

MINUTES
MAINLAND PLANNING COMMISSION
OCTOBER 18, 2005 – 9:00 A.M.
Room 234, Office Park Building

MEMBERS PRESENT: Wayne Stewart, Chairman
Gary Nevill, Vice-Chairman
Thomas Clark
Jeff Counts, Jr.
Leman “Buddy” Hutchinson

MEMBERS ABSENT: Bill Brunson
Barbara Stephens

STAFF PRESENT: York Phillips, Planning Official
Iris Scheff, Planner
Gail Wendel, Administrative Tech/Acting Secretary

Chairman Stewart called the meeting to order and explained that the first three items on the agenda are public hearing items and after those, the board will return to the regular work session. The invocation was given, followed by the Pledge of Allegiance.

ADOPTION OF AGENDA

Mr. Nevill made a motion to adopt the agenda and Mr. Clark seconded. All present voted in favor.

Chairman Stewart gave a brief recap of the rules and procedures.

ZM-2005-033 (M)

Consider a request to rezone from FA (Forest Agricultural) to PD-G (Planned Development - General), property located on Highway 82, about 1,500 feet southwest of its intersection with Ratcliff Road. The property consists of approximately 6 acres, with approximately 512 feet of

frontage on Highway 82. Parcel ID: 02-01297 Larry Allen Owens and Laura Owens, owners. This item continued from the September 6 meeting.

Mr. Phillips presented the item and stated there is a letter of opposition from Mr. Tom Dennard. After further description of the request and intended use, he stated that staff recommends approval.

Chairman Stewart asked Mr. Phillips what the Comprehensive Plan Land Use Map shows and he replied that it is "Low Density Residential Uses". Chairman Stewart asked Mr. Phillips to read the findings of fact into the record:

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. Residential and agricultural uses predominate nearby. There is a business adjacent to this property on three sides, industrial development across Highway 82, and scattered commercial zoning at road intersections in the immediate area.

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

Non-residential uses typically encourage departure from the residential use pattern. However, some non-residential use exists in the area, and the proposal is a tailored PD-G zoning including substantial buffers on all sides of the property, that transitions to future residential development requiring site plan approval, thus mitigating adverse effects on adjacent or nearby property over both the short and long term.

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

Yes. However, the inert landfill area lying dormant, without soil rehabilitation, stump cleanout, and re-grading, precludes the agricultural use for which it is zoned.

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

No.

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

Yes. The County's adopted Comprehensive Plan Future Land Use Map identifies this area for low density residential use. The proposed planned development use with one on-site residential dwelling will prepare the land while utilizing wooded buffers to protect existing adjacent residential uses, and the future residential use complies with the adopted Future Land Use Map.

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 property was timbered and then used as an inert landfill for tree stumps. Those stumps have been deteriorating for a number of years. While the property may not be appealing for residential development in its present state, its soils have been professionally tested and proved environmentally sound. Once the stumps are removed, the land re-graded, perimeters landscaped, and settling occurs for a period, the subject property may again become attractive as developable for residential use. In the interim, as noted previously, there is industrial zoned property across from the subject property, which, along with its present un-reclaimed condition, impacts its current alternatives in terms of residential use.

Chairman Stewart asked the applicant if they would like to make a statement and Laura Owens replied that she did not. Chairman Stewart asked if anyone was speaking in favor of the item to which no one replied. He then asked if there was anyone speaking in opposition to which no one replied, however, Chairman Stewart pointed out that there was a letter of opposition in the package.

Chairman Stewart asked for further description of the use and the term “lay-down yard”. Laura Owens explained that it was for storage of equipment and materials. She also stated that her address is 711 Strickland Ave., Blackshear, Georgia.

Chairman Stewart asked if there was anyone speaking in opposition and Tom Dennard stepped forward. Mr. Dennard stated that he owns the property on three sides of the rezoning request and he purchased it in 1974. He stated that in 1978 he sold the subject property. He discussed the limited commercial uses in the area, the fact that single-family homes are being built in the area, and he described his operation. He further stated that when he sold this property, he put restrictions in the deed limiting the use to single-family residential. He stated that the proposed use would be unsightly and would present a commercial effect that he would like to avoid. He also pointed out that he was concerned because it is a low area and that at one time, hardwood stumps were placed on the property and then covered with dirt. This makes it appear to be high ground but it is not and he questions the stability of the ground.

Chairman Stewart stated that the board cannot give any weight to the deed restriction as a factor in their decision. Mr. Dennard agreed.

There was further discussion on the stability of the land and situations in other counties. Chairman Stewart asked Mr. Phillips how high the berms are and Ms. Owens replied that they are about 5’. There was further discussion.

Mr. Clark made a motion to deny and Mr. Hutchinson seconded. Mr. Clark stated that the property across the highway is zoned industrial even though there is not anything there at this time. He questioned whether the inert landfill was properly tested because the company that did test wells placed some of them to the outside where they will not show the stumps. He discussed this further. Mr. Counts stated that Mr. Owens would have to disclose to future owners that the property was once a landfill. Mr. Nevill stated that while some property owners do not want the rezoning, the fact that the property is on a divided highway suggests a commercial use. He

stated that given the landfill status of the property, a lay-down yard would seem to be a better use than any type of residential.

Chairman Stewart asked Mr. Phillips if the current zoning of Forest Agricultural would allow the requested use and he replied that they would only be allowed to store farm equipment. Mr. Phillips discussed this further and the use would be limited to what is listed in the PD Text. Mr. Counts pointed out that, according to the PD text the applicant has to come back to the board to change the use. There was further discussion.

Chairman Stewart asked Ms. Owens how far they plan to dig down to remove the stumps. She stated that they will knock all of that top dirt down to see what is there. She stated that they have been in business for 25 years and will not develop land that is not sound. Mr. Nevill asked Ms. Owens if she would be willing to put a statement into the in the PD text the property was once used for an inert landfill. She stated that she would and that she was trying to straighten out this property.

Mr. Clark asked Mr. Dennard if he would agree that a lay-down yard would not interfere with his business. Mr. Dennard agreed that it would not interfere. There was further discussion on this and on buffers.

Mr. Clark withdrew his motion to deny and there was further discussion. Mr. Hutchinson withdrew his second.

Mr. Nevill made a motion to approve subject to changing the PD text stating that the prior use of the property was an inert landfill. Mr. Counts seconded. All present voted in favor of the motion.

ZM-2005-034 (M)

Consider a request to rezone from R-6 (One Family Residential) to HC (Highway Commercial) a portion of a property, located on the south side of 8th Street about 72.36 feet east of its intersection with Hardee Avenue. The subject portion consists of approximately 2,114 square feet, with approximately 42 feet of frontage on 8th Street. Parcel ID Nos.: 03-08410 and 03-08409. W. Eugene Caldwell, agent for A.D. Harrell, Jr., owner. This item continued from the September 6 meeting.

Mr. Phillips presented the item and stated that staff recommends approval.

Chairman Stewart asked if there was anyone speaking in favor or in opposition to which no one replied.

Mr. Clark made a motion to approve and Mr. Counts seconded. All present voted in favor.

PP-2005-016 (M)

Ratcliffe Lake - Consider a request for approval of a preliminary plat for property located on the west side of Ratcliffe Road north of its crossing of the Colonel's Island Railroad. The project consists of 56 proposed lots on 41.369 acres. The property is zoned FA (Forest Agricultural). Chris Hutchinson, Quinton Hutchinson, and James Harper, owners.

Mr. Phillips presented the item and stated that the issues listed in the staff comments can be addressed through the construction plan review process. He stated that many of the issues have already been addressed. He stated that staff recommends approval.

Mr. Clark asked Mr. Shupe if the properties on Ratcliffe Road, would that be the front or back of the house and he replied that it would be the back of the house. There was further discussion on this and Mr. Clark asked if the developer could provide a buffer or privacy fence and Mr. Shupe replied yes. Mr. Counts suggested there could be landscaping. There was further discussion.

Mr. Counts made a motion to approve with the stipulation that either a natural landscape buffer or a 6' privacy fence be installed in the back of lot 36 against Ratcliffe Road and on the back of the well site. Mr. Clark stated to include the other two lots in this stipulation if they are not side yards. Mr. Hutchinson seconded. Chairman Stewart, Thomas Clark, Jeff Counts, Jr., Leman "Buddy" Hutchinson all voted in favor. Mr. Nevill abstained.

Mr. Nevill motioned to adjourn the regular meeting to go into the work session. Mr. Counts seconded. All present voted in favor.