

# MINUTES

## MAINLAND PLANNING COMMISSION DECEMBER 4, 2012 - 6:00 P.M. Historic Courthouse, 701 G Street

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

**STAFF PRESENT:** David Hainley, Community Development Director  
Eric Landon, Planner II  
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

#### November 7, 2012 - Regular Meeting

A motion was made by Mr. Buddy Hutchinson to approve the Minutes of the *November 7<sup>th</sup>* Regular Meeting. The motion was seconded by Mr. Thomas Boland. Voting Aye: Mr. Thomas Boland, Mr. Bill Brunson, Ms. Liane Brock, Ms. Larissa Harris, Mr. Buddy Hutchinson and Mr. Tim Murphy. Mr. Crosby did not attend the November 7<sup>th</sup> Meeting and therefore abstained from voting.

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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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**ZM2478 Fiddler's Island:** Consider a request to rezone from CP, Conservation Preservation to RE, One-Family Residential Estates District. The property is located at 1782 Blythe Island Drive and consists of +/-8.34 acres of upland. The purpose of the rezoning is to allow residential dwelling use, rather than a caretaker's residence as an accessory use to a wildlife refuge. Parcel ID: 03-07471. Property owned by Al Beale.

Mr. Beale was present for discussion.

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

The purpose of this rezoning is to allow residential dwelling use, rather than a caretaker's residence as an accessory use to a wildlife refuge. At one time the Department of Natural Resources entered into a covenant restriction between them and the previous property owner, allowing reduced taxes in exchange for not developing the property. At some point in time the restriction was not renewed.

The applicant, Mr. Beale, purchased the property to develop into a large lot subdivision. After purchasing it, he added land from an adjoining parcel to form a causeway that would provide a 40 ft. causeway access. He later pursued other interests and decided to sell the property. There is a small portion of the causeway for which the upland portion is narrower than 40 ft. This would require a remedy to comply with access requirements for subdivision of the property into lots. To subdivide the property, a minimum of 50 ft. of right-of-way needs to be present.

Potential buyers expressed concern that they would not be granted a building permit for a residential dwelling, given the zoning which allows a caretaker's house for a wildlife refuge as an accessory use. This caused the applicant to seek rezoning of Fiddler's Island to Residential Estates. He chose this zoning category because this district is Glynn County's largest lot conventional residential zoning to facilitate sale of the property.

This property is served by well water and septic system. There are no issues relative to life safety or fire protection.

**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 zoning is not anticipated to adversely affect the existing use or usability of adjacent or nearby property.**

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

**Yes, it has a reasonable economic use if the property were to support a wildlife refuge; however, it is to be sold. Potential buyers have expressed reticence about its Conservation Preservation zoning. Their concern is the potential to be denied a building permit for one or more single-family residences based on the CP zoning language “wildlife refuge, including caretaker’s residence as an accessory use.”**

- 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 surrounding area is similar, with residential houses and large lots.**

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

**Yes, this property is identified as Low Density Residential 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.

**Yes, a Department of Natural Resources restriction entered into between them and the previous property owner to reduce taxes in exchange for not developing the property has been dropped. Accordingly, taxes are assessed in-keeping with residential zoning.**

Mr. Hainley stated that staff recommends approval of application **ZM2478**, Fiddler’s Island, to rezone from CP, Conservation Preservation, to RE, Residential Estates, which is in-keeping with the Glynn County Comprehensive Plan Future Development Map and Future Land Use Map for the property.

Mr. Boland asked how long has the applicant owned the property. Mr. Beale stated that he has owned the property since August 2005 and he worked on it until late 2007. He pointed out that the property has been in the same family since 1949. In 1996 a member of the family moved a mobile home on the property. Mr. Beale stated that he had the property delineated by DNR in May of 2007. His goal was to develop the property into 6 or 7 lots, build his house where he wanted to and choose his neighbors.

He further stated that in 2006 and 2007 he worked constantly with Paul Andrews of the Engineering Division to ensure that everything fits within the proper zoning. The CP Zoning District would not work for this proposal. They agreed that RE would be the best zoning.

Mr. Boland asked Mr. Beale if he continued to pay the same tax rate as he did when he purchased the property. Mr. Beale replied no, he continued to pay but the taxes increased to a higher rate. Mr. Boland then asked if the caretaker's structure would be torn down. Mr. Beale replied yes, but not immediately. It depends on whether it sells.

Ms. Liane Brock stated that it appears that there are two issues being discussed, one is the DNR covenant restriction which has expired; the other is the CP zoning, and the two don't necessarily go hand-in-hand. Mr. Hainley explained that the zoning has been locked in on the property since the mid 60's. Conservation easements can be in different zones and not just CP Districts. There are residentially zoned property, planned developments and FA zonings that have conservation easements.

Ms. Brock stated that with the DNR restriction a caretaker's dwelling is allowed. She then asked if the CP designation allows one house. Mr. Hainley stated that a caretaker's dwelling is allowed in the CP zoning under the guise of a wildlife refuge. Ms. Brock stated that in order to build something new without getting the designation changed, would the applicant have to get the DNR covenant re-instated. Mr. Hainley replied no, if the applicant goes against the easement his rights to develop the property would be restricted. Ms. Brock then asked that if the zoning doesn't change, can the applicant build a new house. Mr. Hainley replied no.

Ms. Brock stated that Mr. Beale has indicated that he intends to build 6 or 7 houses; however, with the proposed zoning he could have up to 12 lots, which is a bit extreme. She feels that it is very unfair to the people who are overlooking the property and who purchased their property for the view, knowing that the area was zoned CP. She stated that she would like for there to be a limited amount of houses on the property because she is very uncomfortable with how it stands now. Mr. Hainley stated that the Commission could put a cap on the request with the owner's consent. The configuration doesn't lend itself to more than 7 lots. Mr. Beale stated that he would be willing to stipulate that there would be no more than 7 lots. He pointed out that there is an existing pond, a common area, and a private access road (not an easement). He stated that the people who live behind the property all have a view of Turtle River, and they all have a right to build a dock.

Ms. Brock asked Mr. Beale if he had been in contact with any of the neighbors for their opinion about this proposal. Mr. Beale replied yes, and the neighbors he contacted are in favor of his request.

There was no one present to oppose this request, and at the end of discussion, a motion was made by Mr. Buddy Hutchinson to recommend approval of application **ZM2478**, Fiddler's Island, to rezone from CP Conservation Preservation to RE Residential Estates, with the stipulation that there would be no more than 7 lots on the property. The motion was seconded by Mr. Buck Crosby. Voting Aye: Mr. Thomas Boland, Mr. Bill Brunson, Mr. Buck Crosby, Ms. Larissa Harris, Mr. Buddy Hutchinson and Mr. Tim Murphy. Voting Nay: Ms. Liane Brock.

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**ZM2498 Kalinin Gymnastics:** Consider a request to rezone from R-12, One Family Residential and HC, Highway Commercial to PD, Planned Development. The property consists of two adjacent parcels totaling 1.781 acres, located at 635 Scranton Road, west of its intersection with Golden Isles Parkway. The purpose of the rezoning is to utilize an existing commercial building as a gymnastics school, and to add parking area. Parcel IDs: 03-04453 (vacant land) and 03-13680 (commercial building). William T. Ligon, Jr., agent for Yuri Kalinin, owner.

Attorney Foster Lindberg was present for discussion.

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

The purpose of this rezoning is to utilize an existing commercial building as a gymnastics school, and to add parking area. The building was used most recently for retail carpet sales. There was insufficient parking to meet the required standards for a gymnastics school. Residentially zoned property to the west of the building will provide added parking area, if the rezoning request is approved. The property has been vacant and undeveloped prior to this request. Together the two properties provide future expansion area, if the business prospers in this location.

Yuri Kalinin, owner of "Golden Isles Gymnastics and Cheer," discovered the need to meet new zoning requirements when applying for a change of location business registration. At first he sought to use leased parking area located at the business to the east. He was then able to make an agreement for the parcel to the west, as is proposed to be included in this Planned Development zoning request.

The number of parking spaces does not presently meet standards according to Engineering comments. Driveways and parking will be reviewed upon additional site development. The parking lot is actually located in front of the building, and interconnects with parking in front of the adjacent building. There is one shared driveway to the site at present. The Planned Development Text for the proposed zoning has chosen a parking standard of one parking space for each staff member or employee, plus one

space for each five students in any class. With the additional vacant property to be included in the PD zoning district, there will be potential to expand the school, or to reconfigure its existing entry and parking configuration. There are no immediate plans for expansion, but if additional construction were to be proposed, the site would be reviewed under county development standards, including transportation review.

The property is served by JWSC for water and sewer utilities, and it has approximately 260 ft. of frontage on Scranton Road.

**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 residentially zoned property is adjacent to commercially zoned property. Because one of the parcels is vacant, it previously served as a buffer between residential and commercial areas. The parking area, when developed, will have required buffer and landscaping on the west side, the use is consistent with existing commercial uses on the east side.**

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

**No, it will not 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, however, approving the rezoning request will put the vacant parcel and commercial site to immediate use instead of remaining as it is at present.**

- 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, commercial use was already established prior to being a gymnastics school. In fact, the school was located further back in the nearby commercial complex off Center Drive.**

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

**Yes.**

- 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, sufficient supporting grounds are established.**

Mr. Hainley stated that staff recommends approval of application **ZM2498**, Kalinin Gymnastics, aka “Golden Isles Gymnastics and Cheer,” as consistent with the Comprehensive Land Use Plan and Future Development Map.

Attorney Foster Lindberg gave a brief presentation and a general discussion followed.

There was no one present to oppose this request, and after discussion, a motion was made by Ms. Liane Brock, seconded by Mr. Thomas Boland and unanimously adopted to recommend approval of application **ZM2498**, Kalinin Gymnastics, aka “Golden Isles Gymnastics and Cheer,” as consistent with the Comprehensive Land Use Plan and Future Development Map.

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**ZM2495 Dean Foods:** Consider a request to rezone from R-12 One Family Residential to GC General Commercial Zoning District. The purpose of the request is to approve a commercial zoning category to conform with the use of the property as previously developed. The property is located at a physical address of 4059 Old Cypress Mill Road. Parcel ID: 03-04915. Danny Ramsey, agent for Land-O-Sun Dairies, owner.

Mr. Danny Ramsey was present for discussion.

According to the staff’s report, the purpose of this rezoning is to approve commercial zoning to conform with the use of the property as developed. The Tax Assessor’s Office has the site in a commercial property class, having land value of around \$45,000 with \$61,000 of improvements, for a total value of over \$100,000.

Operation as a milk transfer station began in 1947. This was prior to the adoption of Zoning Ordinance or Comprehensive Planning in Glynn County. Last year, this site served as one of 9 Georgia “Fluid Milk Manufacturer” branches. It is still listed on the internet as doing business under the Pet Dairy name, but the business vacated approximately ten months ago.

The circumstance is, commercial operations ceased after over 60 years. At time of zoning, the property was zoned R-12, One Family Residential. The site is non-conforming and will lose its commercial status which was based on its actual use,

unless commercial rezoning is approved. Planning staff advised the realtor of the circumstances, which set into motion actions resulting in the current request.

The applicant lives and works in the general area and expresses an interest in the property and intention to ensure that in the future, the building does not remain vacant, unkempt, vandalized, or a detriment to its neighbors.

The General Commercial Zoning category was chosen for its flexibility as to use for potential retrofitting of existing site design, consistent with a possible proposed change in use; it is a category with which the existing development would be in conformity. The existing building is 5 ft. from the front property line and has asphalt installed over most of the lot. General Commercial zoning has no required setbacks or lot coverage restrictions. There is no proposed change in the property or its use at this time.

The applicant gives the following justification: “The property as developed is not a viable site for a single-family residence. Demolition of the commercial development would not increase its appeal for single-family use. Rezoning will make the site consistent with its development characteristics, and its location. ...”

Driveways for the property are subject to review for conformance to county standards during any site plan or permit review. Note that review is needed as well as for use or site characteristics that differ from the existing development.

The property is on existing private well and septic utilities. The site is located within 52 ft. of public water and sewer lines, located on the opposite side of Sweet Gum, and also of Old Cypress Mill Road. The State of Georgia Department of Environmental Health is scheduled to evaluate existing private utilities at the request of the applicant at the time of this report.

**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 use is existing non-conforming commercial, operated since 1947 with no reported problems.**

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

**General Commercial use is compatible with existing development on the site, which has not adversely affected adjacent or nearby property for over 60 years; much of adjacent and nearby property was developed after the subject site was already operating as a commercial site.**

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

**Yes. It has a use; however, whether the one-family use is ‘reasonable’ is debatable. The cost and waste of demolishing improvements that have co-existed suitably in the area with medium density residential development without problem, do not seem reasonable.**

- 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, because excessive use has either already been mitigated, or can be mitigated if needed, to meet required standards during development review.**

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

**No, this is an instance in which the property use was established prior to the existence of zoning and the Comprehensive Plan, which uses were overlaid on the area in a generalized fashion, after the fact. Zoning and Comprehensive Planning is generally intended to mold and guide future development. Once developed, retrofit is attempted to make the best of what exists.**

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

**Yes. This particular site is developed as a commercial site. Zoning for this property would best be evaluated on a site specific basis because from the opposite perspective, if it were to remain with a zoning of R-12, One Family Residential, its appeal and suitability for use for a one-family dwelling is less than ideal.**

Mr. Hainley stated that staff recommends approval of application **ZM2495** Dean Foods, to rezone from R-12, One-Family Residential to GC, General Commercial, because the circumstance and facts support the position that the best use for the property is commercial rather than residential.

Mr. Boland expressed concerns about the residents at Moss Creek Villas and asked if anyone commented for or against this request. Mr. Hainley stated that staff had not received any comments from the adjacent neighbors.

During a brief presentation, Mr. Ramsey stated that the property has been in existence for approximately 50 years; however, it is currently dilapidated. He stated that he would like to purchase the property and maintain it as a small commercial business. He does not want the property for residential usage.

Mr. Buck Crosby stated that the property is currently an eyesore and whatever Mr. Ramsey does will be an improvement.

Mr. Mike Harrison, adjacent property owner, was present to speak in favor of this request. He stated that Mr. Ramsey has already improved the appearance of the property.

Mr. Randy Hoskins of 4132 Old Cypress Mill Road was present to oppose this request. He stated that noise was a huge problem with the previous commercial development, as well as excess water which flowed onto his property. He also noted the potential danger for small children living in the area. Mr. Hoskins stated that the building needs to be removed but he doesn't feel that it should be a commercial development because it would pose the same problems as the previous commercial development.

Ms. Lisa Willis of 207 North Lake Drive stated that Moss Creek Villas is directly across from this proposed development. She is particularly concerned about a car wash or any other commercial use that would adversely affect her property value. Therefore, she is adamantly opposed to this request.

The following adjacent residents were also present to oppose this request: Ms. Dolly Welch, Mr. Bennie Prior, and Mr. Greg Farnell. They cited noise, traffic, and devaluation of property as their concerns. Additionally, Mr. Farnell stated that if approved, this would be spot zoning; the area is more suited for residential rather than commercial. Mr. Prior stated that it concerns him that the applicant won't say specifically what he wants to do with the property.

Mr. Tim Murphy stated that he doesn't think that the property could be turned into residential and the correct business could actually be an asset to the neighborhood. He stated that there seems to be a communications problem and perhaps the applicant should have met with the neighbors and discussed his plans.

Mr. Ramsey stated that he did speak with a couple of the neighbors; however, if they feel this strongly about it, it is just not worth the trouble for him to purchase the property. He reiterated that he merely wanted to buy the property and maintain it for the neighborhood, and if it is not rezoned, it is just going to sit there and deteriorate. He stressed that he doesn't want any hard-feelings or conflicts with the neighbors. Therefore, he would like to withdraw his request at this time.

There being no further discussion, a motion was made by Mr. Thomas Boland to accept Mr. Ramsey's request to withdraw the application. The motion was seconded by Mr. Tim Murphy and unanimously adopted.

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**ZM2502 Dollar General:** Consider a request to rezone from LI Limited Industrial to HC Highway Commercial. The property is located on the east side of New Jesup Highway, approximately 500 feet north of its intersection with Community Road. Parcel ID: 03-04814. Teramore Development LLC, applicant for Milton Barlow, owner.

Mr. Stephen King was present for discussion.

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

This property has been zoned Limited Industrial since 1970. There are currently multiple commercial and industrial uses on the site. A small portion of this property was rezoned in 2006 to allow car sales. This request will consolidate the entire property to a single zoning district for the use of a retail store. A change to Highway Commercial is consistent with the zoning of surrounding properties and with the development of this corridor.

Engineering comments and issues will be addressed when this parcel begins the development process (construction plans) and this project will be using a well and septic system. No JWSC service is currently available.

**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 HC zoning seems more appropriate given the surrounding development.**

- 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. Landon stated that staff recommends approval of application **ZM2502** to rezone from Limited Industrial to Highway Commercial.

Mr. Boland asked if the building in the back of this property would be torn down. Mr. Landon replied yes, everything will be removed.

There was no one present to oppose this request and after discussion, a motion was made by Mr. Tim Murphy to recommend approval of application **ZM2502** to rezone from Limited Industrial to Highway Commercial. The motion was seconded by Mr. Buck Crosby and unanimously adopted.

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**ZM2503 4472 New Jesup:** Consider a request to rezone from R-9 Single-Family to Highway Commercial. The property is located on the east side of New Jesup Highway approximately 850 feet north of its intersection with Community Road. Parcel ID: 03-04811. Property owned by Johnathan Pittman.

Mr. Pittman was present for discussion.

Mr. Landon reported that this property has been zoned R-9 Single-Family since the creation of zoning in Glynn County. At some time this house was converted to office space for commercial use. The property has recently been purchased by a new owner which has required that the zoning of the property be brought into conformance with current regulations prior to the issuance of an occupational tax license or any new permits.

A change to Highway Commercial is consistent with the zoning of surrounding properties and with the development of this corridor. No future development of this property is requested at this time.

**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 commercial uses at this location appears to be appropriate given the nature of surrounding development in this corridor.**

- 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. Landon stated that staff recommends approval of application *ZM2503* to rezone from R-9 Single-Family to Highway Commercial.

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

At the end of review, a motion was made by Mr. Buddy Hutchinson to recommend approval of application **ZM2503** to rezone from R-9 Single-Family to Highway Commercial. The motion was seconded by Mr. Thomas Boland and unanimously adopted.

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The next two agenda items (**ZM2504, SP2506**) were presented simultaneously but require separate action. For the record, Chairman Brunson advised that he is a member of the Airport Commission but has no vested interest in the Rezoning or the Site Plan for the Glynco Parkway project. Mr. Steve Brian was present for discussion of both items.

**ZM2504 4401 Glynco Parkway:** Consider a request to rezone from GI General Industrial to PD Planned Development. The property is located on the north side of Glynco Parkway approximately 2000 ft. west of its intersection with Perimeter Road. Parcel ID: 03-09891. Property owned by Glynn County.

According to the staff's report, Job Corps Campus currently exists at this location as a non-conforming use for zoning purposes. They are currently wishing to expand their facility with the addition of a 68 bed dormitory. This zoning request will bring the existing use and facilities into conformity, and will allow the future expansion.

Engineering comments and issues will be addressed when this parcel begins the development process. Utilities will be provided by JWSC.

**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 the existing use.**

- 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 the current zoning is not consistent with the use and does not permit expansion.**

- 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, the proposed zoning and use is consistent with 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.

**Yes, this property is the existing location of the Job Corps Campus.**

**SP2506 Job Corps:** Consider a request to approve a site plan for a new 68 bed dormitory for the Job Corps. The property is located on the north side of Glyngo Parkway approximately 2000 ft. west of its intersection with Perimeter Road. Parcel ID: 03-09891. Property owned by Glynn County.

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.**

- 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 surrounding property is vacant and zoned Industrial and therefore no buffer is required.**
- 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. Landon stated that staff recommends approval of application *ZM2504* to rezone from General Industrial to Planned Development and *SP2506* subject to meeting all other requirements.

On behalf of Glynn County, Mr. Steve Brian requested approval of rezoning application *ZM2504* and site plan application *SP2506*.

Following review, a motion was made by Ms. Larissa Harris to recommend approval of application *ZM2504*. The motion was seconded by Mr. Tim Murphy and unanimously adopted.

A motion was made by Mr. Buck Crosby to approve *SP2506* subject to *ZM2504* being approved by the BOC, and meeting all other requirements. The motion was seconded by Mr. Thomas Boland and unanimously adopted.

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**PP2511 Abbington Woods, Phase I:** Consider approval of a Preliminary Plat to subdivide a 19.97 acre parcel near Southport north of I-95, Exit 29 into 5 lots. The parcel has 900 feet of frontage on Highway 17, and 700 feet of frontage on Southport Parkway. The property is zoned PD, Planned Development [ZM1446] and MR, Medium Residential. Parcel ID: 03-17651. Alfred C. Amos, CSEC, Inc., agent for Kirk Watson of South Glynn Partners, LLC, owners.

Mr. Chris Amos was present for discussion.

According to Mr. Hainley, this project is located off Highway 17 next to Southport Planned Development north of I-95 near Exit 29. No site plan has been submitted at this time. Engineering will work with the applicant at time of site plan and construction plan submittal and subsequent development, as applicable.

An evaluation of estimated trip generation will be assessed at time of site plan submittal per commercial and/or residential development, appropriate to the zoning district within which construction is proposed.

A formula to estimate of the number of school aged children per residence will also be applied at time of site plan submittal when the Medium Residential zoned portion of the property is developed. Public schools servicing this area of Glynn County are Satilla Marsh Elementary, Risley Middle School, and Glynn Academy.

Public utilities are proposed to be provided by the JWSC.

Mr. Hainley stated that staff recommends approval of application **PP2511** Abbington Woods, Phase I, subject to meeting all requirements during the development process.

Mr. Chris Amos gave a brief presentation and a general discussion followed. Afterward, a motion was made by Mr. Thomas Boland to approve application **PP2511** Abbington Woods, Phase I, subject to meeting all requirements during the development process. The motion was seconded by Mr. Buck Crosby. Voting Aye: Mr. Thomas Boland, Ms. Liane Brock, Mr. Buck Crosby, Ms. Larissa Harris, Mr. Buddy Hutchinson and Mr. Tim Murphy. Abstained From Voting: Mr. Bill Brunson.

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**TA2497:** An amendment to article VI Section 607 to amend the standards and administrative practices for nonconforming uses, and to permit administrative relief under certain conditions.

Mr. David Hainley, representing Glynn County, was present for discussion.

In presenting the staff's report, Mr. Landon explained that the proposed changes to Section 607 of the Zoning Ordinance provide clarification of a non-conforming use in Glynn County's regulations. It also provides an opportunity for administrative relief under certain conditions.

Mr. Landon stated that staff recommends approval of text amendment **TA2497**.

Following review, a motion was made by Mr. Thomas Boland that text amendment **TA2497** be recommended to the BOC for approval. The motion was seconded by Mr. Buck Crosby and unanimously adopted.

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**SUP2500 Risley Middle School:** Consider a request for a Special Use Permit for the erection of an electronic variable message sign under section 809(e) (2) of the Glynn County Zoning Ordinance. The property is located at 707 Southport Parkway. The purpose of the request is to allow an electronic variable message sign in a location where such signs are not a permitted use. Parcel ID: 03-20020. Property owned by the Glynn County Board of Education.

Ms. Lori Joyner was present to represent Risley Middle School.

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

This request is to allow permission to construct an electronic variable message sign in a district where such signs are not permitted by right. Electronic Variable Message signs are regulated under Article VIII, Signs, of the Glynn County Zoning Ordinance. Without a Special Use Permit, these signs are only permitted in Local Commercial, General Commercial, Highway Commercial, Freeway Commercial, Shopping Center Planned Commercial, Limited Industrial, Basic Industrial, and General Industrial zoning districts.

Electronic variable message signs are prohibited within 50 ft. of any dwelling or residentially zoned district without special use approval. The parcel in question is located across Southport Parkway from residential zoning and use. The right-of-way is approximately 100 ft. at this location. The sign, which is approximately 40 sq. ft. in size, is proposed to be free-standing and to be located at the entrance of the school.

Mr. Landon stated that staff recommends that *SUP2500* be approved subject to meeting all other requirements.

Mr. Boland wanted to know in which direction would the sign face. Mr. Landon stated that the sign would actually be perpendicular to the right-of-way. Mr. Boland then asked if there had been any comments from residents of Somersby Way. Mr. Landon stated that staff received one phone call in opposition but the caller did not give an address. Mr. Boland stated that there appears to be at least seven or eight houses that could potentially receive some direct lighting, but if the sign is pointed away from them there shouldn't be a problem. Mr. Landon stated that the neighbor who called expressed concerns about lighting and therefore he asked the School Board if they would be willing to put a timer on the sign that would turn off automatically every night (possibly at 9:00 p.m.) and they were agreeable to doing so.

Ms. Liane Brock stated that she was very comfortable last month with the C.B. Greer sign because it was on the building. The people that it communicates with could see it, but nobody else had to see it. She then asked if the applicant in this case would be willing to relocate the sign off of the road and perhaps place it on the property where it's not so obtrusive.

Ms. Lori Joyner, the Principal of Risley Middle School, explained that the sign is not on the road, it is actually on the campus. She stated that staff asked that they consider making the sign lower than 9 or 10 ft. high so that it's in the view of the cars coming in to the pickup area, and the school is in total agreement. Ms. Joyner stated that it would be a bigger deal if they were to move the sign because there is a big power cable marked and flagged for that particular spot.

Mr. Tim Murphy was in agreement with Ms. Brock regarding the sign that was presented last month, which he stated was basically an information sign for the students and parents. However, this proposed sign is going out to the street. He then asked what exactly is this sign supposed to do. Ms. Joyner stated that the purpose of the sign is to communicate events and activities that are happening at the school.

At this time, Chairman Brunson opened the floor for public comments. There was no one present to speak in favor of this request; however, David and Carol Leahy of 104 Barrington Oaks Drive (south of Risley Middle School) were present to oppose.

Mr. Leahy presented photographs depicting his residence and property line, the proposed sign location and lights giving direct glare, a non-permitted sign, and the entire area. He then read the following into the record:

“TONIGHT, WE ARE HERE IN OPPOSITION TO THE SIGN BEING REQUESTED BECAUSE IT IS IN CLEAR VIEW FROM EVERY WINDOW OF THE FIRST FLOOR AND SECOND FLOOR OF OUR HOME, THE BACKYARD, AS WELL AS FROM THE BORDERING HOMES IN SOMERSBY POINTE. THE REASON IT IS SO VISIBLE TO US IS BECAUSE THERE IS NO BUFFER BETWEEN OUR PROPERTY AND THE SCHOOL. BEFORE YOU MAKE YOUR MOTION THIS EVENING, WE THINK IT IS IMPORTANT FOR YOU TO KNOW THE BACKGROUND OF OUR OPPOSITION, AND THAT THE RISLEY MIDDLE SCHOOL PROJECT HAS DEVIATED FROM THE COMMISSION'S APPROVED SITE PLAN WITH RESPECT TO BUFFERING, LIGHTING, SIGNAGE, DRAINAGE AND VERBAL COMMITMENTS MADE TO FORMER CHAIRMAN NEVILL, AND THE REST OF THE PLANNING COMMISSION.

“WHEN WE BOUGHT OUR PROPERTY, WE WERE TOLD BY OUR DEVELOPER THAT A BUFFER WOULD BE INSTALLED LATER. BUT AS TIME WENT ON, SO DID THE UNNECESSARY CLEARING OF TREES AND VEGETATION ALONG THE BARRINGTON OAKS SUBDIVISION-ALL THE WAY TO PROPERTY LINES. IN MARCH OF THIS YEAR, I SPOKE WITH SUPT. HOWARD MANN WHO SAID THAT HE SUPPORTED HAVING A BUFFER, WANTED TO BE GOOD NEIGHBORS AND TO WORK WITH AL BOUDREAU. I ALSO SPOKE WITH SCHOOL BOARD VICE CHAIRMAN MIKE HULSEY WHO ASKED THAT I CONSIDER WHAT TYPES OF TREES WOULD SATISFY THE ISSUE. MR. BOUDREAU TOLD ME THEY DIDN'T HAVE ANY MONEY FOR LARGE TREES BUT WOULD TAKE A LOOK AT WHAT THEY COULD DO.

“AT THE MPC MEETING ON AUGUST 4, 2009 THIS COMMISSION HEARD THE SCHOOL'S REQUEST FOR APPROVAL OF THE SITE PLAN. THE ONLY CONCERN RAISED WAS THAT OF BUFFERING. MR. NEVILL ASKED MR. BOUDREAU: "WHAT ABOUT BUFFERS? ..... SPECIFICALLY BARRINGTON OAKS." MR. BOUDREAU'S RESPONSE INDICATED SEVERAL TIMES THAT BARRINGTON OAKS WOULD BE BUFFERED, SO WELL IN FACT, THAT "IF YOU LOOK ALONG BARRINGTON OAKS ON THIS SIDE HERE, YOU'RE GONNA BE LOOKIN AT A LOT OF GREENSPACE RIGHT HERE WHICH IS, EQUIVALENT TO A PARK IN OUR OPINION." THE GLYNN COUNTY ORDINANCE IS VERY CLEAR TO REQUIRE BUFFERING BETWEEN INCOMPATIBLE LAND USES REGARDLESS OF ZONING DISTRICT (ORDINANCE 613.3). PHOTO #1 (4083) CLEARLY SHOWS "INCOMPATIBLE LAND USE..." THIS NEXT PICTURE (PHOTO #2 3367) SHOWS THE EXCAVATION MADE FOR THE PLACEMENT OF THE DETENTION POND OVERFLOW DIVERTER THAT EMPTIES DIRECTLY INTO OUR PROPERTY.

“WE DID EVERYTHING POSSIBLE TO FIX THIS PROBLEM DURING THE CONSTRUCTION PHASE AND WERE LED TO BELIEVE BY SCHOOL OFFICIALS THAT IT WOULD BE TAKEN CARE OF. INSTEAD, WE RECEIVED THIS LETTER FROM MR. BOUDREAU THE WEEK THE SCHOOL TOOK OCCUPANCY. HE STATES: "ALL REQUIRED ORDINANCES WERE HONORED, WHICH INCLUDED NO BUFFER REQUIREMENT TO MEET INTENDED ZONING." THIS IS NOT WHAT WAS SAID OR IMPLIED AT THE MPC MEETING ON AUGUST 4, 2009. IF ALL ORDINANCES WERE HONORED, THERE WOULD BE A BUFFER! MR. NEVILL SPECIFICALLY ASKED FOR BUFFER ALONG THE BARRINGTON OAKS SIDE. THE MPC DID NOT SAY THAT NO BUFFER WAS REQUIRED...THE PROPOSED SIGN IS 10 FEET HIGH. WITHOUT BUFFER, IT, ALONG WITH ALL BUS AND DELIVERY TRAFFIC IS STILL IN DIRECT VIEW OF OUR HOME. INCIDENTALLY, THERE IS AN ILLEGAL SIGN (adjacent to their property) WHICH NO PERMIT HAD BEEN ISSUED FOR. IT IS LESS THAN 200 FEET OF OUR HOUSE AND IS IN VIOLATION OF ORDINANCE 809 (d).

“I KNOW THAT TONIGHT'S FOCUS IS ON THE ELECTRONIC SIGN. BUT WE THOUGHT IT VERY IMPORTANT THAT YOU FULLY UNDERSTAND THE EVENTS THAT HAVE LED UP TO THIS POINT AND OUR CIRCUMSTANCES. THIS PROPOSED SIGN COULD EASILY BE PLACED AT THE SCHOOL'S ENTRANCE... SET BACK SUCH THAT THE BUILDING BLOCKS THE SIGN FROM US, AND TURNED PERPENDICULAR TO BLOCK IT FROM SOMERSBY POINTE. IT COULD BE A MONUMENT TYPE SIGN WHICH IS MORE SUITED WITHIN THE RESIDENTIAL NEIGHBORHOODS. IN THIS LOCATION, IT WOULD NOT BE VIEWED BY ANY CURRENT OR FUTURE RESIDENCES. IT WOULD BE SIMILAR TO THE PLACEMENT OF THE SIGN AT THE GLYNN MIDDLE SCHOOL IN THE PARENT DROPOFF LANE... IT CANNOT BE READ FROM ANYWHERE BUT THAT DROP OFF LANE. NO ONE SHOULD BE READING A VARIABLE

ELECTRONIC SIGN WHILE DRIVING ON SOUTHPORT PARKWAY IN A SCHOOL ZONE- IF FOR NO OTHER REASON THAN FOR THE SAFETY OF THE CHILDREN, ESPECIALLY THOSE FROM SOMERSBY POINTE.

“MR. CHAIRMAN AND MEMBERS OF THE COMMISSION PLEASE UNDERSTAND THE SIGN'S IMPACT TO THE SURROUNDING NEIGHBORHOODS. SOUTHPORT PARKWAY IS NOT HIGHWAY 17. IT'S A RESIDENTIAL COMMUNITY AND A GROWING ONE AT THAT. PLEASE KEEP IN MIND THE POTENTIAL SAFETY RAMIFICATIONS OF ELECTRONIC MESSAGING SIGNS.

“I BELIEVE WE HAVE BEEN VERY PATIENT AND HAVE TRIED VERY HARD TO RESOLVE THE ISSUES PRESENTED THIS EVENING. TONIGHT WE RESPECTFULLY ASK THE COMMISSION TO NOT APPROVE ANY OF THE APPLICANT'S REQUESTS UNTIL ALL EXISTING ORDINANCES ARE COMPLIED WITH AND ALL COMMITMENTS MADE TO THE COMMISSION ARE FULLY IMPLEMENTED.

“IN SUMMARY, WE ASK FOR YOUR SUPPORT IN: 1) REQUIRING THE SCHOOL TO PROVIDE BUFFERING AS OUTLINED IN ORDINANCE 613.1,2,3; 2) CHANGING PARKING LOT LIGHTING AS SPECIFIED IN ORDINANCE 622.3.c; 3) MANDATING THE REMOVAL OF THE CURRENT ILLEGAL SIGN ADJACENT TO OUR PROPERTY IN VIOLATION OF ORDINANCE 809 (d),1.1); AND 4) POSITION THE PROPOSED ELECTRONIC SIGN TO A LOCATION SO AS NOT TO BE SEEN BY ANY RESIDENTIAL NEIGHBORHOODS. LASTLY, WE WILL CONTINUE TO WORK WITH MR. HAINLEY ON THE DRAINAGE CONCERNS MENTIONED EARLIER. THANK YOU VERY MUCH.”

Mr. Hainley stated that staff has engaged in conversations with the Leahy's and the School Board regarding several issues, including the buffer that was committed to.

Mr. Hutchinson stated that this Planning Commission has been through a similar situation where a government agency made commitments to the Planning Commission and did not uphold their end of the bargain; however, they were made to do so by this Commission. He would like to know the exact motion that was given at the time of approving the buffer. He stated that if buffers were part of that motion, the School Board should stand by their part of the agreement. Mr. Hainley stated that to his knowledge he doesn't believe that buffering was part of the motion. He stated that it was discussed but was not part of the formal motion. One of the issues that they have to resolve is that there is a critical drainage facility in the area near the wall that drains a large part of Southport area.

Mr. Hutchinson stated that they need to review the Minutes to know exactly what was said and if there was a verbal agreement made about the buffering by members of the School Board, then that verbal agreement should be honored. Mr. Hainley stated that the Leahy's have accurately quoted the context of the Minutes and what was said during the meeting.

Mr. Leahy stated that with respect to the drainage area, the site plan was approved for five detention ponds; it has two and a half. Most of the water goes to the front to the Southport Parkway side and then it comes down towards his property. It is supposed to make a right-hand turn into the ditch. Prior to the school being there, that particular area was just greenspace and the drainage was normal. However, when they built the school, they built the detention pond on the north side; the one on the south side is supposed to alleviate the water for the entire complex. The center detention pond is supposed to relieve the water from the school. All of the water feeds into Southport and is supposed to be coming by his property. He would like to know why they changed the number of detention ponds. Mr. Hutchinson stated that if the site plan lists five detention ponds, there should be five detention ponds there. Mr. Leahy stated that they aren't there.

Chairman Brunson stated that he has a bigger problem with detention ponds and stormwater run-off than with anything else. Mr. Hutchinson asked staff if the site plan lists five detention ponds. Mr. Hainley replied yes. However, the site plan is not the official construction plans. There is a hydrology study done by a professional engineer that shows that they are in compliance with the Water Resources Ordinance.

Mr. Crosby stated that the Leahy's are concerned about the sign being moved. If it is moved to not interfere with their livelihood everything else could possibly be worked out. Mr. Al Boudreau, as Executive Director of Operations for the School Board should be here to address these issues rather than Ms. Joyner. He stated that the issues are not insurmountable but they need to be resolved. Chairman Brunson agreed and added that he will not vote to approve anything until all of these issues are resolved.

Mr. Hainley stated that there is probably some means to achieve the buffer. He has committed to go back and walk the site to see whether or not the configuration was shown on the site plan regarding the detention ponds, etc.

There being no further discussion, a motion was made by Mr. Buddy Hutchinson to defer this item to a later date to get all of the facts together. The motion was seconded by Mr. Thomas Boland. During discussion, Mr. Hainley asked that the motion be clarified to defer until the outstanding items are resolved. At this time the motion and the second were withdrawn. A motion was then made by Mr. Hutchinson to defer this item until the issues are resolved at a later date. Ms. Brock asked that this motion be amended to ask staff to pursue a remedy for all of the four issues included in the Leahy's presentation and give a progress report at the next meeting. The amendment was accepted. The motion was seconded by Mr. Boland and unanimously adopted. Mr. Hainley agreed to address the illegal sign with Code Enforcement.

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There being no further business to discuss, the meeting was adjourned at 7:45 p.m.