

# MINUTES

## MAINLAND PLANNING COMMISSION OCTOBER 2, 2012 - 6:00 P.M. Historic Courthouse, 701 G Street

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**MEMBERS PRESENT:** Bill Brunson, Chairman  
Buddy Hutchinson, Vice-Chairman  
Liane Brock  
Buck Crosby  
Larissa Harris  
Tim Murphy

**STAFF PRESENT:** David Hainley, Community Development Director  
Paul Forgey, Planning Manager  
Janet Loving, Admin/Recording Secretary

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Chairman Brunson called the meeting to order and the invocation was given, followed by the Pledge of Allegiance.

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### MINUTES

#### September 4, 2012 Regular Meeting

Upon a motion made by Mr. Buddy Hutchinson and seconded by Mr. Buck Crosby, the Minutes of the *September 4<sup>th</sup> Regular Meeting* were approved and unanimously adopted.

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#### AGENDA - Changes in Order of Presentation

By a show of hands, there were approximately 40 adjacent property owners in attendance to discuss application *CUP2447*. Chairman Brunson stated that in order to accommodate the number of citizens present, he would like to move this item up on the agenda. He then asked for a motion to this affect. Thereupon, a motion was made by Mr. Buck Crosby, seconded by Mr. Buddy Hutchinson and unanimously adopted to place application *CUP2447* first on the agenda.

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At this time, Chairman Brunson gave a brief recap of the rules, voting procedure and audience participation in discussing agenda items.

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**CUP2447 - 100 Marsh Drive**

Consider a request for a Conditional Use Permit for a care home primarily for adults, under Section 713.3(7) of the Zoning Ordinance. The 0.63 acre property is zoned HC Highway Commercial and is located near Cypress Mill Road at 100 Marsh Drive. The purpose of the Conditional Use Permit is to allow day care for senior adults over 60 years old, other ages with a need, and respite or overnight care, with no permanent residency. Parcel ID: 03-03071. Shashicka Hill of Adult Day Care, agent for Harvey Anderson, property owner.

In presenting the staff’s report, Mr. Forgey explained that this property housed “Morning Star” offices previously as labeled on the floor plan. The building was modified without county permits or inspections; however, a business license was issued. Highway Commercial zoning requires the Adult Day Care to conform to the provisions of Section 724.3 MED Medical District, which includes development standards such as a minimum of one acre lot size.

The Glynn County Zoning Ordinance does not have additional requirements listed for a public or private care home other than that the facilities conforming with the requirements of the Georgia State Board of Health and the approval of the County Fire Chief.

Mr. Forgey stated that staff recommends that **SUP2447** be denied because it does not conform to the provisions of Section 724.3 MED Medical District pertaining to care homes. Staff feels that if approval is granted, it should be subject to the following:

- 1) Requirements of the International Building Code and Department of Justice ADA Requirements should be met;
- 2) The facility should be inspected and approved by the Fire Department; and
- 3) A written confirmation must be provided from the State Board of Health that the facility meets their requirements.

It was noted that the representative for this item, who was in the meeting earlier, was no longer in attendance. Therefore, Chairman Brunson announced that a deferral would be in order; however, he stated that he would allow a spokesperson from the group of adjacent property owners to make a brief statement.

Mr. Robert Massey, spokesperson for the neighborhood, stated that they are mainly concerned about parking. There is no parking in front of the building because of the close proximity to Marsh Drive, and although the applicant is proposing to provide transportation for the patients/clients, there is the potential for the road to be blocked if vehicles are parked in front. He stated that they are also concerned about the safety and well-being of the residents after witnessing an employee and a patient/client walking through their neighborhood, as well as witnessing someone urinating in plain view. Mr. Massey stated that the neighborhood is opposed to this request and is asking that it be denied.

While there were several outbursts from residents attempting to voice their concerns on this subject, Chairman Brunson reminded everyone of the rules in conducting a public hearing and reiterated that a deferral is in order at this time. It was also pointed out that the applicant had previously indicated his intentions to request a deferral.

At the end of discussion, a motion was made by Mr. Tim Murphy to defer application **CUP2447** to the November 6<sup>th</sup> MPC Meeting, beginning at 6:00 p.m. The motion was seconded by Mr. Buddy Hutchinson and unanimously adopted. *(Later in the meeting, a motion was unanimously adopted to change the meeting date from Tuesday, November 6<sup>th</sup> to Wednesday, November 7<sup>th</sup> due to Election Day. Staff advised that the public would be notified.)*

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### **ZM2430 Capital Square**

Consider a request to rezone from FC Freeway Commercial to PD Planned Development and amend a PD Planned Development to allow a mixture of commercial and residential uses. The property is located south of Venture Drive and west of the I-95 southbound on-ramp at Exit 38. Parcel ID: 03-26509, 03-03351, 03-12452, 03-26508. Southern Real Properties LLC, owner.

Mr. Cameron Owens was present for discussion.

The following report from staff was included in the packages for review and was presented by Mr. Forgey:

This property was rezoned to Planned Development (Courtney Cove) in 2007. At that time it was approved for 348 dwelling units on a 25 acre portion and a 3.8 acre portion allowing the permitted uses found in Freeway Commercial in the Zoning Ordinance.

The applicant is requesting an amendment to allow more flexibility. The commercial acreage is to be expanded and will allow a combination of FC and HC uses. The number of potential dwelling units is being reduced to a maximum of 267. A portion

of this property is zoned FC currently. It was intended to be part of the original 2007 rezoning and was captured by County GIS and corrected with this application.

Engineering, fire and police comments and issues will be addressed when this parcel begins the development process (during the construction phase of the project).

The project will be required to use Joint Water & Sewer Commission (JWSC) utilities.

**In conformance with Section 1103 of the Glynn County Zoning Ordinance, the following findings of fact are to be considered in making a decision on a request for rezoning:**

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

**The proposed request is consistent with surrounding development.**

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

**The proposed change is consistent with the proposed land development pattern of the area.**

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

**Yes, however allowing more flexibility for commercial uses at this location appears to be appropriate given its proximity to the interstate.**

- 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.

**None**

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

**Yes, this property is identified as Regional Center on the 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.

**None**

Mr. Forgey stated that staff recommends approval of application **ZM2430** to rezone from FC Freeway Commercial to PD Planned Development and amend a PD Planned Development to allow a mixture of commercial and residential uses.

Mr. Cameron Owens gave a brief presentation and a general discussion followed. There was no one present to oppose this request.

At the end of discussion, a motion was made by Mr. Tim Murphy to recommend approval of application **ZM2430** to rezone from FC Freeway Commercial to PD Planned Development and amend a PD Planned Development to allow a mixture of commercial and residential uses. The motion was seconded by Mr. Buck Crosby and unanimously adopted.

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### **ZM2455 Confederate Station**

Consider a request to rezone from FA Forest Agricultural to LC Local Commercial for an approximately twenty-two acre (22.417) portion of a sixty-two (62.465) acre parcel located at 6045 Golden Isles Parkway. The purpose of the rezoning is to allow rental of a building for events on a portion of the property, and for other uses as may be approved in Local Commercial zoning per §7011.2 of the Zoning Ordinance. Parcel ID: Portion (± 22 acres) of 03-12879. Property owned by Al Chapman.

Mr. Al Chapman was present for discussion.

The following report from staff was included in the packages for review and was presented by Mr. Forgey:

The Glynn County Code Enforcement discovered Confederate Station at 6045 Golden Isles Parkway renting what was permitted as a 4,000 sq. ft. storage building for special events. Property ingress is off Golden Isles Parkway and consists of a graveled driveway with substantial slope.

The building was permitted as an accessory use to Chapman Funeral Home on November 8, 2005, but since then was altered to commercial use without county approvals. Confederate Station, LLC lists one employee. Alteration of the site and building without permits meant that site development and building requirements were bypassed.

The county has established a unified course of action to bring the property, its buildings, and operations into compliance with applicable regulations. The suggested course of action was to allow Mr. Chapman the special events rental use per the Forest Agricultural Special Use for a “community fairground, stadium, go-kart, race track or any place of large public assembly provided that such is located on a site of not less than five acres” - with a stipulation that further development or change in use shall require subdivision and rezoning to a commercial designation, consistent with the Comprehensive Plan Future Land Use Map.

The applicant requested to proceed to rezone the property to Local Commercial, though he has no further plans to develop the property at this time. He intends to continue the present use of rental for special events. He has provided a survey of a 22.417 acre portion of the 62.465 acre parcel for the zoning boundary of Local Commercial. The zoning is requested as it allows per §711.2(4) private or semi-private club, lodge, union hall or social center.

As was the case for the suggested special use, further development, either on the 22 acre portion to be rezoned, or on the remainder of the parcel, would require subdivision of the lot or lots involved at time of development. Site plans per §619 would be required. Building plans will be required to ensure construction meets International Building Code per commercial standards.

Each respective county division worked to assist to bring the property in compliance by reviewing the development as a Special Use after the fact.

According to the Engineering Division:

1) The driveway on Golden Isles Parkway shall be paved to the edge of the right-of-way as a commercial driveway. The driveway shall be elevated to provide for safe access to the road. This includes a driveway pipe under the drive. Also, if possible the driveway and pipe should be coordinated with the SR25 Spur Extension project that should be under construction next year.

2) The driveway on the property shall be paved as a commercial driveway to the building. If it is determined that pavement is not required, then at a minimum the building shall be accessible by a 20 ft. minimum all weather driving surface to provide for emergency access.

3) Handicapped access to the building shall be provided and a sufficient number and type of spaces shall be provided.

4) Drainage in the area around the building and the driveway shall be defined and piping placed under the driveway/parking areas as needed to provide for drainage. It is assumed the existing pond provides detention for the improved area around the building, however, this must be demonstrated.

5) Areas for parking shall be delineated on the plans and in the field. If they are not paved the parking area and drive isles shall be delineated on site by some means.

According to Utilities, the Department of Health submitted a report with site sketches. The report states in summary that “at time of failure, replacement system will be required to meet all current codes at the time of the repair system installation.”

Fire and Police indicated that the existing building was inspected and approved for a capacity of 180 seats. ADA compliant parking and access aisles shall be provided. No issues or calls for Police assistance have resulted from the operation of the business to date.

**In conformance with Section 1103 of the Glynn County Zoning Ordinance, the following findings of fact are to be considered in making a decision on a request for rezoning:**

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

**The proposed request is consistent with its existing and surrounding development.**

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

**The proposed change is consistent with the proposed land development pattern of the area.**

- 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 use is in existence and has caused no transportation problems. However, as to utilities, the septic system is not adequate for maximum capacity of 180 seats and must be replaced.**

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

**Yes, this property is in an area for anticipated commercial development.**

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

**The property is being used for a commercial event rental facility, which presently non-conforming as to use. If rezoned, the property use will be in conformity with its zoning and with the Future Land Use of the Comprehensive Plan.**

Mr. Forgey stated that staff recommends approval of application *ZM2455*, Confederate Station, to rezone within the 22 acre zoning boundary exhibited on the submitted survey from Forest Agricultural Zoning District to the Local Commercial Zoning District.

Mr. Tim Murphy asked if the lake is included in the 22 acres. Mr. Forgey replied yes. He also stated that the applicant owns the property on the south side.

During a brief presentation, Mr. Al Chapman stated that he has owned the property for approximately 15 years. He initially constructed the building for storage. However, he continued adding to it and due to the amount of interest garnered from the public, he began renting the space out for weddings, receptions, and other events.

There was no opposition to this request, and at the end of discussion, a motion was made by Mr. Buddy Hutchinson, seconded by Mr. Buck Crosby and unanimously adopted to recommend approval of application *ZM2455*, Confederate Station, to rezone within the 22 acre zoning boundary exhibited on the submitted survey from Forest Agricultural Zoning District to the Local Commercial Zoning District.

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**ZM2459 – Planting Hammock**

Consider a request to amend a PD, Planned Development Zoning District. The purpose of the amendment is to allow both detached and attached Single Family dwellings in Planting Hammock Subdivision, which consists of multiple parcels, located Off I-95 at Exit 29 near Satilla Marsh Elementary School on South Port Parkway. Multiple parcel numbers on file. M. Bruce Garrett of BAGA, Inc., owner.

Mr. Wayne Neal was present for discussion.

According to the staff’s report, this property was rezoned to Planned Development in 2004 from General Residential to Planned Development District, which allowed duplexes to be built.

The applicant is requesting an amendment to allow both single-family residences, and to allow lots to be split and sold as two separate units, thus allowing one-half of the lot able to be subdivided per unit if desired.

The PD text was streamlined from the 2004 version, by taking out extraneous verbiage that is no longer needed because the homeowners association is in place and the roads, utilities, and easements are conveyed. Setbacks were also revised to allow development on smaller or irregular lots.

**In conformance with Section 1103 of the Glynn County Zoning Ordinance, the following findings of fact are to be considered in making a decision on a request for rezoning:**

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

**The proposed request is consistent with its existing and surrounding development.**

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

**The proposed change is consistent with the proposed land development pattern of the area.**

- 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, this was already reviewed with the 2004 rezoning and approved. Additionally, it will also reduce overall density.**

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

**Yes, this property supports housing units at a slightly higher density and is appropriate within an activity center, close to a school and shopping areas.**

- 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.**

Mr. Forgey stated that staff recommends approval of application **ZM2459** to rezone Planting Hammock Lots on file by amending the PD text to allow a single-family development, as well as a duplex development.

Ms. Cecile Settles, adjacent property owner, wanted to know that if the structures are developed as single-family homes would the size be limited. She would prefer that they stay in-keeping with the town-houses. Mr. Wayne Neal explained that the size of the single-family structures would be about the size of one unit of a duplex; approximately 1200 sq. ft. units. He further stated that what he is proposing will actually lower the density.

There was no one present to oppose this request, and at the end of discussion, a motion was made by Mr. Buddy Hutchinson, seconded by Ms. Liane Brock and unanimously adopted to recommend approval of application **ZM2459** to rezone Planting Hammock Lots on file by amending the PD text to allow a single-family development, as well as a duplex development.

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### **SP2451 - Waffle House**

Consider a request to approve a site plan for the construction of a 1,875 sq. ft. restaurant on a 30,517 sq. ft. parcel. The property is zoned FC, Freeway Commercial, and is located on the north side of New Jesup Highway between Warren Mason Boulevard and Glyndale Drive. Parcel ID: 03-04165. Property owned by Ken Williams.

Mr. Peter Schoenauer with Tidewater Engineering was present for discussion.

In presenting the staff's report, Mr. Forgey explained that this request is to construct a Waffle House restaurant on a seven-tenths acre site. The adopted Future Land Use Map depicts this site as being located within a one-half mile radius of the Village Center.

Under Section 619.4 (a) of the Zoning Ordinance, the Planning Commission's review shall be guided by the following standards and criteria:

- 1) The application, site plan, and other submitted information contain all the items required under this Section. **Staff comment: This requirement has been met.**

- 2) The proposed uses, buildings and structures are in accordance with the requirements of this Ordinance and other ordinances of Glynn County. **Staff comment: This requirement has been met.**
- 3) Adequate provisions are made for ingress and egress, off-street parking, loading, and the flow of traffic, which may reasonably be anticipated. **Staff comment: This requirement has been met.**
- 4) Adequate provisions are made to control the flow of storm water from and across the site. **Staff comment: This requirement has been met, subject to review by Engineering as part of the building permit process.**
- 5) Adequate provisions are made to protect trees that are selected to remain as depicted on the site plan. **Staff comment: This site has been previously cleared and partially paved.**
- 6) Adequate provisions are made to buffer intensive uses and to screen all service areas from view of the adjacent properties and streets. **Staff comment: The applicant's property is adjacent to similar zoning/uses and was used as part of an adjacent automobile service station.**
- 7) Adequate provisions are made to control the location, intensity, and direction of all outdoor lighting so that it will not have an adverse effect upon adjoining properties. **Staff comment: This requirement has been met.**
- 8) Open space, as required, has been provided and appropriate means are proposed to assure maintenance of common areas and facilities. **Staff comment: Not applicable.**
- 9) Adequate provisions are made for water supply, fire protection, and sewage collection and treatment. **Staff comment: This requirement will be met during the building permit process.**

Mr. Forgey stated that staff recommends approval of *SP2451* subject to meeting all requirements.

Mr. Murphy stated that during a site visit he did not see the public hearing sign posted on the property. Mr. Forgey confirmed that the public hearing sign was posted (in accordance with Section 1105.1 of the Zoning Ordinance) and when it was discovered missing, staff reposted it on the property.

At the end of discussion, a motion was made by Ms. Liane Brock to approve *SP2451* subject to meeting all requirements. The motion was seconded by Mr. Buddy Hutchinson and unanimously adopted.

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**CUP2450 Southeast Georgia Veterinary Clinic**

Consider a request for a Conditional Use Permit to allow a veterinary clinic and indoor boarding facility in a PD (Planned Development) district. The property is located at 104 Candler Drive, just west of its intersection with Southport Parkway. Parcel ID: 03-12672. Shireen Hamid, applicant for Gary Cross, owner.

Ms. Shireen Hamid was present for discussion.

According to the staff’s report, this request is to allow an animal hospital and boarding facility in the Southport Planned Development. This property and the entire Southport Development were rezoned to PD in 1992, and as such, allows for animal hospital and/or boarding facility as a Conditional Use “provided all boarding arrangements are maintained within a building and no noise connected with the operation of the facility is perceptible beyond the premises.” This is already an existing business in the Southport PD located on Palisade Drive. The applicant is moving to a new building/location. The same applicant received a conditional use for the existing business.

The location of this property is identified as West Glynn and is within a Proposed Activity Center on the adopted future Development Map, and within a Regional Center on the adopted Future Land Use Map.

Utilities for this facility will be provided by Joint Water & Sewer Commission (JWSC).

Mr. Forgey stated that staff recommends approval of application **CUP2450** to allow an animal hospital and boarding facility at 104 Candler Drive with the condition that all boarding arrangements are maintained within a building and no noise connected with the operation of the facility is perceptible beyond the premises.

Ms. Liane Brock asked if there had been any complaints on the record about noise. Mr. Forgey replied no. Ms. Hamid, applicant, added that she intends to sound-proof the facility in order to avoid any noise problems.

Following discussion, a motion was made by Ms. Larissa Harris to approve application **CUP2450** to allow an animal hospital and boarding facility at 104 Candler Drive with the condition that all boarding arrangements are maintained within a building and no noise connected with the operation of the facility is perceptible beyond the premises. The motion was seconded by Mr. Buck Crosby and unanimously adopted.

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In other business, there was a brief discussion on changing the November MPC meeting date due to Election Day. At the end of discussion, a motion was made by Mr. Buck Crosby, seconded by Mr. Buddy Hutchinson and unanimously adopted to change the November MPC meeting date from Tuesday, November 6<sup>th</sup> to **Wednesday, November 7<sup>th</sup>** beginning at 6:00 p.m., 2nd Floor of the Historic Courthouse, 701 G Street, Brunswick, Georgia. The public would be notified of this change.

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At this time, Chairman Brunson announced that Mr. Terry Carter recently relocated to Savannah, GA, and in doing so; he has resigned from the Mainland Planning Commission. On behalf of the MPC and staff, Chairman Brunson thanked Mr. Carter for his contributions and wished him continued success in his future endeavors. The Board of Commissioners is in the process of appointing a new member to the MPC.

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There being no further business to discuss, the meeting was adjourned at 6:50 p.m.