

# DRAFT/MINUTES

## MAINLAND PLANNING COMMISSION

NOVEMBER 5, 2014 - 6:00 P.M.

Historic Courthouse, 701 G Street

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MEMBERS PRESENT: Tim Murphy, Chairman  
Tom Boland, Sr., Vice Chairman  
Bill Brunson  
Buddy Hutchinson

ABSENT: Larissa Harris  
Gary Nevill  
John Williams

STAFF PRESENT: David Hainley, Community Development Director  
Eric Johnson, Planning Manager  
Janet Loving, Admin/Recording Secretary

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

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### MINUTES

#### **October 7, 2014 - Regular Meeting**

Upon a motion made by Mr. Tom Boland and seconded by Mr. Buddy Hutchinson, the Minutes of the *October 7<sup>th</sup> Regular Meeting* were approved and unanimously adopted.

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

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**ZM2680 Golden Isles Gymnastics:** Consider a request to amend the Development Text of a Planned Development for a property consisting of 1.781 acres. The purpose of this amendment is to establish a 5 ft. wide vegetative buffer at the adjacent residentially zoned property line rather than a Type “A” Buffer. Parcel IDs: 03-04453 and 03-13680. William T. Ligon, Jr., agent for Yuri Kalinin, owner.

Mr. Ligon and Mr. Kalinin were present for discussion.

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

The subject property is comprised of two parcels. In October of 2012, the applicant submitted an application (*ZM2498 Kalinin Gymnastics, aka Golden Isles Gymnastics and Cheer*) to rezone the property from R-12 One-Family Residential and Highway Commercial to Planned Development. The Planning Commission recommended approval of the application in December of 2012, and the Board of Commissioners approved the request in January of 2013.

In August of 2013, the applicant submitted this rezoning application (*ZM2680*) to amend the Development Text of the PD with the intent to reduce the width of the buffer required along the west property line where it abuts residentially-zoned property. The case was scheduled to be reviewed by the Planning Commission but the applicant requested the item be deferred.

The Zoning Ordinance defines buffer as “land area used to visibly separate one use from another or shield or block noise, lights, or other nuisances.” For this development, a Type “A” buffer is required along the west property line where abutting residentially-zoned property. Type “A” buffers are required to be at least 20 ft. wide (with the option of reducing to 12 ft. in width if a wall is constructed). The Development Text for this application proposes to reduce the width of the buffer to 5 ft. While not specifically stated in the Development Text, the applicant is requesting to reduce the width of the buffer along that portion of the west property line where abutting Parcel 03-04446, which has residential zoning.

The recommendation of staff is for the buffer width to be as originally approved. The intent of this buffer is to protect current and future property owners from commercial uses encroaching onto residential properties. The required buffer would protect from noise, light, and provide an aesthetically pleasing transition between properties. The buffer can be provided on the adjacent property within an easement.

**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.

**This application (to amend the Development Text) would not change any of the permitted uses allowed in the PD.**

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

**The proposed reduction to the width of the buffer would adversely affect the existing use of the abutting property. A 5 ft. wide buffer was never contemplated when the original rezoning application (ZM2498) was considered.**

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

**The property has a reasonable economic use as it is currently zoned.**

- 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.

**The proposed Development Text amendment would not cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.**

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

**The Future Land Use Map (FLUM) categorizes this property as Regional Mixed Use Center. As such, the current zoning district (and use) is consistent with the policy and intent of the Comprehensive Land Use Plan. Regulations pertaining to buffers and minimum landscape requirements are components of the Zoning Ordinance and not addressed in this FLUM category.**

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

**When the property was rezoned to PD, the Development Text did not include deviations from minimum landscape requirements. The subject parcel (03-04453) is currently undeveloped and underutilized, which presently does not pose a threat to the quality of life for residents of the abutting residential property. However, future development/redevelopment of the subject site should be anticipated, so a buffer must be planned accordingly.**

Mr. Johnson stated that staff recommends denial of application **ZM2680** to amend the Development Text of the PD to reduce the width of the required buffer to 5 ft.

Mr. William Ligon gave a brief presentation and a general discussion followed. During this time, the applicant, Mr. Yuri Kalinin, elaborated on the popularity of his business in this community and the quality of his programs.

Several members of the Planning Commission expressed concerns about following the guidelines of the ordinance especially with the buffer issue. They feel that the applicant should try to stay within the 12 ft. buffer to avoid setting a precedent. However, Mr. Ligon stated that he has worked closely with staff as well as with the adjacent property owner who would be most affected by this proposal and he thought that everything was worked out to everyone's satisfaction. He stated that there are times when a variance is appropriate and he feels that this is one of those times. However, Chairman Murphy asked what would be the hardship in this case. Mr. Ligon replied that the hardship would be the parking and being able to utilize the space. Chairman Murphy explained that they are bound by the ordinances and it is the responsibility of the Planning Commission to maintain structure and continuity in Glynn County. As pointed out in the staff's report, they have to protect current and future residential property owners from commercial encroachment.

Mr. Hainley stated that staff is willing to work with the applicant to resolve the issue of parking, the easement and the dimension of the buffer. Mr. Ligon concurred and asked that this request be deferred to address these concerns.

There was no one present to oppose this request, and at the end of discussion, a motion was made by Mr. Buddy Hutchinson, seconded by Mr. Bill Brunson and unanimously adopted to defer application **ZM2680** to the December 2<sup>nd</sup> MPC Meeting, beginning at 6:00 p.m.

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In other business, staff advised that the Nominating Committee would be appointed by the Chairman in January or February of 2015.

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There being no further business to discuss, the meeting was adjourned at 6:45 p.m.