

**MINUTES**  
**CALLED MEETING**  
**MAINLAND PLANNING COMMISSION**  
**AUGUST 14, 2012 - 9:00 A.M.**  
**Harold Pate Building, 1725 Reynolds Street, Bwk, GA**

-----

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

**ABSENT:** Buck Crosby

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

-----

Chairman Brunson called the meeting to order at 9:00 a.m. He then read the following item into the record:

**SUP2417 100 Commerce Center**

Consider a request for a special use permit to allow a flea market on 3.75 acre property zoned PD Planned Development. The property is located on the west side of Martin Palmer Drive approximately 700 ft. south of its intersection with Candler Drive. Parcel ID: 03-12662. Glynn Property Rentals LLC, applicant.

Mr. Joe Fendig was present for discussion.

According to the staff's report, this request is to allow a flea market in the Southport Planned Development. This property and the entire Southport development were rezoned to PD in 1992.

The adopted PD text allows for flea markets as a Special Use in this PD under the following conditions:

1. The lot must be of 3 acres or more;
2. All sales area to be under roof or in permanently designated sales areas;
3. Customer parking shall be provided at a rate of 1 space for each 200 sq. ft. of sales area;
4. All customer access drives shall be required to be paved;

5. A protective buffer of at least 6 ft. shall be provided to visibly separate from all property lines.
6. Any other conditions as determined by the County Commission to satisfy Section 904.3 of the Zoning Ordinance.

Section 904 of the Zoning Ordinance is the consideration when approving a Special Use. This includes parking, traffic impacts, signage, screening/buffers, hours of operation, lighting, access to property, and compatibility with surrounding land uses. The application can be approved as submitted, or conditions can be added as necessary to protect the public interest.

Mr. Forgey stated that staff recommends approval of *SUP2417* subject to the following conditions:

1. Hours of operation to be limited to weekends only;
2. All sales shall occur indoors;
3. All signage temporary and permanent will have to be permitted;
4. Buffer on the north side of the property to be replanted as necessary

Regarding the buffer on the north side, Ms. Liane Brock asked if this would be on the neighbor's property. Mr. Forgey replied no; it would actually be located on the applicant's property.

Mr. Tim Murphy stated that if the property that adjoins on the south side were to sell and the property is cleared with no buffer remaining, would the current applicant have to put the buffer in at that time. Mr. Forgey stated that the way the ordinance is written regarding future land use and property lines, the Planning Commission could state that if and when the property is developed that a buffer is required to be planted. Mr. Murphy stated that the applicant should at least be made aware that he may be responsible for planting a buffer.

During a brief presentation, Mr. Joe Fendig, agent for the applicant, addressed the specifics about the hours of operation (weekends only from 8 am to 4 pm) and the applicant's willingness to fill in the gaps in the buffer and in the rear if necessary. Most of the buffer between the building and the subdivision is fairly thick except in one spot where a neighbor has put up a gate and walks back and forth through the area. Additionally, Mr. Fendig stated that there would be no parking on the northern side of the property; instead, the vendors would load/unload from that particular side due to the location of the bay doors. The vendors would have no problem limiting loading/unloading to the door furthest away from the subdivision in an attempt to help minimize any noise to the neighborhood.

Mr. Fendig stated that the applicant is not sure if this tenant will do well or not, but he is anxious to create activity. He doesn't want to spend a lot of money at this time to make this happen because this particular use may only be a one-time activity.

Mr. Terry Carter asked if the vendors would be coming in on Friday evenings to unload. Mr. Fendig replied no, not at this time but they would consider it if the Planning Commission feels that it would be better than unloading on Saturday mornings, as planned. Mr. Carter stated that perhaps it would be more conducive to the neighbors to the west. In fact, he spoke with some of the neighbors who were concerned about the vendors unloading early Saturday mornings. They seem to concur with them unloading on Friday evenings.

Mr. Buddy Hutchinson pointed out that the owner has indicated that he would have on-site security. Mr. Fendig stated that the owner is planning to hire a security guard who will be on the site for the two days of operation (Saturdays and Sundays).

At this time, the floor was opened for public comments. Mr. Bruce Pobanz, a local resident, stated that he is not against this proposal. In fact, he would like to be one of the vendors but he does have some concerns:

**1) Hours of Operation** - Mr. Pobanz stated that the vendors need to be able to safely unload. He compared this proposed business to other flea markets that he stated allow their vendors to unload merchandise at 6:00 a.m. and some who setup as early as 5:00 a.m. He stated that 8:00 a.m. is not enough time to safely unload and prepare for customer interactions. Therefore, he feels that Fridays would be better suited for loading/unloading. As a means of protection or safety precaution in most cases, he stated that some flea markets allow the vendors to park their vehicles right beside their space or booth and sleep overnight on-site. They even offer restroom facilities and showers for the vendors.

**2) Handicap Parking** - Mr. Pobanz stated that the path of travel, which is basically in violation of federal and state laws, is not wheelchair accessible and very dangerous for the visually impaired. He stated that there is a solid wall on the south side of the building which is where the vehicles will park. Located in the middle is a handicap ramp which is built into the sidewalk. The path of travel to go around the building will be the sidewalks. Additionally, the left side contains a 20 ft. area of grass and dirt. Two loading doors in the back of the building are also not handicap accessible. Mr. Pobanz presented pictures of the area for the Planning Commission's review.

Chairman Brunson expressed concerns about this proposal being or not being ADA compliant. Mr. Hainley stated that during review, the fire department staff submitted favorable comments. Chairman Brunson asked if the restrooms are handicap accessible. Mr. Hainley pointed out that there are no on-site restroom facilities. The owner is proposing to have port-o-lets which will be handicap accessible. To ensure that all state and federal requirements are met, and if the Planning Commission decides to recommend approval of this request, Mr. Hainley stated that the approval could be subject to the facility and its surroundings being ADA compliant.

Continuing, Mr. Pobanz's next issue of concern is **3) *Parking Spaces***. He stated that there are at least 79 available parking spaces on the entire lot on Saturdays and Sundays, which is the time allotted for the 75 vendors. Parking will already be limited due to an existing fitness center in the area, Cross Fit Gym, with a huge membership of over 100 patrons. He stated that there are several of these gyms around town and some of their physical activities take place in the parking lot. Other on-site training involves weight lifting, rope climbing, etc.

**4) *Protective Screening*** - Mr. Pobanz stated that according to the Planned Development Text, a protective screening is required at all property lines to visibly separate any adjoining properties. If the entire property in question is 3 acres, he stated that a 6 ft. barrier should be required around the entire property. Ms. Brock explained that the idea of the 6 ft. barrier is for visual separation. The four buildings are the visual separation especially on the south side of the property. With a hedge being placed on the north side, she is comfortable that there is visual separation. Therefore, this is not an issue in her opinion.

Ms. Harris asked if the applicant has indicated the number of booths that would be located on the premises. Mr. Pobanz stated that no limit has been set at this time. His calculation of 75 vendors was based on the formula of 1 parking space per 200 square feet in accordance with the Planned Development.

Chairman Brunson thanked Mr. Pobanz for his enlightening presentation, especially for bringing forth the ADA awareness.

During a brief rebuttal, Mr. Fendig also thanked Mr. Pobanz for the ADA information and stated that he would not have a problem with any stipulations pertaining to state and federal requirements. He further stated that Mr. Pobanz is correct about the different Cross Fit organizations; however, this particular gym is not associated with any other Cross Fit organizations in the area. The owner of the gym has stated that they typically only train eight people at one time and the activities take place on the inside of the gym. Regarding the port-o-lets, Mr. Fendig stated that if this tenant is successful, the applicant will provide on-site restroom facilities.

Mr. Murphy stated that parking seems to be a huge problem and it appears that the vendors will take up most of the parking spaces. Mr. Fendig reiterated that he is not sure if this venture is going to be successful. If it is a success, the applicant has already spoken with the adjacent property owner and has conveyed an interest in renting some space to utilize for parking. Mr. Murphy stated that it would be helpful to receive permission in advance for some remote parking spaces.

There was no one present to oppose this request.

Discussion continued about parking, a possible sunset clause, and other potential stipulations. Afterward, a motion was made by Ms. Liane Brock, seconded by Mr. Buddy Hutchinson and unanimously adopted to recommend approval of *SUP2417* to the Glynn County Board of Commissioners subject to the following conditions:

- 1) The hours of operation shall be limited to weekends only from 8:00 a.m. to 4:00 p.m.
- 2) All sales shall occur indoors;
- 3) All signage, temporary and permanent, will have to be permitted;
- 4) The buffer on the north side of the property to be replanted as necessary to meet the 6 ft. condition;
- 5) Operation cannot grow beyond existing parking (taking into account the prospect of current activity);
- 6) Handicap accessibility shall be ADA compliant;
- 7) Vendor loading activity shall be limited to 7:00 a.m. - 9:00 p.m. Fri, Sat, Sun;
- 8) No vendors shall remain on site after hours or overnight;
- 9) Sunset clause for this special use is limited to a 6-month time period.

-----

There being no further business to discuss, the meeting was adjourned at 9:55 a.m.