

MINUTES
GLYNN COUNTY PLANNING COMMISSION
MAY 1, 2001

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

MEMBERS ABSENT: Perry Fields
Jonathan Williams

STAFF PRESENT: John Peterson, Director
Lee Sutton, Planning Official
Ellis Carter, Building Official
Millard Johnson, Transportation Coordinator
Buster Reese, Assistant County Engineer
Gail Wendel, Planning Technician

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. He further pointed out that three items had been deferred by the applicant: items 6, 11 & 16 having to do with Archibald's on St. Simons so if anyone had come for those, they have been deferred until next month.

SUP-01-01

Request for a Special Use Permit to locate a church Montessori Preschool in an R9 One-Family Residential Zoning District; Subject property consists of 2.0476 acres with frontage on Frederica Road, St. Simons Island. Property owned by the Lord of Life Lutheran Church.

Mr. Larry Bryson and Mr. 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:

A preschool now operates from the existing church buildings on the north side of Menendez Avenue. The current enrollment is forty students. Sydneye Henderson, the director of the Montessori School, has stated that the enrollment will be approximately forty students in the first year, expanding to sixty students in the following year. According to Ms. Henderson, approximately one-third of the enrollment is from Brunswick, one-third is coming from north of the Sea Island Road and one-third is coming from South of Sea Island Road. Students arrive between 8:00 and 8:30 a.m. on weekday mornings and are released at two separate times - 11:15 a.m. and 2:15 p.m. Site design is to include loading and unloading areas to remove standing vehicles from the street. The special use permit requirements for a private preschool in a residential zoning district are as follows:

- a) Buildings and structures which shall retain a residential appearance and character shall have a minimum of thirty-five (35) square feet of useable space per child within the building;
- b) Outdoor play areas shall have a minimum of one hundred (100) square feet per child and shall be enclosed by a fence at least four (4) feet 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 child care centers; and
- e) The location and operation shall receive the written approval of the Georgia Department of Human Resources and the approval of the Glynn County Fire Chief prior to the issuance of a business license.

Mr. Sutton read the letter provided in the packages by Mr. Bryson.

STAFF RECOMMENDATION: Approval

Chairman Cole asked if there was anyone speaking in favor of this request. Mr. Larry Bryson stated that he did not have any comments but would like to answer any questions the board may have. Mr. Bryson also asked Mr. Sutton if they are also asking for site plan approval at this time and Mr. Sutton replied that yes, there is no site plan application. Mr. Sutton stated that Mr. Bryson, as asked, has provided all of the information that would be included in a site plan package and that he felt all information needed for a decision had been provided.

Mr. Hart asked Mr. Bryson if they proposed to cover the ditch running through the playground and he replied yes.

Chairman Cole asked if there was anyone else speaking in favor of to which no one replied. He then asked if anyone was opposed.

Mr. Stewart made a motion to approve and Mrs. Touw seconded on the condition that the approval includes the site plan, which does include parking. Mr. Stewart amended his motion to approve including the site plan. Chairman Cole called the question and all voted in favor.

SUP-01-04

Request for a Special Use Permit in a Forest Agricultural Zoning District for the location of a Telecommunications Tower having a maximum height of 400 feet above ground with frontage on 1543 Massie Causeway. Property owned by Glynn County

Chief Carl Johnson was present for discussion.

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

Mr. Sutton stated that he stated in the package the property is owned by Glynn County, which is not true. The tower belongs to Glynn County and in accordance with the ordinance, the owner of the tower is allowed to make application. The property will be obtained by Glynn County at a future date.

This is a request for a Special Use Permit in a Forest Agriculture Zoning District for the location of a Telecommunications Tower having a maximum height of 400 feet above ground.

STAFF RECOMMENDATION:

It is recommended this application be approved.

STAFF COMMENTS:

No existing site in the area can provide the needed elevation to support the County's needs. Staff from Planning and Zoning Division of Community Development have confirmed the application complies with all requirements outlined in Article XIV, of the *Glynn County Zoning Ordinance*.

Mrs. Touw asked if the 2.5 acres on which that tower would sit had any other use and Mr. Sutton replied that is correct, the 2.5 acres has no other use.

Chairman Cole asked for anyone speaking in favor of. Chief Carl R. Johnson stated that he was here to answer any questions and the property would be used for a communications tower and a building to hold communications equipment.

Chairman Cole asked if anyone else speaking in favor of or opposed to which no one replied.

Mr. Stewart made a motion to approve and Mr. Hart seconded. All present voted aye.

SUP-01-05

Request for a Special Use Permit in a Forest Agricultural Zoning District for the location of a Telecommunications Tower having a maximum height of 400 feet above ground with frontage on 8911 New Jesup Highway. Property owned by Glynn County

Chief Carl Johnson was present for discussion.

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

This is a request for a Special Use Permit in a Forest Agriculture Zoning District for the location of a Telecommunications Tower having a maximum height of 400 feet above ground.

STAFF RECOMMENDATION:

It is recommended this application be approved.

STAFF COMMENTS:

No existing site in the area can provide the needed elevation to support the County's needs. Staff from Planning and Zoning Division of Community Development have confirmed the application complies with all requirements outlined in Article XIV, of the *Glynn County Zoning Ordinance*.

Chairman Cole asked if there was anyone speaking in favor of and Chief Carl Johnson again offered to answer any questions. Chairman Cole asked if there was anyone else speaking in favor of or opposed to which no one replied.

Mr. Sutton stated that he wanted to make it clear that these towers are to be used for the 911 public safety system.

Mr. Stewart made a motion to approve and Mr. Hart seconded. All present voted aye.

GC-2001-11

Request to Rezone from R-12 One-Family Residential to Mh-12 One-Family Residential .4876 acres, described as Lot 15 of Cox Subdivision located at 113 Gaye Street; property having 90 feet of frontage on Gaye Street. Property owned by Thatcher & Sandra Griffin.

Mr. Thatcher Griffin was present for discussion.

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

STAFF RECOMMENDATION: Approval

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, while adjacent parcels are zoned R-12 and FA the character is clearly single family residential. The adjoining and adjacent parcels contain both single and double wide mobile homes.

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

No

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

Yes

- 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.

The future land use plan identifies this area as single family residential.

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

None

Chairman Cole asked for anyone speaking in favor of. Mr. Griffin stated that he would be glad to answer any questions. Chairman Cole asked if there was anyone else in favor of or opposed to which no one replied.

Ms. McCormick made a motion to approve and Mr. Stewart seconded. All present voted aye.

GC-2001-13

Request to Rezone from R-6 One-Family Residential to General Commercial .1148 acres, described as Lot 18, Block 2, Island Retreat Subdivision, located at 440 Kings Way; entire parcel having 97.5 feet of frontage on Kings Way. Property owned by O'Quinn Family Enterprises.

Deferred by Applicant

Little Lake Farms (PP00-36)

21.785 Acres, Located on Old Jesup Highway & Anna Way, Zoned Forest Agricultural
Farrell Landon, Owner/Developer

Mr. Farrell Landon and 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:

General Description: This project proposes to create an 18-lot subdivision. The smallest lot size will be lot 6 at 20,144 square feet. The minimum lot size for this zoning classification is 20,000 square feet.

Little Lake Place is suggested as a private dead end street with a right-of-way width of sixty feet. Together with Little Lake Drive also a dead end street, suggested as public, with a right-of-way width of sixty-feet, they combine to assume the character of a dead end street in excess of 1,200 feet. From the nearest through street, which is Old Jesup Highway, to the center of the cul-de-sac at the end of Little Lake Place the approximate length is 1,300 feet. The water supply and sewage disposal will be individual septic tanks and wells. Environmental Health site approval and an LDA permit are required.

Departmental Comments and Planning Impacts: Building Inspection, Planning and Zoning and Engineering Divisions of the Community Development Department, as well as the GIS, Fire and Environmental Engineering have reviewed this project.

Staff Recommendation: Staff from Planning and Zoning Division recommends denial based on the length of the cul-de-sac, intent of the zoning district Forest Agriculture and failure of the applicant to notify Georgia Power and obtain an encroachment agreement. Kay Kimbrough from the local Georgia Power Office indicated no encroachment agreement has been requested. A copy of Georgia Power's Encroachment Agreement package is included for your consideration.

Mr. Sutton read the letter from Georgia Power. It was not included in the packages and Mr. Sutton said he would make copies.

Mr. Hart asked about the dotted line on the plat and Mr. Sutton replied that there were two Georgia Power easements shown. Mr. Hart asked if there was enough land for lots 17,

18, etc. There was further discussion on the easements and the amount of square footage as it applies to well and septic tank.

Mr. Hart asked Mr. Johns how was lot 18 to be accessed and he replied by Old Jesup Road. There was further discussion. Mr. Stewart asked Mr. Johns how they proposed to build on lot 18 and he pointed out the area for the house and assured the board that there was enough square footage. There was further discussion on this and the need for a variance.

Chairman Cole asked for those speaking in favor of. Mr. Landon stated that both of the roads they are putting in there are private, not public. Mrs. Touw asked if they need to change the plat and Mr. Sutton replied that is correct. Mr. Hart asked Mr. Landon if he plans to gate it and Mr. Landon replied no. Mr. Hart asked if we still need to change it because the road is privately owned but will be opened to the public. Mrs. Touw stated that we would still need it changed for the record. Mr. Sutton stated that Mr. Johns will make that change before it is signed off on. Mrs. Touw asked if lot 18 is part of this subdivision even though it has no entry from the private road and Mr. Sutton stated that it is.

Chairman Cole asked for anyone else speaking in favor of or opposed to which no one replied. Mr. Hart asked there would be some kind of restriction to keep people from bypassing the private road by driving across lot 18 and it was stated that they would.

Mr. Hart made a motion to approve and Mrs. Touw seconded. All present voted aye.

Good Place Subdivision, PP-01-06 Variance Request

167.216 Acres, Located on Buck Swamp Road

Zoned Forest Agricultural

E.W. Associates, Owner/Developer

Mr. Eldon Carmichael, John Hunkele and Ernie Johns were present for discussion.

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

The applicant requests a variance from Article VI, Section 602.2(g), of the Subdivision Regulations, in accordance with Article IX, Section 901 of the Subdivision Regulations. Good Place Road creates a proposed dead-end street with an overall length of approximately 5,200 feet.

The Board has the authority to grant a variance, in accordance with Section 902. Clearly the character of this entire area is that of many major residential subdivisions without the public infrastructure to support it. In addition, a number of dead-end streets have been created as a result of individual developments. The intent of forest agriculture, the length of the cul-de-sac, the peculiar shape of the property combined with wetlands and a flood zone are all issues which should be considered collectively when considering granting the variance for the length of the cul-de-sac or ultimately considering approval of the preliminary plat. Finally, consideration should be given to rezoning the property to something residential other than Forest Agriculture so that the intent of Forest Agriculture is preserved.

Mr. Carmichael stated that the reason for such a long cul-de-sac is that they tried to make the least impact to the wetlands. He stated that he spoke with the Corp of Engineers and he doesn't think they will give him another variance to cross the wetlands again to make a circle. He further stated that the subdivision is in keeping with the Forest Agricultural nature and that rezoning is not necessary.

Mr. Stewart stated that he has a problem with how we continue to lengthen out these cul-de-sacs and this one has reached a mile and for that reason he made a motion to deny and Ms. McCormick seconded. Mrs. Touw asked what the easement was for and Mr. Hunkele

replied the letter explained that it allowed for future construction of a circle. There was further discussion. The vote was unanimous.

Good Place Subdivision (PP01-06)

167.216 Acres, Located on Buck Swamp Road
Zoned Forest Agricultural
E.W. Associates, Owner/Developer

Item not considered.

Fairway Cottages, Sea Palms West (PP01-07)

3.761 Acres, Located on Sea Palms West Drive
Zoned Planned Development
Sea Palms Corporation, Owner/Developer

Mr. Malley Price and Mr. Bobby Shupe were present for discussion.

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

General Description: This project proposes to create a 17-lot subdivision. The smallest lot will be lot 16 at 6,265 square feet. The minimum lot size for this zoning classification is 6,000 square feet. The total area for lots equals 3.402 acres and there is a proposed .359-acre area for a private right-of-way named Niblick Court. An LDA permit will be required. The water supply and sewage disposal will be Glynn County.

Departmental Comments and Planning Impacts: Building Inspection, Planning and Zoning, Environmental Engineering and Engineering Division of the Community Development Department, as well as the GIS, and Fire, have reviewed this project.

Staff Recommendation: Staff recommends approval

Mr. Sutton added that the PD text states the area is zoned multi-family and Mr. Shupe is proposing to develop single-family. The question Mr. Sutton had is would this require a rezoning. He further stated that staff recommends approval without a rezone.

Mrs. Touw stated that she would abstain from voting since she doesn't have the PD text. There was further discussion.

Mr. Stewart asked Mr. Sutton if we really have to do anything on this, he thinks this is something they can do. Mr. Sutton stated he is presenting a preliminary plat for less density than the current zoning. There was further discussion on the PD text.

Mr. Hart asked Mr. Shupe if the zoning is R-6. Mr. Shupe stated that this Preliminary Plat exceeds R-6 requirements. Mr. Shupe further discussed the age and vagueness of the PD text and pointed out Bay Tree and West Lake as examples of precedent. There was further discussion on the intent of the PD text for Sea Palms West. Mr. Hart asked Mr. Sutton if he was comfortable with this and he replied that he was.

Chairman Cole asked for anyone speaking in favor of and Mr. Price stated he represents the Sea Palms Corporation and would be happy to answer any questions. Mr. Hart asked Mr. Shupe if they plan to keep the three tennis courts and he replied yes and that is spelled out in the zoning text.

Chairman Cole asked for anyone else speaking in favor of or opposed to which no one replied.

Mr. Hart made a motion to approve and Mr. Stewart seconded. Chairman Cole, Vice Chairman Stewart, Mr. Hart & Ms. McCormick voted aye and Mrs. Touw abstained.

Coastal Pines Golf (SP01-10)

5 Acres of a 207.187-acre tract, Located on Highway 99
Zoned Planned Development
Wade Carruth, Owner/Developer

Mr. Wade Carruth and Mr. Jeff Haliburton were present for discussion.

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

General Description: This plan includes the construction of the entrance road, temporary clubhouse, cart barn, pump house, maintenance facility, and (2) comfort stations to serve the Coastal Pines Golf Club. On a temporary basis the clubhouse and cart barn will be served with well and septic tank until such time public water and sewer is made available at the site. The comfort stations and the maintenance facility are proposed to remain on well and septic due to the remote locations. The owner will connect to public water and sewer at the owners expense when the systems are available near the site. Total parking required is 71 and 95 spaces are provided. 8 Spaces are provided at the maintenance facility.

Departmental Comments and Planning Impacts: The Building Inspection, Planning and Zoning and the Engineering Divisions of the Community Development Department, as well as, Environmental Engineering, GIS and Fire have all reviewed this project.

Staff Recommendation: The Planning Commission has on several occasions requested that Branigar Corporation provide the Planning Commission an updated status report in regards to current development plans. To date no presentation has been provided. Staff from Planning & Zoning Recommend approval of the site plans application but would request a more emphatic attempt be made before additional outlying development is considered.

Chairman Cole asked for anyone speaking in favor of. Mr. Haliburton with Thomas & Hutton Engineering stated he could answer any questions.

Mr. Stewart asked Mr. Haliburton if the facilities and club house will temporarily be a mobile home and he replied that is correct. Mr. Stewart then asked if he could give us a date when the permanent structure would be built. Mr. Carruth stated approximately three years. There was further discussion on temporary facilities.

Chairman Cole asked for anyone else speaking in favor of or opposed to which no one replied.

Mrs. Touw asked for clarification on what exactly we are being asked to approve. Mr. Sutton replied by reading the first line of the staff report and further stated that Mr. Haliburton has suggested that the permanent structure be approved as part of this site plan as well. Mrs. Touw asked if the shading has any significance and Mr. Haliburton pointed out page two of the plan and discussed the details. Mrs. Touw asked if this plan includes future residential and Mr. Haliburton replied no, it does not. Mrs. Touw asked if the parking was included and Mr. Haliburton replied yes.

Mr. Sutton pointed out that the length of the cul-de-sac in the future residential potentially exceeds 1200 feet, and even though we are not considering it at this time, when it is submitted for consideration, it would be denied. Mr. Haliburton stated that this is only a conceptual drawing and may come back later completely different. Mr. Stewart stated that he wanted everyone to understand that we are not approving the road at this time.

Chairman Cole asked for anyone opposed to which no one replied.

Mr. Stewart made a motion to approve and Mrs. Touw seconded. All present voted aye.

Archibald's (SP01-12)

22,100 Square Feet, Located at 440 King's Way
Zoned General Commercial / R-6 One-Family Residential
P.G. Archibald, Owner/Developer

Deferred by Applicant

Food Lion Shopping Center, Phase II (SP01-13)

8.09 Acres, Located on Perry Lane Road at Spur 25
Zoned Planned Development – Shopping
Sawyer & Associates – Nalley Commercial Properties, Owner/Developer

Mr. Ronald Sawyer and Mr. Chris Amos were present for discussion.

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

General Description: This plan proposes the construction of 16,000 square feet of retail shops next to a previously approved Food Lion. 80 spaces are required and 80 spaces provided both on site, excess and the planned parking reviewed during phase I. Water will be provided by Glynn County while sewer will be provided by the City of Brunswick.

Departmental Comments and Planning Impacts: The Building Inspection Division, the Planning and Zoning Division and the Engineering Division of the Community Development Department, as well as Environmental Engineering, GIS and Fire Departments have all reviewed this project.

Traffic Safety recommends denial until the application is redesigned with acceleration/deceleration lanes on Perry Lane and Spur 25.

Environmental Engineering is recommending denial pending resolution of the following items:

1. Glynn County to provide sewer service and set meters.
2. Sewer service for Phase II not shown.
3. Backflow Preventor Application not on file.
4. Appendix A20 not shown as requested.

Engineering is recommending denial until Stellar Drive plans are approved.

Staff Recommendation: Approval pending resolution of traffic safety, Environmental Engineering and Engineering concerns prior to issuing a building permit.

Mr. Stewart asked Mr. Sutton if these issues would be covered when they reach the building permit stage and he replied yes.

Mrs. Touw asked if this site plan covers the additional shops on the side and not the site they covered before. Mr. Sutton stated that is correct. Mrs. Touw stated that she does not have page C-4-A so she does not have a site plan. Mr. Sutton then provided the C-4 copies needed. There was further discussion on these drawings and what was presented at the last meeting. Mr. Amos apologized for the confusion concerning the copies and stated that they

were trying to address staff concerns on the plans and include them on sheet C-4-A and that sheet did not get turned in with the rest of the package.

Mrs. Touw thanked Mr. Amos for following the commissioner's recommendation for buffers. She stated that regarding their earlier discussion, they are under Planned Development using Freeway Commercial guidelines.

Chairman Cole asked Mr. Amos to clarify the difference between these drawings and those submitted last month. Mr. Amos stated that on the original submittal, this area was shown as future development with not as much detail as the board would like to see. These drawings, Phase II, they showed that detail, took off the reference to future development, show it as retail, deal with the storm drainage and utilities, and move the buildings to provide a better buffer to the residential property behind it.

Chairman Cole asked for those speaking in favor of. Mr. Sawyer wanted to show the board a drawing depicting the green area and how dense the buffer area is. He further stated that regarding ingress/egress, he felt that Stellar Drive would provide this and that it should not be required to have it on Perry Lane Road at the liquor store. Mrs. Touw read from the last meeting minutes as to what was approved and beyond that it is out of our hands. Mr. Sawyer asked where that puts us on the other roads and Mr. Stewart states that is what we approved and that they could still object to this.

Chairman Cole asked for anyone else speaking in favor or opposed to which no one replied.

Mr. Stewart made a motion to approve and Mrs. Touw seconded. All present voted aye.

Huffman (VP01-06)
Located at 518 Magnolia Ave.
Zoned R-6 One-Family Residential
Charles S. Huffman, Applicant

Mr. Charles S. Huffman was present for discussion.

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

Project Description: This project proposes to add a second story room to an existing structure over the 294 square feet of an existing shop. The color suggested is that of the principle use residential structure. The existing structure is wood siding painted gray. The second story addition has been done within the first floor footprint. No trees have been removed for this project. The applicant will need to apply for and receive a building permit. All required setbacks and FEMA requirements shall be observed.

Staff Recommendation: In accordance with Article VII, Section 709.9 the acting Zoning Administrator has reviewed the application and recommends approval to the Planning Commission.

Chairman Cole asked for anyone speaking in favor of and Mr. Huffman stated he could answer questions. Mrs. Touw asked if he was installing any plumbing to which he replied no.

Chairman Cole asked for anyone else speaking in favor of or opposed to which no one replied.

Mrs. Touw made a motion to approve and Ms. McCormick seconded. All present voted aye.

Parker's Canopy Sign (VP01-07)

15,551 Square Feet, Located at 501 Ocean Blvd.

Zoned General Commercial-Core

Patrick Parker, Applicant

Mr. Patrick Parker was present for discussion.

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

Project Description: This plan calls for the addition of a sign to the recently completed canopy. In accordance with Article VIII, Section 814.3 a freestanding sign is allowed as long as the total area of the sign does not exceed 16 square feet. In this instance, the total area is less than 14 square feet for both sides. The canopy is suggested as sandstone in color to match that of the main structure. In addition, the sign consisting of the Amoco logo is included for consideration utilizing the colors white, black red and blue. The applicant is requesting that instead of a double-sided free standing sign on the corner that consideration be given to allowing for a sign attached to the canopy one side fronting Ocean Blvd and the other fronting on Mallory.

Staff Recommendation: Staff recommends approval.

Mr. Sutton pointed out that Gary Moore, County Attorney, stated that section 804.8 of the zoning ordinance regarding a canopy brings up a problem with this. Mr. Sutton read this section to the board. There was further discussion on this and on the dimensions listed in the ordinance. Mr. Stewart stated that the intent of Village Preservation was that the board has a great deal of discretion and if Mr. Parker is willing to give up the free-standing sign to which he is entitled, he should have some consideration. Mrs. Touw stated that she didn't feel canopy/awning applied to him. There was further discussion on this.

Mr. Parker stated he has tried to make the canopy blend in. Mrs. Touw asked if they were going to paint the poles and he replied yes, they would be the same sandstone color as the building. There was further discussion on this and Mr. Hart asked Mr. Parker if this canopy sign is being considered in lieu of a freestanding sign. Mr. Parker stated that is correct. Mr. Sutton pointed out that the board is considering only the canopy sign and reconsidering the sign on the building from the last meeting, and that no other sign is being considered.

Chairman Cole asked for anyone else speaking in favor or opposed. Mr. Tom Swan stated that he didn't know if he was opposed but he wanted to say something. He stated that he represents RUPA and he went to a conference regarding signage. He passed out copies of a letter from the Live Oaks Garden Club that points out how the Amoco sign stands out in the area. He further stated that there must be a better way of doing this. He stated that some large companies are allowing smaller signage and he would like to see this happen.

Chairman Cole asked for anyone else and Mr. Jim Gilbert stated he lives close by and that he is in favor of this because it is an improvement.

Mrs. Touw made a motion to approve and Mr. Hart seconded with the condition that the canopy is in lieu of the freestanding sign and that they can not have both. All present voted aye.

Parker's Market Sign (VP01-08)

15,551 Square Feet, Located at 501 Ocean Blvd.

Zoned General Commercial-Core

Patrick Parker, Applicant

Mr. Patrick Parker was present for discussion.

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

Project Description: This plan calls for a revision to an approval that was granted in August of last year. The applicant is requesting that a sign equaling less than 10% of the front face of the building be approved. The front façade of the building equals approximately 840 square feet while the sign is only 5 square feet. The letters are suggested as green and consist of the name Parker's. The "P &k" are suggested at 12 inches in height while the remainder would be 8-3/4 inches. Bulbs would illuminate the sign, from behind, and would not be visible.

Staff Recommendation: Staff recommends approval.

Mrs. Touw asked if the bulbs would be white and Mr. Parker replied they would be white. Mrs. Touw stated it may be a stipulation and Mr. Parker was in agreement.

Mrs. Touw asked if the bulbs on the canopy were recessed and that lights at other stores on the island such as at the intersection of Demere and Frederica made it hard to drive through that intersection. Mr. Parker stated that the lights at Ace Hardware has 26 lights on it, the one across from Sea Palms has 24 lights on it and they are both about the same size as Parker's canopy which has 12 lights. He further stated their canopy lights will be recessed.

Mr. Parker stated that on the back lighted sign on the building, the lights will be recessed in such a way that even looking at it from the side, you can't see the bulbs

Chairman Cole asked for anyone else in favor or opposed to which no one replied.

Mrs. Touw made a motion to approve conditioned that white lighting be used and Mr. Hart seconded. All present voted aye.

Archibald's (VP01-09)

21,856 Square Feet, Located at 440 King's Way

Zoned General Commercial

P.G. Archibald, Applicant

Deferred by Applicant

GC-2001-01-C (was listed on agenda as file number GC-2001-12)

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

Consider an amendment to change the Zoning Ordinance of Glynn County, Glynn County, Georgia, Section 905.1 to allow temporary telecommunications facilities as a temporary use, Article XIV – Telecommunications Facilities Ordinance, Section 1402 to define temporary telecommunication facility, Section 1403 to allow temporary telecommunication facilities in all zoning districts, Section 1403.3 to exclude mobile towers and antennas which receive a permit from some requirements of this ordinance, and for other purposes.

Mrs. Touw asked Mr. Sutton if he saw it as a problem, she sees it as a problem, that we are considering an ordinance that is different from the advertisement, it was not advertised as we are considering it. Mr. Sutton stated that he does not see this as a problem because all of the items addressed in the advertisement are included in the proposal they have in front of them and what they have is more than what was suggested.

The original proposal that was suggested limited it to the Resort Residential so additional---. Mrs. Touw stated "and commercial", it was advertised for Commercial Resort Residential, not for all residential. She asked if we shouldn't be considering it exactly as advertised. Mr. Sutton and Mr. Stewart agreed. Mr. Stewart further stated that we should consider only what was advertised and that everyone knows what this proposed change is for. Mrs. Touw said she was not aware and Mr. Stewart stated that if he wasn't mistaken, it is for the Walker Cup. Mrs. Touw stated that if it is for the Walker Cup then there is no need to include R-6, R-12, Highway Commercial, and all that because it is a special event. Mr. Stewart stated that he agreed. Mrs. Touw then asked if we should consider and act on something that is not presented as advertised. Mr. Sutton stated that we should not until it is advertised correctly. Mr. Stewart asked Mr. Gilbert if it would effect the event if we put this off for a month and pointed out that we can consider what has been advertised simply by deleting "in all zoning districts." Mr. Gilbert stated that the tournament is in August and that he could not calculate how the advertisement for the next Planning Commission hearing and at the County Commission level will relate to the tournament date, but that it would be cutting it close.

Mrs. Touw asked Mr. Gilbert if he would explain to the board, because we are being asked to change our ordinance without any background, as to what the purpose is or what we are trying to achieve with it. Mrs. Touw stated that the word "temporary" bothers her because we have a balloon that got a temporary permit four years ago and is still flying. She further stated that she didn't know why the proposal allows for a 90 day renewal and that she does understand that they want to have a temporary tower on the north end of Sea Island and that our ordinance does not presently cover it.

Mrs. Touw stated that this is a special event and that we have special event signage so could we propose special event temporary telecommunication facilities. Mr. Gilbert stated that Resort Residential is fine with them and stressed the importance of the Walker Cup Tournament, that it would be an international event. He further stated that the company Cingular was trying to establish communications for the north end of Sea Island for this event and that there will be people here from all over the world. Mr. Gilbert further pointed out that communications means television, computers and cellular phones and that there is currently no way to get the signals out on the north end of Sea Island.

Mr. Gilbert explained that the Cingular company representative went to the County Attorney and Sea Island asked Mr. Gilbert to stay involved until the ordinance change is accomplished. Mr. Gilbert stated that Mr. Sutton has taken the blame for many things today that he didn't do, the advertisement was placed before Mr. Sutton saw the ordinance. Mrs. Touw stated that she knows this. Mr. Gilbert stated that he understood that if someone wanted to contest the ordinance, the change would fail because the advertisement does not give notice to the public that towers may be located in residential areas other than Resort Residential. Mr. Gilbert pointed out that they really need this or millions of dollars invested will be ill spent. Mrs. Touw stated that she is aware of all of that and Mr. Sutton knows this because she has been trying to get a copy of the ordinance from him for two weeks. She stated that it doesn't change the fact that we are dealing with legalities and her problem is that we are looking at an ordinance that is very vague, very general, and very wide scoped when we are only trying to cover certain things such as special events. She stated that she doesn't think you need an unlimited number of permits that could be granted, there are no limits here, in any zoning district, including residential.

Mr. Gilbert stated that most times general is better than specific when drafting legislation because we can never know what is going to happen in the future. He said he just reviewed a contract yesterday for another major tournament to be held here which will be a second event these towers will be used for. Mrs. Touw said these are special events but they will not alter some of the zoning categories that are in there.

Mr. Gilbert said the telecommunications ordinance in particular. Since it was written there are now things that look like flagpole called stealth towers, and they are flagpoles and people won't know they are a telecommunications tower. Things like these were not considered when the ordinance was written and we need to allow for the temporary towers for the tournaments and other things that may come up. Mrs. Touw said, as Mr. Stewart suggested, that this could be considered as advertised with just those districts. Mr. Stewart asked Mr. Peterson if staff agreed that the board has the right to vote on what was advertised, but something that was added that was not advertised, they do not have the right to vote on it. Mr. Sutton stated that in his opinion he is opposed to telecommunications facilities, temporary or otherwise, being located in all zoning classifications. He further stated that the telecommunications facilities portion of the ordinance is used to regulate towers and the way it is proposed today suggests doing away with that regulation.

Mr. Sutton stated the staff is comfortable with suggesting temporary telecommunications facilities, as advertised, in the Resort Residential district and all of the other districts allowed in that portion of the ordinance identified as 1403.3-A. He stated that his suggestion originally when he penned the advertisement, that we create a "D" and that we list all of those approved zoning classifications for telecommunications facilities and in "D" identify it "temporary telecommunication facilities and add Resort Residential. Mr. Peterson asked if Mr. Sutton was referring to 1403.3D and Mr. Sutton replied no, 1403, "Placement of Telecommunication Facilities by Zoning District".

Mr. Sutton stated again that this staff is not opposed to placement of a temporary telecommunications facility in those previously approved districts and would suggest adding Resort Residential to accommodate the temporary use. Mr. Stewart stated that's all we need to do, because it would then be properly advertised and the event gets done. Mr. Sutton stated that they discussed this with Mr. Gary Moore earlier and he was looking beyond just the golf tournament to the necessity after a natural disaster in the event we needed to bring telecommunications facilities in all zoning classifications to get past that disaster, but the code of ordinances already provides for that.

There was further discussion. Mr. Peterson asked how much time is needed to set up one of these towers and Mr. Sutton stated that is part of the detailed research he has been unable to accomplish at this point in time. He further stated he has solicited the people that are proposing this to provide him with this information, it does need to be set up and calibrated, and to the best of his knowledge it will require 10 to 14 days to set up. Mr. Stewart stated that Mr. Sutton is right, there is no exact time you can put on it. He further stated that once it is in place, they may discover that it needs to be moved 100 feet one way or another and that while 30 days should be adequate time, 10 days may not be enough. Mr. Sutton stated that the permit is for 90 days and that seems like a good time period and he asked that we reconsider the necessity to grant an additional 90 day period for the same location or for moving it to another property to accommodate the same need. He stated that this is for a specific event and the ordinance should be event specific in his opinion and there should be no necessity for an extension. Mrs. Touw stated that she agrees that there should be no renewal, they have three months and if they needed another three months they could come back and apply for a new permit in the same location. Mr. Stewart said they would have plenty of time to do that. Mr. Sutton said he would be glad to help if there were a tool in the ordinance to allow us the latitude to look at it.

Mrs. Touw pointed out that renewals have been a problem in the past with hardship mobile homes, how many renewals, etc. Mr. Cole asked what zoning districts was this advertised as. Mr. Stewart stated the advertisement read as follows: **"Consider amending the Glynn County Zoning Ordinance, Section 705.3, 905.1, 1402, 1403, 1403.3 to allow for temporary telecommunication facilities as a conditional use in Forest Agricultural, Basic Industrial, General Industrial, General Commercial, Highway Commercial, Limited**

Commercial, Freeway Commercial, Resort Residential, and Planned Development and Government applications.” Mr. Sutton stated that all of those that are listed in that portion of the ordinance plus the Resort Residential. Mr. Hart stated that Resort Residential is the only thing being added and Mr. Stewart suggested just voting on that. Mr. Hart stated that we would consider just what the ad states. Mr. Sutton asked that they consider leaving out the part allowing the 90 day extension.

Chairman Cole asked if there were any further comments from the audience and Mr. Gilbert stated that he agrees with the reduction to Resort Residential and doing away with the 90 day extension because it is not needed. Mrs. Touw asked if this would be rewritten where it says 1403C. Mr. Sutton stated that he would like to spend a great deal of time making sure that it is very clear as to what is being voted on because he has to prepare a report for the Board of Commissioners and that the Planning Commission members would receive a copy of the report as soon as it is penned.

Mr. Sutton stated that there was a proposal in the advertisement that suggested amending 905 temporary uses, and he asked if that was correct. Mr. Stewart replied yes, 905.1, that is correct. Mr. Sutton continued “and adding number 7, Temporary Telecommunication Facilities in accordance with permitting and proceedings set forth in 1403.3D.”

Mr. Sutton stated that at this point he would like to look at 1403.3D and confirm that the advertisement includes 1403.3D and the board members agreed that it did because it said 1403.3 which would include 1403.3D. He further stated that staff recommends approval of the amendment to section 905 and staff recommends approval of the amendment to 1403.3D and he pointed out to Mr. Peterson that this amendment directly suggests his position and makes it necessary for the permanent application to be filed in writing with him, stating the reasons for and that his position would approve it.

Mr. Sutton further stated to Mr. Peterson that as Community Development Director and all of the responsibilities he has that Mr. Sutton suggests that he may want the Planning Official or some other person in the Community Development Department, after having it reviewed by the Development Review Team, do that. Mr. Peterson pointed out that it says in that section that “a reason shall be stated and a permit shall be granted” and that there is no discretion. Chairman Cole stated that we can’t turn it down and Mr. Peterson stated “no”. Chairman Cole asked then what is to prevent individual homeowners in FA from auctioning out their driveways. Mr. Sutton pointed out that there is also a 90 day extension so there are items in there that we are going to address, he just started with that one.

Mr. Hart asked what the north end of Sea Island is zoned and was told it is probably R-12. He further stated that it could get out of hand with individual private homeowners renting out their driveways. Mr. Sutton stated that if we deny their permanent location, they could get a temporary one under those circumstances. Mr. Hart stated that it states it “shall be granted,” and Chairman Cole stated that the word “shall” is always mandatory. Mrs. Touw asked where that is and Mr. Sutton stated in the ordinance that the word “shall” means always. There was further discussion on this. Mr. Stewart suggested changing the word “shall” to “may” and Chairman Cole suggested “may” or “could”. Mrs. Touw asked how it is worded in the ordinance. There was further discussion as it was looked up in the ordinance. Mr. Hart stated the word “shall” is scary because anyone can get one. Mr. Gilbert stated that the word “may” is scarier to him because you put the discretion in the hands of someone you don’t want to have it. Mr. Peterson and Mr. Hart stated then it would be with no criteria.

There was further discussion. Mr. Sutton asked Mrs. Touw if it suggests that it shall be valid only for the locations approved by the Community Development Director? Mrs. Touw said yes and only if certain requirements are met and they have to be met first. Mr. Sutton said it shall always not exceed 90 days, period. Mr. Hart said he understands that but what he is saying is that with that wording on the temporary, it opens up every little place, like the guy rents your house, he goes and gets a permit and puts a satellite truck in the front yard. Mr. Stewart stated that if we just change it to “may” then it is at the discretion of Mr. Peterson or whoever is decided upon. Mr. Hart stated that yes, but there is no criteria and Mrs. Touw agreed saying that it will create problems to use “may” and that “shall” can be used because it is still contingent on meeting all of the requirements. She further stated that if the applicant

meets all of the requirements, then a local official is not going to have a choice on whether or not he grants the permit. She pointed out that she agrees with Mr. Gilbert on the word "may" because then granting the permits is discretionary and could lead to problems. Ms. McCormick stated that it does have the "if" in the text which means they have to meet the requirements.

Mr. Sutton suggested considering two things, the first being that Mr. Peterson as Community Development Director can assume the responsibility or delegate it in the ordinance to someone in Community Development in the Planning and Zoning Division or possibly the Building Official when he reviews the permit. Mr. Sutton stated that finally, he would like to suggest we delete that last portion that says "however the renewal of said permit may be obtained for an additional 90 day period." Mr. Sutton said after the word "days" put a period and delete that last portion and that is the staff's recommendation.

Mr. Stewart asked Mr. Peterson whether he wanted to handle this or assign it to someone else. Mr. Peterson stated that section 905, Temporary Uses, states Building Official and to remain consistent this should read Building Official also. Mrs. Touw stated she does not think that something of this kind coming in for a permit should bypass the approval process from the director. She further stated that this is a big deal and lets suppose the Building Official is out ill, then who is going to do it? She stated you can assign it to the Building Official and say it is his responsibility... Mr. Peterson suggested leaving it as Community Development Director or his designee. Mr. Stewart and Mrs. Touw agreed that this would be better. Mrs. Touw stated that it makes the director responsible.

Mr. Sutton stated to make sure everyone is keeping up, staff has recommended to the Planning Commission approval of 905 and 1403D with two changes, delete everything past the semi colon after the first "90 days", and second, include in the second sentence "any temporary telecommunications facility not more than 100 feet in height for which a permit has been properly issued by the Director of Community Development or his or her designee. Chairman Cole stated "or a suitable designee". Mrs. Touw stated no and that the permit has to be signed by someone, doesn't it? She asked would that mean the designee would have the right to sign, any unknown designee or is this going to create a problem? Mr. Peterson stated it is just in the absence of the Community Development Director for whatever reason. Mrs. Touw stated that technically the permits would be signed by the Director of Community Development and if he is absent, he automatically... is it necessary to put it in here, she asked Mr. Peterson if he thinks it is. Mr. Peterson stated he thinks it is necessary. Chairman Cole asked how it is going to be worded and several people answered "by the Director of Community Development or his designee."

Mr. Sutton stated that third thing he wanted to make sure we were all clear on is that in Section 1402, item number "N" we have a definition for temporary telecommunication facilities and he suggests that the definition proposed there is acceptable to him.

Mr. Sutton then moved on to Section 1403. we have a "C" being suggested there and he suggests that we retool that so that it includes the Resort Residential zoning classification and makes reference back up to 1403. A and identifies those zoning classifications as being an acceptable site. Mr. Stewart asked why we don't just add Resort Residential into "A"? Mr. Sutton stated because that would allow you to put a permanent tower there. Mr. Stewart said "you're right" and said that so all we need to do is add Resort Residential under "C" and reference back up to "A". Mrs. Touw asked how he was going to word that and Mr. Sutton replied that "Temporary Telecommunication Facilities in accordance with Section 1403.3 D of this ordinance may be allowed in the Resort Residential zoning district and those districts identified in 1403. A." Mr. Sutton stated that if he is not mistaken by addressing it this way, the advertisement submitted to the newspaper would be okay. Mr. Stewart stated that we would be in compliance.

Mr. Sutton stated that the board members have feedback from staff suggesting no extensions, they have feedback from staff suggesting not all zoning classifications, just RR. Mrs. Touw asked if the County Commission could consider all zoning classifications and Mr. Stewart replied that they can do anything they want. Mr. Sutton replied that they probably will consider all zoning because the county attorney wishes for it to be considered and will be at the meeting, and Mr. Sutton stated that, again, he is speaking without consulting the county attorney.

Mr. Hart stated the problem with all zoning is that it was not advertised and the Planning Commission is trying to comply with the time limit. Mr. Stewart stated that we are trying to get the thing done. Mr. Sutton stated that it appears to be a win / win for staff and for the applicant.

Mrs. Touw asked who initiated this change in the ordinance, was it Sea Island? Mr. Gilbert replied that it was the phone company, Cingular, in working with Sea Island realized..., they talked to Buddy Aikens first. Mr. Sutton stated that actually Wayne Rayburn from Value Concepts met with him and Buddy Aikens and they toured one site, because the other site was in Resort Residential, there was no point in visiting it. Mr. Sutton stated that they worked out a way to do it with a temporary facility in a Forest Agriculturally zoned piece of property that has a golf course. He further stated that they looked at the possibility of going to the Zoning Board of Appeals and requesting a variance to allow for the tower in the Resort Residential zoning district but as a result of this being a land use which is not approved in the ordinance, no appeal could be considered, and he would not recommend forwarding it to the Zoning Board of Appeals because it was in violation of the ordinance.

Mr. Sutton further stated that Mr. Wayne Rayburn and his resources made the suggestion that we may want to consider an amendment to the ordinance. Mrs. Touw said she understood that and she is not going to leave here caring one way or the other personally, but an amendment to the ordinance has certain people..., she is concerned because an amendment to the ordinance can be proposed by the owner of the property, the Planning Commission or the County Commission and that's it. She then asked again who proposed it and was told by Mr. Gilbert that it was proposed by the county attorney.

Mrs. Touw stated that the county attorney is not the County Commission and Mr. Gilbert stated that the county attorney is their agent, their attorney at law, and their attorney of fact. Mr. Sutton replied that the county attorney told him in a phone conversation that he was directed by the Chairman of the County Commission. Mrs. Touw stated that she doesn't doubt that they can do it, what she is saying is that when you read that, it is not the way it comes across or the way its been interpreted, then it shouldn't be very difficult when you ask who proposed it to get a straight answer. She further stated that it is impossible, you ask three people who proposed this and you get three different answers and while she wouldn't argue with an attorney who states that the county attorney has this, but it has generally been considered that the Board of Commissioners when they do an amendment to the ordinance, do discuss it, have some purpose and try to achieve some goal therefore they proposed an amendment to the ordinance be written to take care of this particular problem they see, then it goes through the process. She further stated that when she first called to get a copy, they said it hasn't even been written yet and that it was an emergency to get it written in an hour in order to get it advertised and that just bothered her.

Mrs. Touw stated that she does agree with the purpose for this amendment and asked if they would get a copy of this when it is rewritten. Mr. Sutton stated that Gail would have a copy by close of business tomorrow, 5-2-01, for their consideration.

Mr. Stewart made a motion for approval subject to the staff recommendations, adding under Section 1403. "C" Resort Residential with a reference back to the "A" portion, and under 1403.3 "D" that the "Community Development Director or Designee" and complete deletion of the last line which says "an additional 90 days permit may be granted." Mr. Sutton pointed out to Mr. Stewart that he did not mention the change to Section 905.7 and asked him to go through those again.

Mr. Stewart stated Section 905.7, 1403. "C" the changes there, 1403.3 "D" the word "designate" there, 1402. "N" temporary towers, and the last line under 1403.3 "D". Ms. McCormick seconded. Chairman Cole stated we have a second, is there any discussion from the Board to which there was no reply. Chairman Cole asked for all in favor to raise their hands and all present did so.

An unidentified member of the audience asked if under "C" where we put in "Resort Residential" were we removing where it states "all" and Chairman Cole replied yes.

Mrs. Touw asked if when this is advertised for the County Commission, will it be the same ad and Mr. Stewart replied that it should be the same ad, because otherwise it would have to come back to us. Mrs. Touw stated that the county attorney could then deal with whether they can pass something that has not been advertised. Mr. Sutton stated only if the county attorney wants it to come back for our consideration. Mrs. Touw stated that most of the County Commissioners if they see that it wasn't advertised for that and that there is a problem, they kind of run scared from that and Mr. Stewart stated that they should because it is not legal.

Mr. Stewart made a motion to approve the April 3rd minutes subject to additions, deletions and changes that may be necessary. Mr. Hart seconded and all voted in favor.

Chairman Cole called for the Planning Commission items and Mrs. Touw went over the list. She stated that one of the things the Planning Sub-Committee went over is to delete any rezonings on St. Simons Island to R-6 and R-9, the areas that already exist as R-6 and R-9 are fine. She stated that it had been suggested that we follow the wording that was under Multi-Family or High Residential, which says that it is reserved for the mainland for Glynn County. She further stated that we put this in for St. Simons that it is the intent of this section that R-6, R-9, M-6, Mh-6, M-9 and Mh-9 zoning districts be developed for residential purposes on the Glynn County mainland, which would take it out of St. Simons. Mr. Hart asked if we want to include R-9 in that. Mrs. Touw stated that we do want to include it to be discussed in a work session and that it would impact lot of record.

Mrs. Touw stated that it had also been suggested that we consider establishing a buffer for telecommunication towers to equal the height of the tower. There was further discussion on this.

Mrs. Touw stated that we are still wanting a clear statement from staff as to what they want the board to do regarding Sections 801 & 802.

Mrs. Touw stated that the board should consider reducing the density in Resort Residential. She stated that under Section 619.1, which are site plans, they should consider adding institutional uses to site plan approval.

Mrs. Touw stated that we need to consider identifying and defining different types of buffers and add them to the zoning ordinance. She stated that if there were defined types such as a "type 1" buffer and a "type 2", etc., that plans could simply state what type of buffer they are using rather than having to go into great detail. There was further discussion.

Mrs. Touw stated that we need to have a work session and that we need to get staff the help they need to get this information to the board. There was further discussion on this. Mr. Hart asked about doing a word search of the ordinance to highlight anything pertaining to St. Simons Island. There was further discussion on this.

Mr. Stewart suggested to go ahead and set a date for a work session. There was further discussion on the date and it was agreed to hold it on Tuesday, May 22nd at 5:00p.m.

Ms. McCormick made a motion to adjourn and Mr. Stewart seconded. All present voted aye.

Note: In the absence of Mrs. Loving, the May 1, 2001 Planning Commission Minutes were recorded and transcribed by Ms. Gail Wendel, Planning Technician.