmental Engineering, GIS and the Fire Department have all reviewed this project. Mr. Sutton stated that staff is recommending approval of this request.

Following review, a motion was made by Mr. Wayne Stewart to approve the Site Plan for Lot 302. The motion was seconded by Mr. Jonathan Williams. Voting Aye: Mr. Lamar Cole, Mr. Hal Hart, Ms. Ann McCormick, Mr. Wayne Stewart and Mr. Jonathan Williams. (It was noted that Mrs. Iris Touw was not in the meeting room at this time.)

A motion was made by Mr. Hal Hart to approve the Village Preservation District Application for Lot 302. The motion was seconded by Mr. Jonathan Williams. Voting Aye: Mr. Lamar Cole, Mr. Hal Hart, Ms. Ann McCormick, Mr. Wayne Stewart and Mr. Jonathan Williams. (It was noted that Mrs. Iris Touw was not in the meeting room at this time.)

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**Site Plan/Golden Isles Gateway R7 Tract, Golf Community (SP00-27)**

207 Acre Tract, Located on GA Highway 99, West Side of Canal  
Road Intersection, Zoned Planned Development  
Wade and Claire Carruth, Owner/Developer

Mr. Cameron Bland of The Branigar Group, Mr. Jeff Halliburton of Thomas & Hutton Engineers, Mr. Wade Carruth, Owner of the Golf Community, and Mr. Mark Bennett, Golf Course Architect were all present for discussion.

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

This concept plan was presented in site plan format simply to serve as a form of concept or master plan. All items not addressed from the site plan checklist will be addressed at different phases of the development. For example, the four future residential tracts will obviously seek plat approval through the preliminary and final plat process outlined in Article VII of the Glynn County Subdivision Regulations. In addition, no building permit or LDA will be applied for based on review and approval of this concept plan. The golf course and related facilities will have to comply with the complete site plan application prior to any permit for land clearing or construction being suggested.

The following letters were included in the packages for the Planning Commission's review: 1) letter to Thomas & Hutton indicating what items were missing from the site plan application; 2) letter from the applicants wishing to approach the Planning Commission and present this concept plan; and 3) response letter from the applicants.

The Building Inspections Division, Planning and Zoning, Engineering, as well as Environmental Engineering, GIS and the Fire Department have all reviewed this project.

Mr. Sutton stated that staff is recommending approval of the concept but requires more complete and more detailed applications and approval of those applications by the Planning Commission prior to issuing any permit. Specifically, preliminary plats for all proposed future residential developments and a completed site plan for the golf course and related structures.

During his presentation, Mr. Jeff Halliburton explained that they were trying to submit a master plan of a proposed project within the Gateway Tract. He then pointed out the project location areas and stated that the proposed will be an 18-hole golf community with approximately 30 acres of residential development. In order to have the golf club up and running one year from now, which is what the owner desires, he explained that they have to start clearing the golf course fairways.

Mr. Halliburton stated that his intention was to submit the proposed project and come back within the appropriate cut-off dates for full site plans of the entrance roads and any residential developments. He stated that early next week an application would be submitted for a land-disturbing permit to clear the golf course fairways. He pointed out that Augusta Golf Company and Mr. Mark Bennett did the master plan and the layout for this project. There are approximately 30 acres of wetlands on the project, but there are no wetland impacts proposed for this project and no fills for wetlands. Mr. Halliburton stated that he has correspondence from the Corps of Engineers concurring that this project does not have any wetland impacts.

For clarification, Mr. Stewart wanted to know what is expected of the Planning Commission at this time. Mr. Halliburton explained that the applicant is seeking approval of the master plan for the project. Mr. Sutton stated that Mr. Halliburton submitted a site plan application. There were 19 deficient items on the checklist of the application. Mr. Halliburton responded in writing to a number of those items. Mr. Sutton stressed that Mr. Halliburton is not requesting site plan approval at this time; he is requesting consensus or approval of the master plan or concept. He realizes that in the future and prior to beginning construction, additional visits to the Planning Commission will be necessary, with another application and fee for site plan approval specifically for the golf course and clubhouses. In addition, preliminary plat application, construction plans and final plat application for the residential areas will be required.

Mr. Stewart suggested that the plans be modified to state "future residences" and not list the number of units. Mr. Halliburton stated that the applicant has no problem removing the number of units completely at this time. He reiterated that the applicant is seeking approval of the golf course and the layout.

Mr. Cameron Bland elaborated on the master plan for the project and Mr. Mark Bennett gave a brief presentation on the design relative to the trees in the area.

Following discussion, a motion was made by Mr. Wayne Stewart to approve the golf course layout and future residential areas. The motion was seconded by Ms. Ann McCormick. Discussion continued regarding the correspondence between staff and Mr. Halliburton on the existing deficiencies. Mr. Hart expressed concerns with the use of the term "omitted" in Mr. Halliburton's written response to staff regarding the deficient items. However, it was explained that this correspondence is for informational purposes only. After discussion, the following vote was taken on the motion: Voting Aye: Mr. Lamar Cole, Ms. Ann McCormick, Mr. Wayne Stewart, Mrs. Iris Touw and Mr. Jonathan Williams. Abstained From Voting: Mr. Hal Hart.

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**Site Plan/Hampton Marsh Condominiums (SP00-29)**

2 Acre Tract, Located at Hampton Plantation, Hampton Point  
St. Simons Island, Zoned Planned Development-General  
Robert G. Boone, Owner/Developer

Messrs. Bobby Boone, Robert Ussery and Don Hutchinson were present for discussion.

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

This project is located in "area 4" of the Hampton Plantation Planned Development Master Plan on the northern end of St. Simons Island. This portion of the plan calls for the construction of 20 townhouse condominiums. The maximum building height in this district is 45 ft. The proposed new buildings total area is 26,067.09 sq. ft. Forty parking spaces are required and sixty-one will be provided. Please note that the drawing indicates twenty required and thirty-one provided; however this is a typographical error and Mr. Hutchinson can confirm these numbers.

The lot size is 87,121.19 sq. ft. Total site coverage is 44,281.35 sq. ft. or 50.8%. Allowed site coverage is 60%. Water and sewer will be provided by Glynn County Water and Sewer Department. Refuse collection will be individual container at each unit.

The Building Inspections Division, Planning and Zoning Division, Engineering, as well as Environmental Engineering, GIS and the Fire Department have all reviewed this project.

Mr. Sutton pointed out that the width of the drainage easement is on the other property line and does not meet the minimum width requirement. Staff's original recommendation was for approval; however, due to the drainage issue, staff is recommending approval conditioned on the drainage easement being addressed to meet the minimum requirements with regard to maintenance in accordance with the Subdivision Regulations. At this time, Mr. Hutchinson and Mr. Buster Reese confirmed that the easement is piped. In view of this confirmation, Mr. Sutton stated that staff would revert to its original recommendation for approval.

Following review, a motion was made by Mrs. Iris Touw to approve this request. The motion was seconded by Ms. Ann McCormick and unanimously adopted.

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**SSVPD/Beachview Bed & Breakfast (VP00-14)**

537 Beachview Drive, St. Simons Island, 11,229 Sq. Ft. Tract

Zoned General Commercial/Village Preservation

Mr. & Mrs. Irvine, Applicants; Larry Bryson, Developer

Mr. Larry Bryson was present for discussion.

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

This project proposes to construct a two-story 1,926 sq. ft. addition to an existing 1,396 sq. ft. structure. Additionally, a "Carriage House" is proposed at 836 sq. ft. The two-story finished roof elevation is proposed at 28 ft. 11 in. The "Carriage House" is proposed at 21 ft. 8 in. Site coverage has been calculated at 60 %. This is in keeping with the standards established in Article V, Section 503.3 of the Glynn County Zoning Ordinance. Color samples were presented for review.

Mr. Sutton stated that staff is recommending denial of this request for the following reasons:

1. The request is a conditional use identified in Article VII, Section 712.3.1 of the Glynn Zoning Ordinance. In addition, Article V, Section 503.4 of the Ordinance limits the combination residential and commercial use on separate levels to 50% of the floor space in a building designed for and occupied for commercial use.
2. Site Coverage exceeds 50% of the lot area as described in Article VII, Section 709.5. **Note, since the conditional use is not approved** then the 10% increase discussed in Article V, Section 503.3 is not automatically allowed.
3. The proposed structures do not conform nor present the harmonious design standards with existing and neighboring structures as described in criteria discussed in Article VII, Section 709.8 A thru E.
4. A curb cut to the "Carriage House" is being suggested within 40 ft. from an intersection. This encroachment is addressed in Article VI, Section 614.2 of the Zoning Ordinance.

5. Article VI, Section 615 of the Zoning Ordinance requires a 25 ft. vision clearance from intersections but not in General Commercial. The corner of the building to the right-of-way is approximately 12 ft. Backing vehicles from an enclosed garage or "Carriage House" with reduced vision clearance that close to the intersection represents a traffic and pedestrian hazard.

Mr. Larry Bryson gave a brief presentation. He stressed that this request is not a "Bed & Breakfast." It is a residence with three bedrooms and rented out on a weekly basis as one property, not as individual units. He explained that the owners would like to do an addition to the property, which would give them the ability to live at the house when they are in town during the summer months and still maintain the ability to rent on a weekly basis. Again, he reiterated that the property is not a "Bed & Breakfast" and it is not the owners intent to run it as such.

Mr. Touw wanted to know if the owners had any intentions over time to rent the property as a "Bed & Breakfast." Mr. Bryson stated that to his knowledge, the owners never intend to operate the property as a "Bed & Breakfast." He stressed that they do not serve continental breakfast, or anything resembling a "Bed & Breakfast." Mrs. Touw asked Mr. Bryson if he was aware that the owners had leased out 9 parking spaces to the GA Sea Grill. Mr. Bryson replied no, he was not aware of this. There was a brief discussion regarding the square footage of the property.

Mr. Bryson stated that due to all of the uncertainties and the questions regarding conditional uses, site coverage, etc. perhaps he should withdraw the application. However, after discussion, a motion was made by Mr. Wayne Stewart to defer this request for up to 60 days in order to allow more time for the agent to work with staff. The motion was seconded by Mr. Jonathan Williams and unanimously adopted.

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**SSVPD/123 Mallory Street (VP00-15)**  
Mike & Lee Waanounou Store Front Renovation  
2,700 Sq. Ft. Tract, St. Simons Island, Zoned General  
Commercial-Core; Carrol Case, Applicant

Mr. Larry Bryson was present for discussion.

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

This project consists of the renovation of an existing façade at 123 Mallory Street. The renovation proposes sand stucco with white trim. The elevation as compared to adjoining structures will be brought more into alignment by the renovation. Materials suggested are modular and suggest conformity and provide for a harmonious relation with adjoining and surrounding structures.

This application has no indication of signage or lighting at this time. Any consideration for future signage or lighting would need an application submitted for approval in accordance with Village Preservation procedures.

The Building Inspections Division, Planning and Zoning and the Engineering Division have all reviewed this project. Mr. Sutton stated that staff is recommending approval of this request.

Following review, a motion was made by Mrs. Iris Touw to approve this request. The motion was seconded by Mr. Wayne Stewart. Ms. Ann McCormick asked that the motion be amended to include that the applicant is to return to the Planning Commission for approval of future signage and lighting. The amendment was accepted and the motion was unanimously adopted.

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**SSVPD/400 Magnolia Avenue (VP00-16)**  
6,814 St. Ft. Tract, St. Simons Island, Zoned R-6  
Lindow, L.L.C., Owner/Developer

Mr. Lindsey was present for discussion.

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

The applicant is proposing the following improvements: 1) cover an existing deck; 2) add a carport; and 3) add entrance improvements to the front door. Currently, only the deck exists. The tract is 6,814 sq. ft. Improvements will result in lot coverage of 2,094 sq. ft. of building footprint, or 30.7% site coverage. Total impervious surface on site is approximately 36%.

The lot is currently in conformance with applicable setbacks for R-6 zoning and according the plans submitted the proposed additions do not encroach into the setbacks.

Plans for the additions show them to be in keeping with the visual character of the rest of the building; with similar pitched roofs, matching roofing and siding materials. The plans also note that all trees and landscaping will remain. There is no increase in building height.

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

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

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## **OTHER Minutes**

<b>June 27<sup>th</sup></b>	<b>Called Meeting</b>
<b>July 11<sup>th</sup></b>	<b>Regular Meeting</b>
<b>Sept. 14<sup>th</sup></b>	<b>Work Session</b>
<b>Oct. 3<sup>rd</sup></b>	<b>Regular Meeting</b>

Upon a motion made by Mr. Wayne Stewart and seconded by Mrs. Iris Touw, the minutes of the **June 27<sup>th</sup>**, **July 11<sup>th</sup>**, **September 14<sup>th</sup>** and **October 3<sup>rd</sup>** Planning Commission meetings were approved (with any necessary corrections) and unanimously adopted.

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## **Planning Commission Items**

### **a) Discuss Meeting Schedule for Ordinance Sub-Committee**

Mrs. Iris Touw advised that the sub-committee will meet on Wednesday, November 15<sup>th</sup> at 9:00 a.m. in the Office Park Building to continue discussing the overlay for St. Simons, examine outstanding ordinances, consider recommendations to the full Planning Commission, and other concerns. The public is invited to attend.

### **b) Appoint Nominating Committee for December Elections**

Chairman Cole appointed Mr. Hal Hart, Ms. Ann McCormick and Mrs. Iris Touw to the nominating committee with Ms. McCormick to serve as chairperson.

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## **Staff Items**

### **Approval of 2001 Planning Commission Meeting Schedule**

Upon a motion made by Mr. Wayne Stewart and seconded by Mrs. Iris Touw, the 2001 Planning Commission Meeting Schedule was approved and unanimously adopted.

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There being no further business to discuss, the meeting adjourned at 2:05 p.m.