

MINUTES

MAINLAND PLANNING COMMISSION

JUNE 4, 2013 - 6:00 P.M.

Historic Courthouse, 701 G Street

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

ABSENT: Larissa Harris

STAFF PRESENT: David Hainley, Community Development Director
Iris Johnston, Planner III
Janet Loving, Admin/Recording Secretary

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

MINUTES

May 7, 2013 - Regular Meeting

A motion was made by Mr. Tom Boland to approve the Minutes of the *May 7th Regular Meeting*. The motion was seconded by Mr. Tim Murphy. Voting Aye: Mr. Tom Boland, Mr. Buddy Hutchinson, Mr. Tim Murphy and Mr. John Williams. Mr. Brunson and Mr. Wildsmith did not attend the May 7th Meeting and therefore abstained from voting.

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

ZM2495 4059 Cypress Mill Road: Consider a request to rezone from the R-12 (One-Family Residential) to the PD (Planned Development) Zoning District, a former milk transfer station. The purpose of the request is (1) to allow local commercial use in the existing building, and (2) to establish medium density use if the building were to be demolished. Parcel ID: 03-04915. Property owned by Danny Ramsey.

Mr. Danny Ramsey was present for discussion.

According to the staff's report, this property was developed in 1947 in a dairy farm area. Adjacent plats in land records are titled "Brunswick Farms" and "Souter Dairy Farm." The property operated as a milk transfer station for over 60 years, most recently under the Pet Dairy name. The business vacated its site approximately 12 months ago last year, losing its non-conforming status based on its actual commercial use.

The applicant purchased the property and cleaned it up to ensure the building does not remain vacant, become unkempt, vandalized, or a detriment to neighbors. The applicant has stated that "the property as developed is not a viable site for a 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..."

There was no proposed change in development characteristics; site use is intended to be for commercial/office with parking.

The original request for General Commercial Zoning is consistent with the site as developed; however, based on opposition to the proposal, the applicant conceded to propose a PD (Planned Development) Zoning, and therefore the request was deferred at the May 7th MPC Meeting upon staff's request.

Planned Development Zoning uses are less intense, allow a transition from commercial to residential, and are consistent with a mix of uses found on the area's zoning and future land use maps. The site survey and landscape sketch serve as the Master Plan. The text proposes local commercial uses. It allows residential uses in-keeping with Glynn County's Medium Density Residential Zoning (Section 707).

The property is on existing private well and septic system and is located within 52 ft. of public water and sewer lines on the opposite side of Sweet Gum and Old Cypress Mill Road. The State of Georgia Department of Environmental Health evaluated the existing private utilities at the request of the applicant which passed inspection. Also, there were no police or fire protection issues raised for this rezoning.

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. Complaints by attendees at the last Planning Commission hearing prompted the applicant to formulate a Planned Development text to allow the property to be used for local commercial uses until future development, at which time it would transition to medium density development.

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

General Commercial use was compatible with existing development on the site, which has not adversely affected adjacent or nearby property for over sixty years; much of adjacent and nearby property was developed after the subject site was already operating as a commercial site. The applicant revised his original GC proposed zoning to PD, limiting the proposed allowed uses to neighborhood (small business) commercial type uses at expressions of concern from neighbors.

- 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. Demolishing improvements that existed previous to surrounding development that co-existed suitably in the area with medium density residential development without problem is not a suitable solution. The fact is that the property was being neglected and vandalized prior to its being reconditioned by the current owner.

- 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 use will be mitigated by the application of the proposed zoning standards, and if developed further, will be mitigated to meet required medium residential standards for future development.

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

No, and Yes. 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. Yes, Zoning and Comprehensive Planning generally intended to mold and guide future

development is in this case proposed to be in a two stage application for (1) existing use in which retrofit with lesser intensity commercial use to make the best of what exists and (2) future use, proposed to be in conformity with the Comprehensive Land Use Plan.

- 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 is proposed on a site specific basis, because from the opposite perspective, if it were to remain zoned 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* as submitted.

Mr. Ramsey presented before and after pictures of the property, pointing out overgrowth of weeds and un-kept grass when the property was actively used as a milk transfer station and subsequently abandoned. He stated that a lot of time and money went into landscaping and other improvements, such as the installation of shrubberies along the property line which would also serve as a buffer.

Mr. Hutchinson asked Mr. Ramsey to explain what his vision is for the property. Mr. Ramsey stated that he can see the property being used as a small commercial business, i.e. landscaping company or a home repair shop. He stated that there is no plan to sell the property or to use it for a CVS Drug Store or a restaurant. Also, it is not feasible to build a house on the property.

Mr. Wildsmith wanted to know the square footage of the property. Mr. Ramsey stated that according to the tax records, the property is 3400 sq. ft. Mr. Wildsmith asked if it could be subdivided for two businesses. Mr. Ramsey replied no. Mr. Boland asked if there had been any updates done to the plumbing and wiring. Mr. Ramsey replied no, which is one reason why the building could only be used for a small office or storage area or some other similar use. Mr. Boland had additional questions about the buffer. Mr. Ramsey stated that the plants shown in the pictures should buffer the entire fenced area once they are fully grown. Again, he emphasized the amount of time and money spent on the types of plants and maintenance of the property to enhance the neighborhood.

For the record, there was an equal number of citizens present in favor of and in opposition to this request. The floor was opened for public comments beginning with those speaking in favor of the request.

Ms. Susan Walker stated that she and her husband are local business owners and they also own several investment properties. Over the years, they have watched the property in question steadily decline and become an eyesore. She stated that some of the adjoining neighbors have objections to this request and she understands their reservations; however, Mr. Ramsey has done a great job with the improvements and cleaning up the property. She then referenced a recent article in the press about beautifying Brunswick and US 17 Corridor and she feels that what Mr. Ramsey is doing with this property coincides with the article. Ms. Walker pointed out that she has known Mr. Ramsey for several years and can attest to his character. She feels strongly that what he has done so far will not only improve the community but the local economy as well. Therefore, she is urging the Planning Commission to approve this request.

Ms. Della Harrison stated that she and her husband Mike are adjacent property owners and stand to lose or benefit the most because they have a direct view of the property. (They reside at 4117 Old Cypress Mill Road.) She stated that before Mr. Ramsey purchased the property and cleaned it up, it was not only an eyesore but a danger to the small children playing in the neighborhood. Ms. Harrison stated that she feels very confident in Mr. Ramsey's plan for the property and she is asking that this request be approved so that he can complete this task.

Mr. James Royal of unit 453 Moss Creek Villas stated that he and his wife are opposed to this request. If approved, he stated that this would be considered spot zoning. It does not conform to R-12 zoning and it is not compatible with the neighborhood. He stated that he does not know what will happen with the property in the future if the applicant were to sell it because any of the uses under the PD zoning could be allowed. Therefore, he is asking that this request be denied.

Chairman Brunson asked Mr. Royal if there are some items on the list that he would like for the Planning Commission to remove. However, Mr. Royal stated that it doesn't matter what they remove from the list because if approved it would still be spot zoning, which goes against the regulations. Chairman Brunson stated that the Planning Commission is merely trying to find some common ground. He then asked Mr. Royal what he envisions for the property. Mr. Royal suggested that they tear down the building and leave the zoning intact for residential.

Mr. Randy Hoskins of 4132 Old Cypress Mill Road was present to oppose this request. If approved, he stated that this rezoning would devalue his property. He also complained about the drainage from the proposed site which he stated drains on to his property. Mr. Hoskins pointed out that the landscaping that Mr. Ramsey installed as a buffer is in the county's right-of-way. The AC unit is also in the right-of-way. He stated that when he wanted to add a porch on to his house he was told that he couldn't because the property was too close to the right-of-way. Mr. Hoskins agrees with Mr. Royal and stated that the building should be torn down.

Mr. Boland had questions about water and sewer in the area. Mr. Hoskins stated that there is city water on that particular street but not everyone is hooked into it. He also stated that the septic tank is quite old and he's not sure if any maintenance work had been done on it. Mr. Tim Murphy asked staff if the septic tank had been checked recently. Mr. Bill Jenkins, Director of Environmental Services, replied yes.

Mr. John Williams asked Mr. Hoskins if tearing down the building is the only solution that would satisfy him, to which he replied yes. Mr. Boland asked Mr. Hoskins if he objects to anything being added on the property. Mr. Hoskins stated that he objects to any type of commercial operation. He stated that he had a lot of sleepless nights when the Dairy Plant was in operation due to the noise, parking problems, etc. He built his house in 1972 and he is adamantly opposed to any type of commercial activity in the neighborhood. Chairman Brunson reminded Mr. Hoskins that the Dairy Plant was there in the 1940's. Mr. Hoskins insisted that the operation at that time was smaller.

For clarification, Mr. Murphy stated that he believes that the problem in the past was with ownership, but now there is an owner who cares and has shown that he will maintain the property. Prior to that, there was an absentee owner. Mr. Murphy pointed out that nothing or no one has demonstrated that there is a third source who will step in and maintain the property if the existing owner were to sell. The question in his mind is "whose hands is it best to be in." The answer in his opinion seems to be the present owner because he cares enough to maintain the property. Mr. Hoskins stated that anything could happen in the future, but he reiterated that any type of commercial use would devalue his property.

Ms. Dolly Welsh of 94 White Oak Court stated that she fears any type of commercial operation that would be open to the public due to traffic, noise and crime, all of which would be a detriment to the neighborhood and would lower their property value. She stated that she might be amenable to some type of business that closes at 5 p.m. or 6 p.m. Chairman Brunson asked Ms. Welsh what her vision is for the property. Ms. Welsh stated that she is not the spokesperson for the neighborhood, but she wouldn't be opposed to what the applicant wants to do if it does not involve a restaurant, a car wash or any of the more intrusive uses. She hasn't had a chance to look through the list but maybe a small office building would be acceptable. She stated that she would like an opportunity to cross out the objectionable uses.

Mr. Hutchinson asked Mr. Ramsey if he would be willing to sit down with the neighbors, go through the list of permitted uses and delete the objectionable items. Mr. Ramsey stated that he would be willing to delete any reference to a restaurant, car wash and some of the other uses but he does not want to postpone his request. He would like to go through the list, make the changes and have a vote tonight.

At this time, Mr. Ramsey and the Planning Commission members examined the permitted uses under *Section 101.1* of the applicant's text and agreed to delete the following:

- 1) off-street parking lot, with opaque screened open yard storage;
- 2) self-service clothes laundering facility;
- 3) private club, lodge or social center;
- 4) hand car wash and detailing;
- 5) restaurant - dine in only, no fast-food with drive thru window;
- 6) private commercial recreational area such as outdoor miniature golf, tennis courts, baseball batting practice facility, skate boarding, fitness trail, and other non-motorized recreation uses.

Chairman Brunson assured the neighbors that any of the permitted uses that they vote to delete from the text will not be allowed on the property under the approved zoning change.

Mr. Williams wanted to know if staff would have made the same recommendation if the Pet Milk building did not exist. Mr. Hainley replied no, staff would not have recommended the change. He explained that the existing use has caused an influence on the site.

At the end of discussion, a motion was made by Mr. Tom Boland, seconded by Mr. Eddie Wildsmith and unanimously adopted to recommend approval of **ZM2495** to the Board of Commissioners to rezone from R-12 One-Family Residential to PD Planned Development subject to the following uses being deleted from the text under *Section 101.1 Permitted Commercial Uses*:

- 1) off-street parking lot, with opaque screened open yard storage;
- 2) self-service clothes laundering facility;
- 3) private club, lodge or social center;
- 4) hand car wash and detailing;
- 5) restaurant - dine in only, no fast-food with drive thru window;
- 6) private commercial recreational area such as outdoor miniature golf, tennis courts, baseball batting practice facility, skate boarding, fitness trail, and other non-motorized recreation uses.

There being no further business to discuss, the meeting was adjourned at 7:10 p.m.