

**MINUTES**  
**MAINLAND PLANNING COMMISSION**  
**DECEMBER 6, 2005 - 6:00 P.M.**  
**Historic Courthouse, 701 G Street**

-----

**MEMBERS PRESENT:** Wayne Stewart, Chairman  
Gary Nevill, Vice Chairman  
Bill Brunson  
Tommy Clark  
Jeff Counts  
Buddy Hutchinson

**STAFF PRESENT:** York Phillips, Planning Manager  
Iris Scheff, Planner III  
Janet Loving, Admin/Recording Secretary

-----

Chairman Wayne Stewart 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.

-----

**ADOPTION OF AGENDA**

The following items were deferred until the January 3, 2006 mainland meeting: *(ZM-2005-036M)* and *(ZM-2005-038M)*. There being no further changes, a motion was made by Mr. Jeff Counts to accept the changes and approve the agenda for the December 6, 2005 Mainland Planning Commission meeting. The motion was seconded by Mr. Tommy Clark and unanimously adopted.

-----

ZM-2005-019 (M)

Consider a request to rezone from Planned Development-Shopping PD-S to Planned Development-Residential PD-R; property located approximately 280 feet east of Highway 17, south of its intersection with Higginbotham Road. The site area is 6.76 acres, with 231 feet of frontage on Higginbotham Road. Bill Kent, agent for Charles Powers of Powers Landing, LLC, owner.

Attorney Perry Fields and Mr. Powers were present for discussion.

The following report from staff was included in the packages for the Planning Commission's review.

The adjacent property to the east was rezoned to PD-R in 2003. Residences under construction at Powers Landing Subdivision have drawn interest warranting expansion of the project westward, which is the purpose of this request.

The rezoning is a text amendment of the previous Planned Development-Shopping Text, changing the permitted uses to the equivalent of the Powers Landing Subdivision to the east of the subject property, with one difference. The existing zoning was established in 1983, but is unlikely to be used in its originally approved form due to requirements for flood protection and wetlands. These requirements have been adopted since the time of the original approval.

The request was brought to the Mainland Planning Commission on June 7, 2005. Discussion ensued about small lot sizes and close setbacks, with a request by the commission to the developer that lot sizes increase, resulting in more open space throughout the proposed project.

The present request, originally proposed earlier this year, is now revised based on Mainland Planning Commission input. The text now proposes minimum 6,000 square feet lots, rather than the 4,000 square feet lots approved in the initial phase of Powers Landing Subdivision.

The county's adopted Comprehensive Plan designates the subject area as commercial and the adjacent property to the east Medium Density Residential. This request is for a "down-zoning," which is a zoning of lesser intensity or density than the currently approved commercial zoning district for the property, as well as the expected Future Land Use.

Since the site was originally zoned (early 1980's), there have been changes to flood protection regulations and wetland protection regulations that make this site less feasible for commercial development. This supports a change to residential.

**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.**

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

**No, it is not believed that the change from Commercial to Residential of a like kind will adversely affect adjacent or nearby property.**

- 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 map identifies this area 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.

**Changes in regulations on wetland protection and flood protection make this area more desirable for residential development. Success with adjacent Powers Landing Subdivision demonstrates a need and desire for housing of this type and value.**

While the request is not consistent with the adopted Comprehensive Plan Future Land Use Map, approval of the requested rezoning from PD-S to PD-R is warranted and can be supported based upon the reduced suitability of the land for commercial development and an increased demand for housing. Therefore, staff's recommendation is for approval.

Mr. Perry Fields gave a brief presentation including background information on this property dating back to June 2005 when it was first submitted as a Planned Development Text. At that time, the Planning Commission was not satisfied with the

proposed text amendment. Since then, there have been several amendments to the text. One issue of concern was lot sizes, which were noted at that time as being R-4 zoning. However, Mr. Fields pointed out that there are no R-4 zonings in Glynn County. Another concern was that there were no amenities and greenspace.

Mr. Fields stated that he had several discussions with Mr. Powers about these concerns, but success speaks for itself: In February 2005 this project was open for sale and of the 73 lots, 42 are currently sold, 29 houses are under construction or completed, and 13 of those have already been resold to the public. Mr. Fields stated that there is a need for this type of development where a person can have a smaller lot and have his own home located on his own lot. He reminded the Planning Commission that this development was originally called "Mariners Cay" in 1982 and was presented as a PD Text with the front half being a Planned Development-Shopping Center and the back portion being multi-family with 132 apartments.

Mr. Fields stated that the average topography of this particular 6 acre tract is about 6 ft., which is not conducive to commercial, and the average height is between 6 and 8 ft. Since this PD Text was adopted, GA Power has installed some substantial transmission lines and in essence has blocked all access off of Highway 17 due to the transmission lines and also because of the improvements to Highway 17. Therefore, access is limited in accordance with DOT, which is why he disagrees with staff's opinion that there is some other economical use for this property. Given the limitations, including the size of Higginbotham Road, Mr. Fields stated that the only reasonable use for this property is residential and he is soliciting the Planning Commission's approval.

Chairman Stewart pointed out that the only problem voiced by this Planning Commission was greenspace. He agreed with Mr. Fields that there are no R-4 zonings in Glynn County although a PD-Text allows you to write your own standards, and in this case, the applicant has chosen 6,000 sq. ft. lots. He asked if there were any plans to "peace-meal" the property located in the front. Mr. Fields stated that the applicant does not own the front portion of commercial property. Chairman Stewart stated that perhaps the applicant could rearrange the lots relative to the 10 ft. separation between the houses. He stated he agrees that the trend seems to be leaning toward smaller lots in order to have less yard space to maintain, but the greenspace issue still exists.

Mr. Fields explained that he discussed this issue with Mr. Powers at length and in addressing the setbacks, they did not have a real big problem with 7 ft., but decided on 5 ft. because some of the lots are only 55 to 56 ft. wide. He stated that they wanted to have more flexibility in the design of the homes, which is the only reason they did not settle on the 7 ft. setback. However at this time, Mr. Powers acknowledged that he would not have a problem with the 7 ft. side yard setback.

Mr. Tommy Clark and Mr. Buddy Hutchinson commended Mr. Powers for working so diligently to reduce the density in this particular area.

It was noted that no one was present to oppose this request. Therefore, following discussion, a motion was made by Mr. Buddy Hutchinson to recommend approval of this request stipulating that the side yard setback would be 7 ft. The motion was seconded by Mr. Bill Brunson and unanimously adopted.

-----

ZM-2005-039 (M)

Consider a request to rezone from General Industrial GI to Limited Industrial LI (2.24 acres) and General Commercial GC (0.50 acres) property located at 3000 Whitlock Street. The property consists of a total of 2.49 acres and includes a portion of the Cedar Street right of way. There is a total of 143.69 feet of frontage on Whitlock Street. Parcel ID 03-08949 Daniel Sholan, agent for John Jacobs, owner.

Mr. Daniel Sholan was present for discussion.

The following report from staff was included in the packages for the Planning Commission's review:

The applicant, John Jacobs, is interested in subdividing his large property to allow the agent, Daniel Sholan, to purchase a portion to construct a warehouse. Mr. Jacobs wants to keep his original business and use to continue to operate his automotive repair garage. Automotive repair and warehouses are permitted uses in the General Industrial zoning district; however, if the parcel is split, the resultant lots will not fulfill the minimum three acre requirement for the GI zoning district, thereby necessitating the rezoning.

Conducted parallel to the subdivision process, the rezoning request allocates appropriate alternate zoning districts to each portion of property, allowing intended uses and meeting minimum lot size requirements. At staff's suggestion, the owner and agent request General Commercial zoning for the 0.50 acre automotive repair garage parcel, and Limited Industrial zoning for the remaining land.

Mr. Sholan's warehouse use is depicted as parcels "A" and "B," and traversed by right-of-way, which is undeveloped and unused. Cedar Street must be abandoned to allow the remaining land to be rezoned, since Parcel "B" (as depicted) would not contain the minimum 1 acre required for the LI zoning district. The area is not served by public water and sewer.

The adopted Glynn County Comprehensive Plan Future Land Use Map indicates this area for industrial uses.

**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 and nearby property is predominantly General Industrial. The proposed commercial and industrial uses are compatible and the requested parcel sizes will conform to the zoning requirements for each use.**

- 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. The commercial use of an automotive repair garage is in existence and has been operational for many years, while the warehouse use is not a high traffic generator, nor does it cause excessive or burdensome use of utilities or schools.**

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

**The county's adopted Comprehensive Plan Future Land Use Map identifies this area for Industrial use.**

- 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 subdivision required to add the warehouse use will enable the property to conform with zoning requirements, compatible with the surrounding industrial zoning.**

The proposal is consistent with Glynn County's Comprehensive Plan and will generate satisfactory infill development, desirable for this area. Therefore, staff's recommendation is for approval.

It was noted that no one was present to oppose this request. Following review, a motion was made by Mr. Jeff Counts to recommend approval of this request. The motion was seconded by Mr. Tommy Clark and unanimously adopted.

-----

ZM-2005-040 (M)

Consider a request to rezone from General Industrial GI to Limited Industrial LI (1.981 acres) and General Residential GR (.5011 acres) property located at 4090 Whitlock Street at its intersection with Cedar Street Extension. The property consists of a total 2.48 acres, with 75 feet of frontage on Whitlock Street and 685 feet of frontage on Cedar Street Extension. Parcel ID 03-08863 Robert Thomas, applicant and owner.

Due to no one being present to represent this request, a motion was made by Mr. Gary Nevill to defer this item to the January 3, 2006 Mainland Planning Commission meeting, beginning at 6:00 p.m. The motion was seconded by Mr. Tommy Clark and unanimously adopted.

It was noted that Mr. David Hicks, Sr. was present to oppose this request on behalf of Mr. Mitchell Life of 1107 Cedar Street who is the only adjacent property owner. Mr. Hicks and Mr. Life were advised of the deferral and acknowledged that they would be in attendance at the next meeting.

-----

ZM-2005-041 (M)

Consider a request to rezone from R-9 One Family Residential to Highway Commercial HC property located on Scranton Road, north of its intersection with Mills Drive. The 0.7 acre property consists of three parcels with approximately 180 feet frontage on Scranton Road, and 270 feet of frontage on Mills Drive. Parcel ID 03-4481; 03-004482; 03-4483 Linda Forsyth, applicant and owner.

Ms. Linda Forsyth was present for discussion.

The following report from staff was included in the packages for the Planning Commission's review:

The environment has changed over the last decade from a quiet area to a high traffic area, which the applicant, who currently resides on the property, believes is better

suiting for retail activity. The request to rezone to Highway Commercial is sought to allow retail uses that can flourish in areas which experience high exposure to the public, such as this one. The property is served by septic and well water.

The adopted Glynn County Comprehensive Plan Future Land Use Map indicates this area is for Low Density Residential with nearby retail Commercial (the Home Depot Plaza and Colonial Mall to the east) as well as scattered Commercial along Scranton Connector a short distance from the subject property. In addition, a close inspection of actual existing uses (vs. existing legal zoning or future land use designations) reveals non-conforming uses in the immediate area that are not evident from an examination of official maps, including an industrial use (tabby company) directly across from the subject 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.**

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

**Yes.**

- 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. While an additional non-residential use would not increase demand, a pattern of changing to non-residential uses would.**

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

**The county's adopted Comprehensive Plan Future Land Use Map identifies this area for Low Density Residential use.**

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

**Existing nonconforming businesses are found in the immediate area. The area has changed in character from a quiet residential community to a high traffic, busy and noisy area.**

The proposal is not consistent with Glynn County's Comprehensive Plan; however, it is generally consistent with the existing development pattern for this area. A significant pattern of retail and service uses in the area would overload infrastructure and further degrade the character of the area for residential uses. Office Commercial zoning would ensure continued compatibility with existing residential areas.

Staff recommends that the rezoning request be denied; however, staff would support a rezoning to Office Commercial if acceptable to the applicant.

At this time, Ms. Linda Forsyth read the following into the record: "I purchased and have lived at this address (304 Scranton Road) approximately 14 years. I have seen this area go from a quiet country type residential area to a high traffic nightmare..."

"I put my house and property on the market for sale; however, unfortunately I was unsuccessful in my attempts to sell it residential. It was my realtor's suggestion that I should apply for rezoning commercial because of the location of the property and the high volume of traffic. It is a very unsafe area in all aspects, especially for those with young children.

"In addition to the traffic, this is a high crime area... I requested a copy of the number of crimes within this two block area in the last two years from the Glynn County Police Department. The report shows 68 (crimes)... The report also includes Terry, Lynch and Goodbread Roads...I, too, am a victim of crime in this area. Scranton Road is a short road with Taylor's United Methodist Church at one end and Tommy Lee Carpets, Ryan's Steakhouse, Scranton Landing, etc. at the other end. In between all of this is a mixture of spot zonings:

- 1) A tabby business which produces a loud noise at times grinding stones and crushing shells;
- 2) T&J Service Center (an automobile repair, storage and auto retail sales); and
- 3) A Half-Way House, which appears to look like a residence, is the home for former felons/parolees a/k/a Abe's House and it is zoned local commercial.

"I understand the half-way house is a profitable business for the owner. I assume funds provided by the county or state oversees its operation. However, I will say, this is

the overflow from the penal system close to my front door. It is like a bed and breakfast for former felons.

“So, what we have listed above within this two block radius is a variety of different spot zonings. We also have a few attractive, decent residences. Upon request, I will be more than happy to furnish you with pictures of the area including dilapidated unoccupied houses, commercial establishments with GIS tax maps showing zonings and the Glynn County Police report... I have other pictures of the area showing filth, garbage, trash and decay...My request is no more non-conforming than any of the above or any that you have in the pipeline in this immediate area.

“In summation, I am only asking that I be given the same consideration for my request for the rezoning of my property as has been given to certain of my neighbors and/or any future rezoning requests in this immediate area.”

Ms. Forsyth reminded the members of the petition included in her application consisting of six signatures of adjacent property owners who are in favor of this request.

Chairman Stewart thanked Ms. Forsyth for her presentation. He pointed out however that the zonings referenced in her comments have been grandfathered in, and there have not been any recent rezonings in the area for a number of years. Chairman Stewart acknowledged the problems in the area and expressed compassion for Ms. Forsyth, but he stressed that the Planning Commission cannot rezone property for sales purposes. He further stated that the worst advice that Ms. Forsyth received was the suggestion to rezone her property to Highway Commercial, which opens the door for a wide variety of uses. He then asked staff that if a different zoning classification is suggested, would it have to be re-advertised. Mr. Phillips explained that if the suggested zoning classification is less intense with less impact on the neighborhood, it would not require a re-advertisement in accordance with the ordinance.

The floor was opened at this time for opposition. Mr. Charles Hamilton of 232 Scranton Road stated that traffic in the area is already a problem and any additional commercial zoning would make matters worst. He stated that he has lived in the area for approximately 20 years and would like for it to remain residential.

Mr. Samuel Cooper of 111 Forest Circle stated that he originally signed in favor of this request, but he has withdrawn his name from Ms. Forsyth’s petition due to the number of uses that would be allowed under the proposed zoning classification. He also noted that there have been no rezonings in the area in the last 45 years.

Ms. Cynthia Morris of 131 Mills Drive stated that she has lived in the area for approximately 40 years and she is opposed to this request due to excessive traffic.

Chairman Stewart agreed with the residents that a rezoning to Highway Commercial would create more traffic, but as indicated by staff, there are other zoning

classifications to consider, such as Office Commercial. Mr. Tommy Clark asked Ms. Forsyth if she would be willing to withdraw her request for Highway Commercial and consider a rezoning to Office Commercial. Ms. Forsyth replied yes.

Mr. Clark stated that Office Commercial is a good zoning for the transitional area and it does not generate a significant amount of traffic. Therefore, he offered a motion recommending approval of the zoning change to Office Commercial instead of Highway Commercial. Discussion continued. After reading the list of permitted uses allowed under Office Commercial, Chairman Stewart asked Mr. Hamilton of 232 Scranton Road if he had any objection to this zoning classification. Mr. Hamilton replied yes, he would like for the area to remain residential; however, if he had to choose between the two, he would choose Office Commercial. At this time, Chairman Stewart passed the gavel to Vice Chairman Gary Nevill and seconded Mr. Clark's motion recommending approval of the zoning change to Office Commercial. Voting Aye: Mr. Bill Brunson, Mr. Tommy Clark, Mr. Jeff Counts, Mr. Buddy Hutchinson and Mr. Wayne Stewart. Voting Nay: Mr. Gary Nevill.

-----

ZM-2005-042 (M)

Consider a request to rezone from Planned Development PD to Planned Development-Residential PD-R property located between Spur 25 and Old Cypress Mill Road. The approximately 41.4 acre property has 993 ft. of frontage on Old Cypress Mill Road and 1,527 ft. of frontage on Spur 25. The purpose of this change is to amend the approved planned development text and planned development master plan to allow one-family attached dwelling units. Parcel ID 03-04945 Larry L. Bryson, P.C., agent for W. Jackson Smith, Jr. and Benedict Properties, LLC, owner.

Mr. Larry Bryson and Mr. John Jones were present for discussion.

The following report from staff was included in the packages for the Planning Commission's review:

The applicant is requesting a change in the adopted Planned Development zoning text to allow a residential subdivision of duplex residences on the subject 40+ acres. The property is served by City of Brunswick water & sewer.

To the north, Moss Creek Villas exist in a Medium Residential (16 dwelling units per acre maximum) zone, plus a single large lot that is zoned R-12 (minimum 12,000 square foot lot size). To the west is Mill Crest, residential subdivision in a General Residential zone. To the south is Cypress Run, a Planned Development, Residential subdivision. To the east is the right-of-way for Spur 25.

The adopted Glynn County Comprehensive Plan Future Land Use Map indicates that this area is for Low Density Residential. The Planned Development Text is proposed

to be amended to allow for a residential duplex subdivision. Typically, low density residential is considered to be 0-4 dwelling units per acre, while the proposal calls for a density of approximately 6 dwelling units per acre. It should be noted that the previous planned development approved for the property was PD-G, and allowed for hauling and mining of dirt, after which the property was to be used for residential purposes. Based on the surrounding uses that exist adjacent to and near the subject property, the proposed zoning text amendment for duplex dwelling units is compatible with the medium density development to the north, as well as consistent with the General Residential development to the west, and planned development to the south.

**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.**

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

**No. The proposed duplex residences would be compatible.**

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

**Yes. The adopted zoning was intended to transition to residential use, as proposed.**

- 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 county's adopted Comprehensive Plan Future Land Use Map identifies this area for Low Density Residential use.**

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

**While the property was used for hauling of dirt, surrounding properties developed at a higher density than contemplated in the Comprehensive Plan, making the proposal consistent with the current trends. Proximity to Golden Isles Parkway is conducive to higher density development to take advantage of nearby roadway facilities.**

The proposal is consistent with Glynn County's Comprehensive Plan, and is consistent with existing development in this area. Therefore, staff recommends that the text amendment rezoning request be approved, along with the master conceptual layout plan for the duplex subdivision. Staff should be authorized to make some minor rewording changes to the text for clarity, which would not affect the density of the proposal.

Chairman Stewart wanted to know if the soil in this area is contaminated due to its past history of disposal of soil containing toxaphene; however, Mr. Larry Bryson was uncertain. He stated that the area was used as a barrow pit by Hercules, Inc. and the Planned Development was actually written for the purpose of the barrow pit. Chairman Stewart asked if the applicant would be willing to defer this request until this is confirmed. Mr. John Jones explained that nothing has been hauled out of the property except fill dirt and the only thing brought into the property is stump dirt. He stated that the soil does not contain toxaphene. Chairman Stewart was not completely satisfied and stated that he would rather have something in writing from the Environmental Protection Division (EPD). He also pointed out that there were some concerns about drainage in the area that needs to be dealt with. Mr. Jones asked if the request could be approved subject to obtaining a letter from EPD substantiating that the soil is not contaminated. Chairman Stewart replied yes.

Mr. Bob Kelly stated that he lives in Cypress Run Subdivision approximately 200 ft. from the applicant's property, and he would like to know if there will be a division or greenspace between the applicant's subdivision and Cypress Run Subdivision. Mr. Bryson replied no; not at this time. Chairman Stewart further explained that normally if there were going to be a commercial development next to residential property, then a buffer would be required between the two; however, in this case a buffer is not necessary. Mr. Kelly had additional questions about the roads. For clarification, staff pointed out the roads to Mr. Kelly as depicted on the applicant's preliminary designs.

Following discussion, a motion was made by Mr. Buddy Hutchinson to recommend approval of this request subject to staff obtaining a letter from EPD stating that the soil in the area is free of any chemicals, and subject to drainage being reviewed by county staff. The motion was seconded by Mr. Tommy Clark. During the course of discussion, Mr. Gary Nevill stated that the zoning text indicates a 25 ft. minimum road frontage width on each single family home after being split as a duplex except in the case of a flag lot, which would be a minimum of half of the existing road frontage. He then asked if the minimum 25 ft. road frontage could be eliminated. Mr. Bryson replied yes. Therefore, the motion was amended to eliminate the minimum 25 ft. road frontage. The amendment was accepted and the motion was unanimously adopted.

At this time, Mr. Bill Brunson commented that it seems to him that the Planning Commission is putting a condition on this development that is not normally done with respect to obtaining a letter from EPD. Mr. John Jones agreed and added that Jackson Smith, who is the owner of Benedict Properties and a retiree of Hercules, purchased the property from Hercules and was also in charge of monitoring what went into the pit. However, Chairman Stewart stated he feels that the condition is necessary due to the original zoning of the property, the prior history of the property and its previous owner being Hercules, Inc.

-----

ZM-2005-043 (M)

Consider a request to rezone from R-9 One Family Residential to Forest Agriculture FA, property located north of Wages Road, generally northeast of New Jesup Highway. The property address is 133 Yellow Bluff Lane, Parcel ID 03-11489. Atlantic Survey Professionals, agent for Quality Development & Rentals, owner.

Mr. Ernie Johns and Mr. Gene Brockington were present for discussion.

The following report from staff was included in the packages for the Planning Commission's review:

The application indicates that the rezoning request is based on seeking a residential zoning with an increased lot size; the suggested size being 20,000 square feet minimum, as is required to build a residence in the Forest Agricultural zoning district. However, Glynn County's Forest Agricultural zoning district is intended primarily for agricultural and forestry pursuits. Glynn County has an actual residential zoning district intended for residences with the minimum 20,000 square foot criteria desired by the applicant-the R-20 zoning district. Therefore, if the applicant desires, the residential R-20 zoning district is approvable, and would be compatible with surrounding land uses and zonings. The property is served by septic and well water.

The adopted Glynn County Comprehensive Plan Future Land Use Map indicates that this area is "Undeveloped/Unused." The area is slowly being developed at low density for rural-type (large lot) residences.

**In conformance with Section 1103 of the Glynn County Zoning Ordinance, the following findings of fact were considered in making the recommendation:**

- Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

**No; however, the request for large lots with a minimum of 20,000 square feet is reasonable.**

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

**Yes. The zoning proposal for FA would be spot zoning and inappropriate for the proposed residential use, as compared to the R-20 zoning that would suit the stated purpose.**

- 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 county's adopted Comprehensive Plan Future Land Use Map identifies this area for Undeveloped/Unused and 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.

**No.**

The request is consistent with Glynn County's Comprehensive Plan in that the proposal to develop a residential subdivision is consistent with an area with a future land use of low density residential. A rezoning to R-20 would be the appropriate request, would be compatible with the applicant's intentions, would allow the residential use requested for the property, and would properly identify the actual proposed use.

Chairman Stewart had questions about accessing the property. Mr. Gene Brockington, applicant, stated that the property can be accessed via private easement off of Wages Road. Chairman Stewart stated that if the applicant wants larger lots, why not zone the property to R-20. Mr. Brockington explained that the property is already located on a private easement, which cannot be subdivided. He stated that he has 2 acres of highland with lots of space, but the main reason for the FA zoning is because of the height restrictions. The height of the house that he has designed is going to be a little higher than the actual 35 ft. in an R-9 zone. For clarification, Mr. Nevill asked Mr. Brockington if he is just increasing the height and not subdividing the property.

Mr. Brockington replied yes. He stated that he has 3.5 total acres but there are only 2 acres of usable highland and 1.5 acres of marshland.

Mr. Buddy Hutchinson had questions about a nearby creek in the area. Mr. Brockington stated that it is actually a tidal creek located in the marsh area near the property.

Mrs. Mary Slaughter, owner of two adjoining lots (143 & 153), wanted to know how FA zoned property is taxed versus R-9 property; what is allowed under FA; how many houses are allowed on the property; and what is the applicant's intent on accessing the property near the ditch especially since it drains on her property during heavy rains. She also wanted to know what is meant by "private easement" because she was told that she has a deeded easement, which they all use to access their property. She stated that she is afraid that the easement would be closed, thereby causing her to be landlocked in. In essence, her main concerns were access, drainage and the number of structures proposed. She stated that she would not have a problem with one house being built on the property.

During discussion, Mrs. Slaughter asked Mr. Brockington if he planned on putting in a "butler's building" for storage on the tract of land near her property. Mr. Brockington replied no; he has no intention of putting up a storage building or any type of building for commercial purposes, but perhaps in the future he might consider a boathouse. Mrs. Slaughter stated that she would not be opposed to a boathouse. Regarding the easement, Mr. Gary Nevill stated that it cannot be closed or taken away. In fact, he does not foresee anything happening to the easement.

Mr. Royce Proctor, owner of Tract 4, asked if a pipe could be installed for better drainage. Mr. Brockington replied yes; he would install a pipe.

Mr. Quinton Slaughter reiterated his wife's concerns about the easement. Mr. Tommy Clark assured him that under GA Law, neither he, nor any of his neighbors, or future owners would ever be denied access to their property.

Following discussion, a motion was made by Mr. Jeff Counts to recommend approval of this request. The motion was seconded by Mr. Tommy Clark. During the course of discussion, Mr. Gary Nevill asked Mr. Brockington if he is proposing to go up an additional 10 ft. over the 35 ft. requirement. Mr. Brockington replied yes. He stated that the house is designed to have an elevator and he would like to maintain its property value. After further discussion, the motion was amended stipulating that the maximum height would be 50 ft. The amendment was accepted and the motion was unanimously adopted.

-----

Application for approval of a preliminary plat for a property located on the south side of Fancy Bluff Road and immediately north of the Pilot Travel Center Subdivision. The proposed project consists of 17 single family lots. The total acreage is 9.818 acres. The property is zoned Forest Agriculture FA.

Mr. Ernie Johns was present for discussion.

According to the staff's report, the plan does not indicate whether the proposed roads are to be public or private. However, this should be indicated on the preliminary plat before approval. In addition, this site is located adjacent to a subdivision with public water and sewer (Pilot Travel Center). Accordingly, water and sewer must be extended to this subdivision. The necessary easements and plat notes should be shown on the plat before approval.

Staff comments have either been addressed, or can be addressed during the construction plan review phase.

Staff recommends approval of the preliminary plat subject to (1) indicating on the plat whether the roads are public or private, (2) showing the necessary features to provide for extension of water and sewer to this site, and (3) meeting all requirements. Also, three copies of a corrected preliminary plat must be presented for the Planning Commission Chairman's signature before processing of the construction plans.

Following review, a motion was made by Mr. Tommy Clark to approve this request subject to staff's recommendations. The motion was seconded by Mr. Bill Brunson and unanimously adopted.

-----

## MINUTES

### November 1, 2005 Regular Meeting

A motion was made by Mr. Buddy Hutchinson to approve the Minutes of the November 1<sup>st</sup> Mainland Planning Commission meeting. The motion was seconded by Mr. Gary Nevill. Voting Aye: Mr. Bill Brunson, Mr. Buddy Hutchinson, Mr. Gary Nevill and Mr. Wayne Stewart. Abstained From Voting: Mr. Tommy Clark and Mr. Jeff Counts.

-----

2006 Meeting Schedule

Due to the July 4<sup>th</sup> Holiday and the November 7<sup>th</sup> Election Day, these meeting dates for the 2006 Mainland Planning Commission meetings were changed to July 11<sup>th</sup> and November 6<sup>th</sup>.

-----

#### 2006 Elections

A motion was made by Mr. Jeff Counts to elect the 2006 Mainland Planning Commission Chairman and Vice Chairman at the Mainland Commission's first meeting in January. The motion was seconded by Mr. Buddy Hutchinson and unanimously adopted. Also, Mr. Bill Brunson and Mr. Tommy Clark were appointed to serve as the nominating committee.

-----

There being no further business to discuss, the meeting was adjourned at 8:10 p.m.