

MINUTES

MAINLAND PLANNING COMMISSION JANUARY 8, 2013 - 6:00 P.M. Historic Courthouse, 701 G Street

MEMBERS PRESENT: Buddy Hutchinson, Vice-Chairman
Thomas Boland, Sr.
Larissa Harris
Tim Murphy
Eddie Wildsmith
John Williams

ABSENT: Bill Brunson, Chairman

STAFF PRESENT: David Hainley, Community Development Director
Eric Landon, Planner II
Janet Loving, Admin/Recording Secretary

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

AGENDA

Mr. Hainley reported that staff received a written request to defer application *SP2541 Coastal Village*. The Planning Commission will take action accordingly.

Mr. Hainley also reported that the agenda reflects that action is expected for application *SUP2500 Risley Middle School*, but instead, staff will provide a status report on this item. No action is required at this time.

Mr. Hutchinson gave a brief recap of the rules, voting procedure and audience participation in discussing agenda items.

ZM2525 - 987 Old Jesup Road: Consider a request to rezone from R-12, One-Family Residential to M-12, One-Family Residential District. The 1.28 acre property has 174 feet of frontage and is located west of Walker Road at 987 Old Jesup Highway. The purpose of the request is to allow a mobile home rather than a built home. Parcel ID: 03-03915. Property owned by Olga Villarreal.

Ms. Olga Villarreal was present for discussion.

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

The property is currently vacant. The new owner contracted to purchase a mobile home and was seeking a permit to install it when it was discovered that the zoning would not allow this. The owner was not aware that a mobile home was not allowed, especially after seeing that the mobile home park contained multiple mobile homes adjacent to the property, as well as mobile homes being located on the opposite side of Old Jesup Road. When the property was shown, the seller did not offer information on the zoning, nor did the buyer ask about the zoning. If the zoning request is not approved, the applicant has stated that she would have to sell the property to someone who could build a house on the site. (Utilities provided by well water and septic system.)

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, however the area primarily contains mobile homes.

- 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, there is no change in use of residential dwelling.

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

Yes, this property is identified within a Regional Center of mixed uses on the Future Land Use Map. It is a residential component within a radius whose midpoint is east of Golden Isles Parkway.

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

Since many properties throughout the county are for sale, it is improbable someone will purchase a lot adjacent to a mobile home park and opposite mobile homes to construct a home.

Mr. Hainley stated that staff recommends approval of application **ZM2525** to rezone property located at 987 Old Jesup Road from R-12, One-Family Residential to M-12, One-Family Residential.

There was no one present to oppose this request. Following a brief discussion, a motion was made by Mr. Thomas Boland to recommend approval of application **ZM2525** to rezone property located at 987 Old Jesup Road from R-12, One-Family Residential to M-12, One-Family Residential. The motion was seconded by Mr. Tim Murphy and unanimously adopted.

SP2526 - Golden Isles Christian Church: Consider a request to approve a site plan for two 864 sq. ft. accessory structures for an existing church. The property consists of 2.93 acres located at 1940 Old Jesup Road. Parcel ID: 03-05935. Joe Guthrie, agent for Golden Isles Christian Church.

Mr. Joe Guthrie was present for discussion.

According to the staff's report, the applicant is asking for two accessory buildings for the use of the existing church. The expansion consists of two 24 ft.x36 ft. modular structures.

The site is located in Central Glynn on the Future Development Map and according to the adopted Future Land Use Map, the property is shown as Medium Density Residential.

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: There are no trees at this location.**
- 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: Not applicable.**
- 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. Hainley stated that staff recommends approval of application *SP2526* subject to meeting all other requirements; specifically that ADA compliant access be provided to the buildings.

Mr. Tim Murphy stated that if there is no pavement or sidewalks why is it necessary for the property to be ADA compliant. Mr. Hainley explained that the ADA requirement is necessary because the applicant is providing at least one paved parking space and paved access with a ramp. This will be the only paved area on the property that staff is aware of.

Following a brief presentation by Mr. Guthrie, a motion was made by Mr. Tim Murphy to approve application **SP2526** subject to meeting all other requirements; specifically that ADA compliant access be provided to the buildings. The motion was seconded by Mr. Eddie Wildsmith and unanimously adopted.

SP2541 - Coastal Village: Consider a request to approve a site plan for five residential buildings (25 units) and a 2,783 sq. ft. community building on the Gateway Behavior Health Services campus. Parcel ID: 03-04003. Gateway Behavioral Health Services, applicant for Glynn County Development Authority, owner.

Upon the applicant's written request, a motion was made by Mr. Tim Murphy to defer application **SP2541** until the February 5, 2013 MPC meeting beginning at 6:00 p.m. The motion was seconded by Mr. Thomas Boland and unanimously adopted.

TA2515

An amendment to Article VI Section 619.1 of the Zoning Ordinance of Glynn County, Georgia; to provide clarification that sign permits do not require site plan approval; and for other purposes.

On behalf of Glynn County, Mr. Hainley stated that the proposed changes are to establish that site plan approval is not required to apply for or obtain a sign permit. He stated that staff recommends approval of this amendment.

Mr. Murphy asked if this amendment includes all signs. Mr. Hainley stated that special use permit signs are not signs that staff would release. The amendment specifically refers to the signs that staff releases on a regular basis. Mr. Boland asked if this would apply to the situation with the recent special use permit for Risley Middle School. Mr. Hainley replied no, staff does not have the authority to grant special use permits.

Mr. Murphy stated that he is somewhat hesitant and he wonders if they are giving up something and just don't realize it at the moment. Mr. Hainley explained that the Commission would be recognizing practice. He stated that in the private sector, \$1000 dollars added to the cost of a sign would be a huge adverse economic impact to a business. Staff does not have the ability to waive this cost. The sign permit would cost over \$1000 dollars and it would take at least a month or two to get a sign permit, which could be adverse to a business. The only signs that go anywhere else are the signs

that require a variance. The signs would go directly to the Board of Commissioners if there is a problem with square footage or height. Those type signs would not be affected by this ordinance amendment.

At this time, the floor was opened for public comments. There was no one present to speak in favor of this amendment; however, Ms. Linda Storey of Lamar Outdoor Advertising Company was present to oppose.

Ms. Storey stated that Lamar Outdoor Advertising Company has definite concerns with the new ordinance and feels that it is in conflict with the Planned Development District 723.5 2f), which states that the existing PD zoning regulations expressly require the Board of Commissioners to establish development standards for PD zoned property. These include parking, landscaping, building design, etc. This code also states that sign requirements shall be set by the County Commission following recommendation by the Planning Commission; 7.25.2f). The establishment of these requirements is part of the site plan approval. The new proposed ordinance states that sign permits are exempt from the site plan requirements. If this ordinance is adopted staff will still be unable to issue sign permits in PD zoned property because they will not know what sign requirements are in place. She stated that there will be no approved sign requirements in place for the proposed development.

Ms. Storey stated that the open issue is, if the site plan is not required by PD how and when will the sign requirements for each PD development be established, and how will you reconcile this new amendment that says sign permits do not require a site plan. She stated that staff may claim that they would return to the conditions approved originally, but those may have expired and no longer be in lawful force. Moreover, the development plans could change, rendering the proper sign requirements inappropriate.

Ms. Storey stated that this ordinance cannot be adopted without either exempting PD zoned property or without amending PD zoning requirements to relinquish Commission control over signs in a PD. Amendments to PD requirements were not advertised for this particular meeting. She feels that staff needs to go back and resolve these conflicts and return with a more suitable proposed solution.

Mr. Hutchinson noted that although Ms. Storey is in the sign business, it appears that she is against making the permitting process easier. Ms. Storey stated she feels that there is a rush to change the Sign Ordinance for a specific situation. She stated that she has been with Lamar Outdoor Advertising Company for 11 years and they have worked with the City of Brunswick as well as Glynn County. They have always strived to get ordinances that would benefit everyone. Ms. Storey stated that sometimes they would like to have things a little more lenient, but they also want to be sure that the right decisions are being made for future developments in the area.

Mr. Hutchinson stated that according to the ordinance, if a certain zoning district does not allow signs, then no signs will be put in that particular district. They have to follow the ordinance. Ms. Storey agreed.

Ms. Larissa Harris wanted to know if there are requirements for signs under Planned Development. Ms. Storey stated that according to the Planned Development District and Site Plan Approval, Section 723.4, “in all PD Zoned Districts a building permit should not be issued by the Building Official until the site plan has been approved by the Planning Commission.” Ms. Storey stated that there is no direct relation to a sign permit; it is a building permit. Mr. Hainley explained that counsel for Lamar Outdoor Advertising Company has stated to the Board of Appeals that a sign permit is not a building permit. When the Planning Commission approves a PD text there is a section that deals with signs. He expounded on several examples. Mr. Hainley stated that staff has always followed the PD text.

Mr. Hutchinson stated that most Planned Developments indicate that all signs will follow the existing county ordinances. Mr. Hainley agreed and added that it also cites a specific section, i.e., Highway Commercial, Freeway Commercial or some other standard zoning district. Mr. Boland asked if this proposal would cause any reduction in revenue. Mr. Hainley replied no.

Mr. Murphy expressed concerns about this Commission not having the benefit of legal counsel. However, Mr. Hainley pointed out that the County Attorney’s office has reviewed this amendment and offered a recommendation for approval.

At the end of discussion, a motion was made by Ms. Larissa Harris to recommend approval of **TA2515** to the Board of Commissioners. The motion was seconded by Mr. Eddie Wildsmith and unanimously adopted.

TA2516

An amendment to Article VIII Section 804.8 of the Zoning Ordinance of Glynn County, Georgia; to provide for one extension of a sign permit; and for other purposes.

On behalf of Glynn County, Mr. Hainley explained that the proposed changes are to establish the procedure for extension of time for which a sign permit is valid, and to specify and correspond with general language that is printed on the face of the permit paper customarily used for other construction and building projects. He stated that staff recommends approval of this amendment.

There was no one present to oppose this request. Following a brief discussion, a motion was made by Mr. Thomas Boland to recommend approval of **TA2516** to the Board of Commissioners. The motion was seconded by Ms. Larissa Harris and unanimously adopted.

SUP2500 - Status Report
Risley Middle School

Mr. Hainley reported that since the last MPC Meeting of December 4, 2012, staff conducted several site visits and light meter readings. There are issues with the parking lot lights shining onto the adjacent property. The School Board has retained GA Power to take additional light meter readings and make adjustments as required. Staff has also looked at the site plan drainage, which is compliant with the ordinance requirements with the three ponds as constructed.

Mr. Hainley stated that the School Board has been notified about the issue of the Boys and Girls Club sign. Staff has spoken with Mr. Howard Mann and Mr. Al Boudreau regarding the electronic message board sign relative to relocating and separating it, possibly putting the electronic part of the sign up closer or on the face of the school, and then putting a standard marquee sign at the end of the road.

Mr. Hainley stated that they have also discussed with the School Board about screening the parking lot with a fence and screening material from the adjacent area. Staff continues to explore the buffer issues. The lighting is scheduled to be observed at night within the next week with some readjustments expected to occur. The GA Power representative has worked with staff in the past and is familiar with the county's Lighting Ordinance.

Mr. Hutchinson stated that most of the concern from the Planning Commission's prospective has been about the buffer, which should have been addressed when the school was being constructed. Mr. Hainley stated that there was no buffer specifically mandated through the approval process, but there was a verbal commitment made and there should have been a specific requirement placed on the verbal commitment. Staff is dealing with a difficult constricted area on that particular part of the site. There is also a regulatory wetland adjacent to this area under the Corp of Engineers, which is saltwater influenced.

Mr. Hainley stated that staff is working with the adjacent property owner in an attempt to obtain another drainage easement on the other side of the school on a tract of land that has come before the Planning Commission for a preliminary subdivision plat, in an effort to locate a major drainage facility in the area.

Mr. Hutchinson feels a little at fault for not getting the commitment regarding the buffer in writing, but in his opinion, a verbal commitment and a handshake is like a legal contract. Mr. Hainley noted that staff is still having discussions with the school management to try and solve these issues amicably.

Mr. Boland asked if the saltwater influence involves the Leahy's property. Mr. Hainley replied yes, behind the Leahy's property is saltwater influenced jurisdictional wetlands. There is also marsh grass in the area that hinders regular

maintenance, which is why staff is seeking to obtain another drainage easement to relieve the pressure coming down to the Leahy's drainage ditch.

Mr. Hutchinson asked if the Leahy's are being kept abreast of the status of these issues. Mr. Hainley replied yes, he has spoken with the Leahy's and they have also met with the individuals who conducted the light meter readings.

Mr. Leahy stated that with respect to the lighting, he appreciates staff's efforts, but it is still obtrusive and glares onto their property. Again, he appreciates that Mr. Hainley is working with them on this issue. The problem is the lack of a buffer. He is also pleased with the positive comments, but he is looking for some time-lines. He stated that he has worked with the School Board and the construction staff for over a year and there is still no buffer. He then turned to the Planning Commission for help and "now things are starting to move," which he appreciates. However, the problem remains; "there is no buffer."

Mr. Leahy stated that he has been told that there is no buffer because of the drainage issue. The drainage issue is big. He does not understand how a site plan gets approved and then the hydrologist comes in afterward and says we don't need as many detention ponds as listed. They in turn sent all of the water into the Southport Parkway ditch to run through his property. Mr. Leahy stated that according to Paul Andrews of the Engineering Division, the hydrologist's report is to ensure that the school doesn't incur 50 years of flooding; it has nothing to do with adjacent properties. So why then are they directing more water into a ditch on Southport Parkway to run through his property for a ditch that Mr. Hainley says cannot be maintain because it belongs to the Corps of Engineers. He stressed that he doesn't understand how a development can go forward and be approved with no consideration of the impact that it may have on adjacent properties. He expounded on the impact of flooding onto his property when there is only 1 or 2 inches of rain.

In conclusion, Mr. Leahy invited staff and members of the Planning Commission to his home to observe first-hand the invasion of privacy and the travesty of not having a buffer. Mr. Hutchinson assured Mr. Leahy that with Mr. Hainley's assistance the county would continue to monitor this situation and do whatever they can to alleviate the problems. He asked the Leahy's to keep in mind that this will take time, but they are committed to this task.

It was noted that Mr. Bill Brunson was in the audience at this time and acknowledged that he has visited the Leahy's property. He stated that it appears to him that the reason why the water won't turn and go down the ditch properly is because of the blockage from the marsh grass. He then asked Mr. Hainley if it is possible to mitigate the marshland with the Corp of Engineers; if so, a lot of the drainage problems would be alleviated. Mr. Hainley replied yes, staff would look in to this possibility.

2013 Meeting Schedule

A motion was made by Mr. Thomas Boland, seconded by Mr. Eddie Wildsmith and unanimously adopted to approve the *2013 MPC Meeting Schedule*.

Nominating Committee

A motion was made by Mr. Thomas Boland, seconded by Mr. Eddie Wildsmith and unanimously adopted to approve the selection of Mr. Hutchinson and Mr. Murphy as the appointees of the *Nominating Committee* for Election of 2013 Officers. The committee will give a report at the next MPC Meeting scheduled for February 5th beginning at 6:00 p.m.

There being no further business to discuss, the meeting was adjourned at 7:05 p.m.