

**MINUTES**  
**GLYNN COUNTY PLANNING COMMISSION**  
**MARCH 6, 2001 9:00 A.M.**

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

**STAFF PRESENT:** John Peterson, Director  
Lee Sutton, Planning Official  
Ed Halbig, GIS Analyst  
Ellis Carter, Building Official  
Jim Bruner, County Engineer  
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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**SUP-2001-01**

Request for a Special Use Permit to locate a church Montessori Preschool in an R-9 One-Family Residential Zoning District. Subject property consists of 20,000 square feet with frontage on Frederica Road, St. Simons Island. Property owned by the Lord of Life Lutheran Church.

Mr. Doug Neal was 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 travelling 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.

Site plan approval will be required in accordance with section 619 of the Zoning Ordinance; Review will allow staff to determine that the conditions listed above are met.

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

Mrs. Touw wanted to know if this request is for a special use and a site plan. Mr. Sutton stated that this request is for a special use conditioned on staff being allowed to review a site plan prior to issuance of a Building Permit. Mrs. Touw then asked how could the Planning Commission determine whether the five items have been met without reviewing a site plan. If these items are required in order to obtain a Special Use Permit, she stated that the Planning Commission should have the information now. Mr. Hart agreed with Mrs. Touw. He stated that he would rather address the information as part of the package. Mr. Stewart also agreed. Mr. Hart stated that paragraph a) concerns him in that it is subjective, in his opinion. Mr. Fields agreed and stated that according to the drawing, the building has the appearance of a commercial establishment and not that of a residential structure as outlined in paragraph a) and perhaps should be redesigned.

During a brief presentation, Mr. Doug Neal, Vice President of the Lord of Life Church Council, explained that he does have a complete set of plans but was not aware that it had to be part of this package. He thought today's meeting was just for approval of the Special Use Permit. Mr. Stewart asked Mr. Neal if it would be a great inconvenience to defer this request and come back for the next meeting with a more completed package. Mr. Neal stated that he would be willing to come back next month. He therefore requested a deferral at this time.

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### **SUP-2001-03**

Request for a Special Use Permit for a medical hardship in a Forest Agricultural Zoning District. Subject property consists of 2.01 acres and is located off of U. S. Highway 17. Property owned by Richard Evans.

Mr. Evans was present for discussion.

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

The amendment to section 704.3 was heard by the Board of Commissioners on March 1<sup>st</sup>. The requirements of the medical hardship in FA Zoning District are as follows:

1. A property owner's statement describing the need, identifying the person requiring medical care and the person to provide the care, and the relationship of the persons to reside in the mobile home.
2. A certificate of need and necessity filled out and signed by a medical doctor, describing the medical problem(s) and offering a professional opinion of need.

The applicant has provided both items in accordance with the ordinance. These items were included in the packages for the Planning Commission's review. The applicant has sufficient area to support two residences in accordance with Environmental Health regulations. However, he does not wish to divide his lot.

At the Planning Commission's hearing of the proposed amendment, the Commissioners recommended that the Special Use Permit limit the applicant to the location of a single-wide mobile home on the property.

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

Mr. Richard Evans explained that he is requesting the Special Use Permit in order to care for his mother who is elderly and quite ill. She is also coping with the recent passing of his brother. Mr. Evans stated that when the hardship no longer exists the mobile home will be removed. He thanked staff for their support and asked for the Planning Commission's consideration of his request.

Following discussion, a motion was made by Mr. Wayne Stewart to recommend approval of this request. The motion was seconded by Ms. Ann McCormick and unanimously adopted.

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#### **GC-2001-04**

Request to Rezone from Planned Development-General to Planned Development-Residential 33.37 acres, described as a portion of the Golden Isles Gateway Tract, located at the northwest corner of Altamaha Boulevard and Lexington Place; property having 550 feet of frontage on Lexington Place; Property owned by OGR Enterprises, LLC.

It was the consensus of the Planning Commission to defer this item until later in the meeting, pending arrival of a representative.

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#### **GC-2001-05**

Request to Rezone from R9 One-Family Residential to HC Highway Commercial, 21,309 square feet described as Lot 7 and portions of Lot 6 and Tract 2, Block "B" Manning Subdivision; Property being located approximately 73 feet west of U. S. Highway 341 and having 84.22 feet of frontage on Austin Street; Property owned by Skarpalezos Realty.

Mr. George Skarpalezos, II was present for discussion.

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

Brick buildings appear to have been residential or motel at one time. Indications are that it has recently been commercial in nature, with tattoo parlor and "Shine 4 Him" photography and crafts center. The western boundary abuts a mobile home park, an existing non-conforming use in R-9 zoning district.

There is no general layout plan for the property other than the survey showing the existing buildings. The applicant has indicated no development plans at this time. The property is served by two curb cuts on US Hwy 341. Rezoning would bring the property into a single zoning classification.

**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;

Rezoning could allow a use that is more intensive than currently exists. Buffering should be required at the time of development of the property.

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

Use without proper buffering can adversely affect the adjacent property.

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

Property would have little economic use as currently zoned since portions of the property will be in a separate 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. Curb cuts already exist for the property, and frontage portion is currently highway commercial.

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

The Future Land Use Map shows the property as being a mix of commercial and 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. Sutton stated that staff is recommending approval of this request.

Mr. Hart stated that on this particular project staff did not ask for site plan approval, but he wonders if it would be desirable because of the residential property and the churches. Mr. Sutton indicated that site plan approval would be desirable.

Mr. Fields expressed concerns about standard buffer requirements for this property. Mr. Sutton stated that depending on the intensity of the proposed use, i.e., tractor-trailers loading and unloading, some method of buffering noise, lighting, etc. should perhaps be required. He stated that Mr. Hart's comments regarding site plan approval should be considered in this case.

Mr. Hart wanted to know if changing the zoning would create problems on Lot 6. Mr. Sutton explained that the remainder of Lot 6 would be absorbed by Lot 5.

Mr. Skarpalezos stated that he is planning to install a wooden fence; however, in the essence of saving time and money, he is asking that the request be approved contingent upon that condition. Mr. Fields stated that he is concerned with the Planning Commission retaining control to approve the buffer.

Following discussion, a motion was made by Mr. Hal Hart to recommend approval of this request subject to site plan approval. The motion was seconded by Mr. Jonathan Williams and unanimously adopted.

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### **GC-2001-06**

Request to Rezone from FA Forest Agricultural to HC Highway Commercial, 11.510 acres, described as being located at the southeast corner of U.S. 341 and GA 99, beginning approximately 400 feet south of the intersection of U.S. 341 and GA 99, and having 980.82 feet of frontage on U.S. 341; Property owned by Hinson Investment Company.

Mr. Virgil Hinson was present for discussion.

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

The property in question is largely vacant with some buildings of a commercial nature at the south end. The applicant seeks to rezone the property for future commercial development.

The applicant has indicated the plan to relocate the drainage ditch to the rear of the property. Currently the drainage ditch runs the length of the property from north to south.

The Future Land Use Map shows the property as being low density residential, but within a Multi-Use node at the intersection of GA 99 and US 341. According to the Comprehensive Plan, the Multi-Use Nodes are "foreseen [sic] as future locations for commercial, residential, institutional and recreational uses in a multi-use planned concept." Multi-Use nodes are areas that are anticipated to develop, and where development should be monitored. The Comprehensive Plan further states "Site plan approval would be required for any new rezoning request in these areas."

Given the plan to reconfigure the drainage of the property, the lack of water and sewer in the area and the objective of the Comprehensive Plan to guide development at the intersection of US 341 and GA 99, staff feels that site plan approval should be required for any future development of the property.

**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. Adjacent zoning is commercial or Forest Agricultural, with additional highway commercial at the intersection of US 341 and GA 99.

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

No. Some commercial uses currently exist on portions of the property.

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

Property can be utilized as permitted in Forest Agricultural Zoning.

- 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;

11 acres zoned highway commercial could support roughly 120,000 square feet of retail which would generate as much as 4,500 trips per day. 1999 estimates put the average annual daily traffic (AADT) on US 341 at approximately 12619. AADT on GA 99 was estimated at 1769. GA 99 is programmed for improvements from Exit 42 to US 341. Currently the area is not served by water or sewer.

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

The 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;

The designation of the proposed "Multi-Use Node" at the intersection of GA 99 and US Hwy 341 on the Future land Use Map, indicating that development in this vicinity should be subject to site plan review.

Mr. Sutton stated that staff is recommending approval of this request conditioned on any future development being subject to site plan approval.

Following a brief presentation by Mr. Hinson, a motion was made by Mr. Perry Fields to recommend approval of this request subject to the condition stated by staff. The motion was seconded by Mr. Wayne Stewart and unanimously adopted.

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### **GC-2001-07**

Request to Amend Planned Development Text to allow a zero (0) foot front yard setback along Scranton Connector Extension South, described as a portion of the Village at Glynn Place, Phase III, located between the Village at Glynn Place Shopping Center (Goody's) and the Wal-Mart Superstore; Property zoned Planned Development-Shopping; Property owned by Partridge Greene, Inc.

Mr. Tom Wheeler, Mr. Roger Purcell and Attorney Tom Lee were present for discussion.

At this time, staff suggested that the preliminary plat application (PP01-04) for this property be reviewed prior to the rezoning request. It was the consensus of the Planning Commission to review the three applications (preliminary plat, site plan & rezoning) all together with separate motions. The applicants concurred. Staff was advised to proceed with the next agenda item.

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**Little Lake Farms (PP00-36)**

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

At the applicant's request, Chairman Cole advised that this item would be deferred until next month.

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**Stellar Commercial Park (PP01-03)**

19.384 Acres, Located on Perry Lane Road & Spur 25  
Zoned Planned Development & Freeway Commercial  
Stellar Investments, Inc., Owner/Developer

It was the consensus of the Planning Commission to defer this item until later in the meeting pending arrival of a representative.

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**537 Beachview Drive (SP01-06)**

11,229 Sq. Ft. Tract, St. Simons Island, Zoned  
General Commercial-Core/Village Preservation  
Mr. & Mrs. Irvine, Owner; Larry L. Bryson, Developer

Mrs. Carol Irvine and Mr. Larry Bryson were present for discussion.

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

The applicants propose to construct a 1,926 sq. ft. residential structure as an addition to an existing 2,001 sq. ft. residential structure. Additionally, a "carriage house" has been proposed and approved at 836 sq. ft. The two-story finished roof elevation is proposed at 28 ft. 11 in. Site coverage has been calculated at 60%.

This application has been considered by the Planning Commission previously, deferred for 60 days and withdrawn by the applicant. It was deferred in an effort to allow the agent an opportunity to address issues that the Planning Commission felt needed to be addressed. During that time, the "carriage house" was submitted separately, approved and then a variance was heard as to site coverage. The Board of Appeals granted a variance to allow for 60% site coverage. 10 parking spaces are required and 15 have been provided. The existing bed & breakfast is to be used as antique shop.

Building Inspections reviewed the project and advised that the addition cannot locate under existing power lines, and that both buildings are located too close to roadways. Understanding that the zoning classification allows for no setback requirements, the intent of the GC Core Zoning District was to allow commercial facilities and not residential structures of this latitude. All zoning classifications for residential structures recognize the necessity of setback requirements for buffer and safety reasons. Building Inspections and Planning & Zoning agree that this application does not promote the harmonious nature intended in the Village Preservation District nor the intent of the General Commercial Core Zoning District.

Mr. Sutton pointed out that the Zoning Board of Appeals reviewed the variance request to allow for the additional 10% site coverage. The ordinance requires that this be approved as a conditional use by the Building Official. It did not receive Mr. Carter's approval. Application was then made to the Board of Appeals requesting a variance on the separate level issue. It was determined by the Board of Appeals that the difference in one foot constitutes an over/under character that allows for consideration of the commercial/residential use, and therefore the variance was granted. However, Building Inspections and Planning & Zoning disagreed. Therefore, staff is recommending denial of this request.

Mrs. Touw stated that in the past, the Planning Commission reviewed anything in the Village as a whole. She stated that they have never permitted something and then voted as to whether it met the Village Preservation requirements. The Board of Appeals has stated that an individual can have two levels (one in front and one in back), which changes the entire interpretation of an ordinance that has been used through the years. The Board of Appeals is mandated to not make any decision that would impact the ordinance as to other applicants. Their decision has to be based on something unique that only affects that particular property. Mrs. Touw stated that what they have done is interpreted the ordinance that will carry over and will affect everything, and she doesn't feel that they have that authority. Mr. Sutton stated that staff agrees with Mrs. Touw's comments and so does the Assistant County Attorney. Mr. Fields stated that the Planning Commission is not bound by a decision made by the Zoning Board of Appeals.

Mr. Peterson stated that according to the Assistant County Attorney, a separate level is meant to be separate stories and not just a slight change in the floor elevation of the two structures that are put together to create one structure.

Mr. Sutton stated that during discussions with Mr. Larry Bryson, they agreed that one or two things could be considered to accomplish the owners' goals; one would be to remove some paved parking in the area, and the other would be to reduce the size of the footprint of the addition.

Mr. Larry Bryson gave a brief overview of the project since its inception. He explained that the application has changed in nature but the plans have never changed. The plans have remained the same since the initial submittal on October 2<sup>nd</sup>. Mr. Bryson stated that the owners would like to maintain the existing structure and use it as an antique shop. They would also like to build an owners' cottage in back of the facility just as they had on Ocean Boulevard. The language in the code states "on different levels." It does not specifically state "above" which is why the owners went to the Board of Appeals. After the variance was granted, the owners thought that they would be able to proceed with the original application submitted in October.

Mr. Hart wanted to know if the existing two-story frame building would be used totally for the antique store. Mr. Bryson replied yes. He stated that the new addition will be the owners' cottage and the carriage house would be used to store and to restore antiques to be placed in the antique shop. The carriage house was permitted as a commercial structure to be used as part of the antique shop. Mr. Hart had questions about the power lines. Mr. Bryson stated that the power lines will be removed and the service will be placed underground to serve the existing structure.

Ms. Carol Irvine gave an overview of the property. She also presented before and after photographs and explained that her family is merely trying to replicate property that they restored at 545 Ocean Boulevard, which she stated is in the same zoning classification. She elaborated on her family's background and her chosen profession as a historic consultant in the United States and in Europe. Ms. Irvine stated that her family has no desire to tear down the existing house. They want to maintain the historical character of the property and stay in keeping with the surrounding area.

For clarification, Mr. Stewart explained that the Village Preservation Ordinance, which seems to be the source of the applicants' problem, has come into affect between the time of restoring the first property on Ocean Boulevard and the proposed property. Ms. Irvine stated that with the tax increase, she could no longer afford to keep the

property just as a cottage. Her family wants very much to save the house, but they need to be able to adequately use it. Mr. Stewart wanted to know if staff had any suggestions at this point. Mr. Sutton reiterated that this is a General Commercial Core zoned lot with a residential structure. The request is to attach another residential structure to the existing residential structure in the Village Preservation District. He stated that staff is unable to assist the applicants in accomplishing their goals. Staff has however recommended several ideas over the past few months, but continues to recommend denial of this application as presented. Mr. Fields stated that sometimes the answer to what people want to do is "no."

Mrs. Touw pointed out that the Planning Commission is faced with an interpretation of the code by the Board of Appeals, which now becomes a legal issue. She stated that the applicants have received a variance from the Board saying that this is legitimately in their opinion a combination use of residential and commercial, thereby increasing the site coverage from 50% to 60%, which changes the intent of the ordinance. She stressed that there needs to be a legal interpretation before proceeding.

It was noted that staff and the Planning Commission agree that the intent of a separate level, as contained in Section 712.3.1 is considered a separate floor.

Ms. Carol Dumas gave a brief presentation on the type of materials to be used on the proposed project.

Mr. Tom Swan of RUPA was also present to voice concerns about this request. He specifically pointed out Section 709.1.2 pertaining to variances in the Village Preservation District. He stated that the applicants are not seeking something that is out of context with the Village in that they are proposing to preserve the structure. He stated that in his opinion, the Planning Commission would have the authority to grant this request.

Mr. Fields stated that he doesn't think the Board of Appeals necessarily approved a two-story separate structure. It looks to him like they granted the variance from 50% site coverage to 60% site coverage, and if this is the case, the issue of split-level or two different sections of a house still rests with the Planning Commission. Mr. Stewart wanted to know if the Board of Appeals addressed the separate level issue at the February 8<sup>th</sup> meeting. Mr. Ellis Carter replied yes, and it was Chairman NeSmith's opinion that 18 inches did constitute a separate level.

For clarification and with respect to the Chairman of the Board of Appeals, Mr. Sutton pointed out that Article IX, Section 901 states that "the Planning Official shall interpret this ordinance." As Acting Planning Official, he did not make this interpretation alone. He consulted with Mr. Carter, Mr. Peterson and the entire development review team and it was a collective interpretation.

Mr. Fields stated that he thinks the intent of the ordinance regarding separate levels is that an individual can have a combination of residential and commercial within the same structure, provided there is less than 50% floor space on the commercial portion. The concept is to have combined uses in a single residence, whether it's on one floor or split-level.

Following discussion, a motion was made by Mr. Wayne Stewart to deny the site plan for 537 Beachview Drive. The motion was seconded by Mrs. Iris Touw. Voting Aye: Mr. Lamar Cole, Mr. Hal Hart, Mr. Wayne Stewart and Mrs. Iris Touw. Voting Nay: Mr. Perry Fields and Mr. Jonathan Williams. Abstained From Voting: Ms. Ann McCormick.

**537 Beachview Drive (VP01-02)**

1,926 Sq. Ft. Residential Structure, Zoned  
General Commercial-Core/Village Preservation  
Mr. & Mrs. Irvine, Owner; Larry L. Bryson, Developer

It was thought that the Village Preservation application was now a moot point in that the Planning Commission denied the site plan; however, it was pointed out that according to the ordinance, some type of action is required. Thereupon, a motion was made by Mr. Wayne Stewart to defer this request. The motion was seconded by Mr. Perry Fields 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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**The Sand Castle (VP01-03)**

117 Mallory Street, St. Simons Island  
3,600 Square Feet, Zoned GC-Core  
Tim Wellford, Owner/Developer

Ms. Melissa Wellford 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 proposes to replace an existing sign and canopy. The proposed new sign is 17.75 inches by 103 inches or 12.69 sq. ft., which is well below the maximum allowed of 10%. The front façade of the building totals 320 sq. ft. The lettering is less than 18 inches and not illuminated, with a blue background and gold letters.

The existing frame will be utilized for the new canopy. The new canopy will be an off white color with blue stripping to weather the effects of the sun.

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. Perry Fields and unanimously adopted.

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It was noted that a representative for Agenda Item #8 (PP01-03) was now in attendance. Staff proceeded as follows:

**Stellar Commercial Park (PP01-03)**

19.384 Acres, Located on Perry Lane Road & Spur 25  
Zoned Planned Development & Freeway Commercial  
Stellar Investments, Inc., Owner/Developer

Mr. Ron Sawyer 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 proposes to create a 4 lot subdivision. The smallest lot will be Tract A at 1.43 acres. The minimum lot size for this zoning classification is 6,000 sq. ft. The total area equals 18.44 acres, and a .94 acre area is proposed for a public right-of-way named "Stellar Drive." An LDA permit will be required. The water supply and sewage disposal will be Glynn County.

The Building Inspections Division, Planning & Zoning, Environmental Engineering, Engineering, as well as GIS and the Fire Department have reviewed this project. The Department of Transportation is in the process of reviewing this project for a median opening. Traffic Safety has requested a level of service, traffic safety impact study be conducted because of traffic concerns. The Building Inspections Division and Planning & Zoning are requesting that setbacks along Spur 25 be revised to 70 ft. as required from a major street in the Freeway Commercial Zoning District, and that a buffer be provided between all commercial and residential use. The buffer should address noise concerns, night lighting, as well as visual impact on two adjacent different land uses.

Mr. Sutton stated that staff is recommending approval of this request once 1) DOT design requirements are approved; 2) Traffic Safety approves the traffic safety impact study; 3) setbacks are revised as requested; and 4) details of the buffer are agreed upon.

Mrs. Touw stated that she has a problem with being asked to approve a preliminary plat that could conceivably change after all of the above items are done. Mr. Fields agreed with Mrs. Touw. Mr. Sutton explained that several weeks ago Mr. Ron Sawyer solicited staff's assistance in meeting some of his goals in this development. In an effort to assist him, the preliminary plat is as complete as possible at this time.

Mr. Stewart wanted to know if the preliminary plat would change if the Department of Transportation does not grant approval. Mr. Sawyer stated he doesn't believe the plat would change. He stated that access would be via Perry Lane Road regardless. They are also trying to get an access off of the Spur. He pointed out that there is limited access on one side of Perry Lane Road near the hotels. Therefore, Venture Drive has to come out and meet Perry Lane Road. If DOT doesn't approve the access, they would still access Perry Lane Road, but they would not have a cut on the Spur.

Mrs. Touw stated that the Planning Commission is faced with preliminary plats with only certain restricted items to look at, it then goes into construction, and eventually ends up at the County Commission for final plat approval. If the Planning Commission approves a preliminary plat, it is suppose to be signed off at the date of approval. Mrs. Touw stated that this plat will change. "It is premature to bring a preliminary plat to the Planning Commission that will live through time, go for final plat, and know that there could be variations."

Mr. Sawyer stated everything that he builds has another phase to it. In this particular phase, all that he is sure of is that he can access Perry Lane Road. He's not sure that he can get onto the Spur. That may or may not ever happen. If it does, the road has been approved and the cut onto the Spur is up to DOT. Mr. Fields stated that if DOT makes the applicant change the cut or anything, the plat should be brought back to the Planning Commission for approval.

Regarding the setback requirements, Mr. Sawyer stated that when the road is approved and it is decided where the entrance and exit will be, he would like to be able to go to staff at that time and put the setbacks in place accordingly. Until then, he would like to leave the setbacks as they are. However, Mrs. Touw stated that the preliminary plat is supposed to show either building lines or setbacks. She emphasized at this time that *any change* to this preliminary plat must come back to the Planning Commission for re-approval. She stressed that this should be understood by staff, Mr. Sawyer and everyone involved.

Following discussion, a motion was made by Mr. Wayne Stewart to approve the preliminary plat application with a recommendation that Mr. Sawyer considers working with Traffic Safety on a traffic safety study. The motion was seconded by Mr. Perry Fields. However, Mr. Fields asked that the motion be amended to state that the DOT design requirement is not part of the approval, but that any change to the preliminary plat will come back to the Planning Commission before further action. The amendment was accepted. Discussion continued.

Mr. Sutton pointed out that the other two issues (setbacks and buffers) need to be addressed. He stated that the ordinance does provide for a method of reducing the setback to one half of the requirement. Regarding the buffers, he stated that the property is adjacent to residential uses on two sides. At some point, consideration needs to be given to the necessity of a buffer that deals with loading/unloading, lighting and visual impacts between the residential uses and the commercial development. Mr. Sawyer stated that a site plan would be submitted next month to address the buffer requirements and setbacks. There being no further discussion, the motion was unanimously adopted.

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**The Village at Glynn Place, Phase III, Tract I (PP01-04)**

2.746 Acres, Located at Altama Connector & Altama Ave.

Zoned Planned Development-Shopping

Partridge Green, Inc. Owner/Developer

Mr. Tom Wheeler, Mr. Roger Purcell and Attorney Tom Lee 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 proposes to create Tract 1, Phase III of The Village at Glynn Place. In addition, a 618.68 ft. extension of the Scranton Connector is suggested with a 50 ft. right-of-way that will be public. An LDA permit is required. The water supply and sewerage will be City of Brunswick

Documents are included that indicate there was an agreement with staff and the Planning Commission previously. This agreement would complete the connector at the development of Phase III. Within the 50 ft. proposed right-of-way is a 25 ft. drainage easement. Indicated on the plat is the Scranton Connector Extension south showing an 85 ft. right-of-way. Once engineering details are provided to complete the connection, staff will be able to perform a complete review of roads, drainage issues and this application. It appears that if the 85 ft. right-of-way is required, the ability to develop the tract as suggested may not be possible because the buildable area may be reduced.

Careful consideration should be given to vision clearance requirements, traffic studies which according to the previous Community Development Director, possibly did not accurately assess current needs, the idea of shared parking, reduction of an 85 ft. right-of-way to 50 ft. in a distance of 270 at an intersection, as well as design details and potential problems that may be created off of this site that could prohibit the continuation of the right-of-way.

The Building Inspections Division and Planning & Zoning have reviewed this application and suggest that a previous agreement by the applicant with the county to complete the connector during the development of Phase III should be accomplished as part of this application. Staff is recommending denial of this request.

Mr. Sutton stated that Mr. Tom Lee requested him to bring to the Planning Commission's attention, Minutes of the November 1998 Planning Commission meeting

where a recommended motion was considered and approved. (Copies were included in the packages for review.)

Mrs. Touw pointed out that at the November 1998 meeting, there was a lengthy discussion and differences of opinion. It was suggested by the Chairman at that time to recess so that staff, Mr. Wheeler and others could meet and come up with a compromise. When all parties re-entered the meeting room, Ms. Cindy Olness presented the language for the compromise and recommendation for the Planning Commission. Mrs. Touw stated that her motion at that meeting was based on staff's recommendation, and Mr. Wheeler concurred. The motion was for the road to meet collector street character. Mr. Sutton stated that the road does not meet the collector street standards contained in Article VI of the Subdivision Regulations, which describes the character of a collector street. Instead, it is a longer dead-end street without a cul-de-sac, which staff is opposed to.

Mr. Fields stated that he had always been under the impression that Altama Connector was to connect all the way around to Altama Avenue. Mr. Sutton stated that all documents have led staff to that same belief. Staff has suggested that the connection be made at Phase III of the development, as previously discussed.

Reflecting on past discussions, Mr. Stewart stated that the road was promised. He stated that he was never sure if it had to be an 85 ft. right-of-way or a 50 ft. right-of-way, but it was promised. He stated it appears that a 50 ft. right-of-way does not meet the collector street requirement, but an agreement was reached. The developer was to build as close as 50 ft. as possible.

Mr. Bruner stated that according to the Subdivision Regulations, a collector street shall have a right-of-way of 70 ft. It further states that "at the discretion of the County Engineer, the minimum right-of-way width for collector, sub-collector and minor streets may be reduced by 10 ft. by providing curb and gutter on each side of the paving edge, or an equally acceptable engineering design method with a proper design and installation of catch basins, drop inlets and pipe culverts to provide for storm water runoff." Mr. Bruner stated this means that you can go from 70 ft. to 60 ft. if you do not use the ditch as drainage. He pointed out that what needs to be recognized in this particular project is that Mr. Wheeler has offered a 50 ft. easement in lieu of the 80 ft. that was proposed some time ago. To the Wal-Mart side of the easement there is an additional 25 ft. pre-existing drainage easement. In essence, there is 75 ft. to accomplish the objectives of a collector street. (50 ft. for the road and 25 ft. for drainage)

Mr. Fields stated that another concern is that the road was not put all the way through to Altama. Mr. Bruner stated that is correct. Staff wanted the road to extend all the way through. A collector street does not end in a dead-end. It is a thru street to collect traffic from adjacent areas. Mrs. Touw stated that there has never been any correspondence indicating that the road would not go through to Scranton Road Connector.

Mr. Stewart stated that in 1996, there was a motion to deny the request based on the Goody's Store. He was one of the people who voted not to deny because Mr. Wheeler was under a time constraint in order to not lose the contract with Goody's. Mr. Stewart stressed that it was always said that upon Phase III the road would be built and opened. This statement is included in several of the correspondence and in the Minutes. Mr. Stewart stated that he has never had a big problem with 85 ft. or 50 ft. and he never said that the developer had to build a four-lane road. The simple fact is, it has been promised over and over and over that the road would be built.

Mrs. Touw pointed out that the April 4, 1996 letter from Mr. Wheeler states that "after the Planning Commission vote this week I understand there may still be a question about the commitment to extend Scranton Connector all the way over to Altama. Regardless of the vote this week, the commitment to fully link up Altama with the extension of Scranton Connector is alive and well and is no way altered by the Planning Commission's vote." Mrs. Touw stated that is the time when the Planning Commission was agreeing to let Goody's be permitted because of the timing. She continued with the

letter, which states that "the owner understands and does not dispute the commitment to complete the road extension and eventual hook-up to Altama."

During his presentation, Mr. Wheeler explained that when he was trying to permit Goody's, Dan Reuter (former Planning Official) wanted him to build a road in an 85 ft. right-of-way. He stated that he did not want to build the road at that point and time. Mr. Wheeler stated that some of this information has been "cherry picked" a little bit about certain things. He has always had serious questions about putting in a road between what has now become two shopping centers.

Mr. Wheeler stated that in 1986 he received approval of a preliminary plat that showed the road connecting up. When Wal-Mart was permitted, the commitment on the road was ignored. That is when the road should have been addressed, according to Mr. Wheeler. He stated that the road should have also been addressed when Wal-Mart was expanded. The right-of-way from Altama Connector and Altama is no longer controlled completely by his company.

Mr. Wheeler stated that the focus has been, "we want the road, we want the road, we want the road." He was concerned that it seemed to be a good time to have a traffic study done, but it needed to be done on a road servicing approximately 25 acres. He therefore agreed to fund 40% of the study. Mr. Wheeler stated that he and Keith Flanagan (former Director) coordinated on the Request for Proposal. The traffic study determined that the connector road was not needed. It was not going to significantly relieve traffic on Altama Connector, which was staff's concern. The traffic study was done in April 1998.

Mr. Wheeler stated that from a safety standpoint, he was concerned about putting in a collector street through what has now evolved to be strip shopping. He stated that he and Glynn County spent a significant amount of money on getting the traffic study done. Months after the study was done and paid, Chuck Taylor (former Director) wrote a letter saying that he did not agree with the traffic study. The traffic study was made out to Glynn County. He just simply paid part of it.

Mr. Wheeler stated that the basic question is did he say that he would build Altama Connector, and the answer is yes. He stated that he said yes because he wanted to go forward with his project. He stated that he also said that the next time he builds any of the Altama Connector he would build it to the ditch and would dedicate the 50 ft. right-of-way to the county. Mr. Wheeler stated that this connector is not needed to develop his 25 acres on the other side of the creek. He stated that staff is continuously saying that they want the connector road. The traffic study that was done in 1998 indicates that the road is not needed.

Mr. Wheeler stated the following: "Do I want to build this road in the shopping center? Absolutely not. Will I build this road in a 50 ft. right-of-way to the ditch when I want to go forward with the next thing? Yes I will." He stated that this is what he said when he was trying to do the Goody's portion of the development, which is referenced in a letter dated March 27, 1996 to Lee Gilmour (former County Administrator).

In conclusion, Mr. Wheeler stated that he would like for the Planning Commission to not focus so much on commitments that he is probably trying to change. Instead, he would like for the Planning Commission to focus on the traffic study. Common sense dictates that building a connector road in the middle of a shopping center is not good planning. Mr. Wheeler stated that he is prepared to build the road back to the ditch.

Mr. Fields wanted to know who owned the property behind Goody's. Attorney Tom Lee replied Partridge Greene. Mr. Wheeler stated that the portion of property that Mr. Fields is referring to is part of the shopping center. He explained that he made application in the name of Partridge Greene, which is stock owned by the Estate of Scott Hudgens. The Village at Glynn Place, LLC is owned by Mark Hudgens who is the middle son of Scott Hudgens. Mr. Wheeler is representing Mark Hudgens who is not an active business partner.

Mr. Fields stated that Mr. Wheeler is saying that he does not want to pave all the way to the ditch, but has indicated that he would. Mr. Fields stated that he'd like to know just how far Mr. Wheeler is proposing to pave. Mr. Wheeler's reply was about 300 ft. Mr. Stewart pointed out that according to correspondence dated March 18, 1996, the amount is plus or minus 320 ft. Mr. Wheeler stated that he would pave to the top of the slope of the ditch. If it is 600 ft., then that is what he would do. He stated that he doesn't want to cross the ditch. The ditch is the detention area for the entire complex of over 400 acres. Piping the ditch would diminish that capacity. Mr. Fields stated that the ditch goes under Altama, down behind Nottingham Subdivision to Highway 17 and into the marsh.

Mrs. Touw asked if Mr. Wheeler had space behind Goody's that could conceivably become Phase IV and if so, how much space is there. Mr. Wheeler stated that he would not put a retail building behind Goody's, but he would probably build a storage shed. The area is not more than an acre of land. Mrs. Touw pointed out that Mr. Wheeler's original plan was to have a Village; however, he allowed the area to evolve into a strip mall by selling and leasing pieces of land. Mr. Wheeler acknowledged that Mrs. Touw's comments were correct.

Attorney Tom Lee gave a brief presentation. He explained that when Wal-Mart was in the process of expanding, they needed additional land to access into the right-of-way. He stated that he was concerned because he had done the title work on the property. Mr. Lee stated that he and Mark Schroeder (former Planner) researched the files in the Planning & Zoning office to see if a legal commitment had been made regarding the right-of-way being given to the county. They did not find a legal commitment in the files. Based on that fact, a portion of the right-of-way was conveyed to Wal-Mart for the expansion of the Superstore.

Mr. Lee stated that the entire concept has changed and the area has developed differently than what was planned. When the original zoning text was filed, the County Commission recognized that there had to be a certain amount of flexibility in order to make the shopping center work, and they granted that flexibility. He stated that everyone can read the Minutes and determine what kind of commitment Mr. Wheeler made, but his interpretation of the 1998 Minutes is that Mr. Wheeler committed to give the 50 ft. right-of-way to the Wal-Mart property.

Mr. Lee stressed that Glynn County is asking Mr. Wheeler to build a connector road that he doesn't need and they are asking him to pay the total cost of it. This is an illegal obligation that the county is trying to place on Mr. Wheeler. This is something that the county wants; therefore the county should contribute to the cost.

Mr. Fields wanted to know if Mr. Wheeler owns the property located on the other side of the drainage ditch. Mr. Lee stated that Scott Hudgens' estate owns the property and owns the majority of Partridge Greene. Mr. Wheeler explained that the estate owns the stock and Partridge Greene.

Mr. Fields wanted to know if there was a master plan on record at the courthouse that shows the road going all the way through. Mr. Lee explained that the preliminary plat expired after two years. He stated that there has never been a recorded plat of the entire area on record at the courthouse. Mr. Stewart referenced correspondence regarding Mr. Wheeler's commitment to build the road. He stated regardless of the plat expiring after two years, the road was promised. Mr. Wheeler argued that the road is not going to do any good for anybody and that the traffic study disputes the need for the road. Mr. Fields stated that every decision for the last 15 years has been based on a commitment to build the road.

It was noted that Mr. Bill Kirby was present to speak in favor of the road being completed between Scranton Connector connecting to Altama, and not stopping at the ditch.

After much discussion regarding ownership and previous commitments, a motion was made by Mr. Wayne Stewart to deny this request due to the road not being built all the way through as promised. The motion was seconded by Mrs. Iris Touw and unanimously adopted.

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**GC-2001-07**

Request to Amend Planned Development Text to allow a zero (0) foot front yard setback along Scranton Connector Extension South, described as a portion of the Village at Glynn Place, Phase III, located between the Village at Glynn Place Shopping Center (Goody's) and the Wal-Mart Superstore; Property zoned Planned Development-Shopping; Property owned by Partridge Greene, Inc.

Mr. Tom Wheeler, Mr. Roger Purcell and Attorney Tom Lee were present for discussion.

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

The Zoning Ordinance contains the category General Commercial that consists of zero (0) ft. front, side or rear yard setbacks. According to the first Planned Development Zoning Text for this area, the applicant originally sought GC zoning for the entire property. General Commercial zoning currently exists within the mall parcel.

Minutes from the Planning Commission Meeting in November of 1998 state that the applicant was seeking to construct Scranton Connector as a two-lane road, but that "conditional to this, he would like to be allowed to place his buildings right up to the right-of-way line." At that meeting, the Minutes note that, "Mr. [Chuck] Taylor explained that if the road was approved, the applicant would then be required to come back to the Planning Commission with an amendment to the zoning text." This is that amendment. The Minutes from that meeting were included in the packages for the Planning Commission's review.

In 1976, Application GC-38-76 was approved for General Commercial along Old Jesup Highway, conditioned on no construction occurring within 25 ft. of the right-of-way. However, review of other applications rezoning property to General Commercial (on Scranton Road, Spur 25 and US Highway 341) found no other instances of an additional front yard setback requirement. Since this is not an application to rezone to General Commercial, no such condition would be appropriate. The current zoning text lists a 25 ft. front yard setback, and the amendment is to reduce that requirement to zero (0) ft. along the portion of the property adjacent to the Scranton Connector.

**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 proposal does not address the use of the property, but will allow the use to extend to the right-of-way line.

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

The proposal should have no adverse impact on adjacent property uses. The proposal will impact only one portion of proposed roadway (the eastern side of Scranton Connector extension) and will be no more intense than if zoned General Commercial.

- 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;

Use is not in question; location of any needed utilities may be constrained depending on the Preliminary Plat and the design of the site plan.

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

Yes. The area is shown as commercial.

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

The amendment to the zoning text mentions the Scranton Road Connector to which this zero-foot setback would apply. The preliminary plat should therefore be approved prior to the approval of the amendment to the zoning text.

Mr. Sutton explained that at the time of preparing this report, staff's recommendation was for approval; however, a note was included which indicated that the zoning amendment should be considered after the preliminary plat review in that it references an existence of a Scranton Road Connector on the west side of the property. Based on the Planning Commission's denial of the preliminary plat, staff has changed its recommendation of this request to denial.

Following discussion, a motion was made by Mr. Perry Fields to recommend denial of this request based on the fact there is no Village at Phase III. The motion was seconded by Mr. Wayne Stewart and unanimously adopted.

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Due to the Planning Commission's action of denial of the rezoning application for "The Village at Glynn Place" (#GC-2001-07) and the preliminary plat (#PP01-04), the site plan application (#SP01-07) is rendered moot.

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## Minutes

A motion was made by Mr. Perry Fields to approve the Minutes of the **February 6, 2001** Planning Commission meeting. The motion was seconded by Ms. Ann McCormick. Voting Aye: Mr. Lamar Cole, Mr. Perry Fields, Ms. Ann McCormick, Mr. Wayne Stewart and Mr. Jonathan Williams. Abstained From Voting: Mr. Hal Hart and Mrs. Iris Touw.

A motion was made by Mr. Perry Fields to approve the Minutes of the **February 22, 2001** Planning Commission meeting with any necessary corrections. The motion was seconded by Mr. Wayne Stewart. Voting Aye: Mr. Lamar Cole, Mr. Perry Fields, Mr. Hal Hart and Mr. Wayne Stewart. Abstained From Voting: Ms Ann McCormick, Mrs. Iris Touw and Mr. Jonathan Williams.

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## **Planning Commission Items**

As a point of observation, Mr. Fields commented on how Hilton Head Island controls growth by purchasing undeveloped parcels of land to keep it out of the hands of developers. They obtained a bond from the Legislature, purchased the land and put it in a Conservation Trust. Mr. Fields stated that this might be an option for Glynn County to consider in alleviating the clash between private property interest, environmental concerns and historical concerns.

Also, Mr. Fields asked the Chairman to write a letter to the County Attorney asking him to confer with staff and submit an opinion as to whether or not the action taken on the previous application could be perceived as a violation of the impact law. Mr. Sutton stated that staff would brief the County Attorney on the Planning Commission's action. Rather than getting a letter, Mrs. Touw suggested discussing the possibility of an Executive Session with the County Attorney. However, Mr. Stewart stated that on behalf of the Ordinance Review Sub-Committee, he would like for the Chairman to schedule a work session to discuss the overlay for St. Simons, R-6 Zoning on St. Simons, and dead-end streets. Perhaps at the work session, which would be advertised, the Planning Commission could go into Executive Session with the County Attorney to discuss the issue that Mr. Field's is referring to. Everyone seemed to agree with having a work session. Chairman Cole was asked to report back on a date. In the meantime, the majority agreed on having the work session at 5:00 p.m.

Regarding the overlay for St. Simons, Mr. Stewart reminded everyone to go through the ordinance and highlight items of interest or concern to be incorporated into the overlay plan.

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## **Staff Items**

Mr. Peterson invited the Planning Commission to attend a 1:30 meeting today with the developers of the Fox Creek Subdivision regarding a proposal to install their own well system. Some members of the Board of Commissioners will also be in attendance.

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It was noted that no one was in attendance to represent rezoning application GC-2001-04. Therefore, a motion was made by Mr. Wayne Stewart to defer this item until next month. The motion was seconded by Mr. Perry Fields. Voting Aye: Mr. Lamar Cole, Mr. Perry Fields, Ms. Ann McCormick, Mr. Wayne Stewart, Mrs. Iris Touw and Mr. Jonathan Williams. Voting Nay: Mr. Hal Hart.

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