

**MINUTES**  
**MAINLAND PLANNING COMMISSION**  
**AUGUST 4, 2015 - 6:00 P.M.**  
**Historic Courthouse, 701 G Street**

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MEMBERS PRESENT:     Tim Murphy, Chairman  
                           Tom Boland, Sr., Vice Chairman  
                           Larissa Harris  
                           Jeff Homans  
                           Mary Hunt  
                           Gary Nevill  
                           John Williams

STAFF PRESENT:        David Hainley, Community Development Director  
                           Cayce Dagenhart, Planner II  
                           Karl Bursa, Planner II  
                           Julie Grimm, Planner I  
                           Janet Loving, Admin/Recording Secretary

ALSO PRESENT:         Alan Ours, County Manager

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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  
**July 7, 2015 - Regular Meeting**  
**May 26, 2015 - Joint Meeting**

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

A motion was made by Ms. Mary Hunt to approve the Minutes of the **May 26<sup>th</sup> Joint Planning Commission Meeting**. The motion was seconded by Mr. John Williams. Voting Aye: Mr. Tom Boland, Ms. Larissa Harris, Mr. Jeff Homans, Ms. Mary Hunt, Mr. Tim Murphy and Mr. John Williams. Mr. Nevill did not attend the May 26<sup>th</sup> Joint Meeting and therefore abstained from voting.

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**AGENDA - Additions, Deferrals, Deletions, Postponements, Adjustments**

Mr. Hainley advised that the applicant for **ZM3082 & SP3081** is not in attendance and therefore staff is requesting a deferral. He also suggested rearranging the agenda to hear application **SUP3060** before presentation of the Ordinance Amendments.

Upon staff's request, a motion was made by Mr. Tom Boland to defer applications **ZM3082 & SP3081** to the September 1<sup>st</sup> MPC Meeting beginning at 6:00 p.m. The motion was seconded by Ms. Mary Hunt and unanimously adopted.

A motion was also made by Ms. Mary Hunt, seconded by Mr. Tom Boland and unanimously adopted to rearrange the agenda to hear application **SUP3060** before presentation of the Ordinance Amendments.

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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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**ZM3072 Wishlist Farms Lane:** Consider a request to rezone a 14.29 acre parcel from PD Planned Development to FA Forest Agriculture. The purpose of the request is to allow a horse farm on the property. The subject property is located at 1200-1206 Wishlist Farms Lane. Wishlist Farms Lane intersects with Green Swamp Road approximately 1,700 ft. from Golden Isles Parkway. Parcel ID: 03-36818. Joanne M. Sims, applicant and owner.

Ms. Sims was present for discussion.

The following report from staff was included in the packages for review and was presented by Ms. Cayce Dagenhart:

The applicant is requesting to rezone a 14.289 acre parcel, located at 1200-1206 Wishlist Farms Road, to allow for a horse farm with a single-family residence and accessory buildings which includes a horse barn, a utility building and a guest house/caretakers cabin.

**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 rezoning request will permit uses that are suitable in view of the use and development of adjacent and nearby property. While the PD does not permit farms, it does have “residential,” “commercial,” and “wetland area and island preserve” as acceptable uses; all of which are compatible with a horse farm.**

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

**The zoning proposal would not adversely affect the existing use or usability of adjacent or nearby properties.**

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

**The property to be affected by the zoning proposal 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 proposal will not result in any 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 Low Density Residential. The use of this property for a horse farm is compatible with the 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.

**There are no other existing or changing conditions affecting the use and development of the property, which give supporting grounds for approval or disapproval.**

Ms. Dagenhart stated that staff believes that this application is complete and contains all information required by the Glynn County Zoning Ordinance, and as such, staff recommends approval of application **ZM3072** to change the zoning of the subject

parcel from Planned Development to Forest Agriculture with the condition that the plan shown as CS1 shall serve as the master plan for the development.

Mr. Boland wanted to know if there is a road or a creek shown on the plat in the Tract 3 region. Ms. Dagenhart replied no. The area in question is actually the boundary for wetlands.

Mr. Nevill had questions about the condition stipulated in staff's recommendation that "CS1 shall serve as the master plan for the development." He wanted to know how far the applicant would have to deviate before submitting a change. Ms. Dagenhart stated that according to the ordinance, there has to be a 5% change to the site plan before it is brought back to the Planning Commission for consideration. However, she's not sure if it applies in this case since this is a single-family residence. Mr. Hainley advised that small additions to the stables would not necessarily need review, but major additional buildings would come back for the Planning Commission's consideration for a modification on the zoning text.

At this time, Ms. Joanne Sims gave a brief presentation and a general discussion followed. During which time, Mr. Boland asked Ms. Sims how many horses is she proposing to have on the farm. She replied that she has plans for no more than 10 or 11 horses.

There was no one present to oppose this request and at the end of discussion, a motion was made by Ms. Mary Hunt, seconded by Mr. Tom Boland and unanimously adopted to recommend approval of rezoning application **ZM3072** to change the zoning of the subject parcel from Planned Development to Forest Agriculture with the condition that the plan shown as CS1 shall serve as the master plan for the development.

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**ZM3076 Canal Crossing:** Consider a request to amend the Canal Crossing Planned Development Text for properties consisting of 44.12 acres, located at the intersection of Golden Isles Parkway and Canal Road. The purpose of the amendment is to allow a fourth access to the property via Canal Road. Parcel ID's: 03-20031, 03-3572, 03-03583, 03-16941, 03-03571, 03-03570, 03-03575 & 03-03569. Robert Ussery with Ussery-Rule Architects, P.C., agent for Rees 514, LLC and Brent Brunswick, LLC, owners.

Mr. Robert Ussery was present for discussion.

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

The existing PD text specifically allows the project to only have three curb cuts along the east side of Canal Road. The applicant is proposing changes to the layout and site plan which would necessitate a fourth access on the east side of Canal Road. Amending the PD text would grant them the ability to construct the additional curb cut.

**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 rezoning request is considered suitable for this area.**

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

**The zoning proposal would not adversely affect the existing use or usability of adjacent or nearby properties.**

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

**The property to be affected by the zoning proposal 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 proposal will not result in any 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 Center. The proposed use of this property for a commercial retail center is compatible with the 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.

**The property is currently undeveloped and zoned Planned Development. Allowing the proposed zoning change will enable the applicant to apply to construct a fourth access from Canal Road onto the property.**

Mr. Bursa stated that staff recommends approval of application **ZM3076** contingent upon meeting all other requirements of the Glynn County Zoning Ordinance.

Mr. Boland stated that the proposed changes would help cut down on some of the traffic flow from the far end of the development. Mr. Bursa explained that the traffic flow pattern is going to be changed. The developer will have to address questions as to how traffic will be affected during the planning stage of the development and after the PD Text is altered.

Ms. Hunt wanted to know if this is part of the \$4,000,000 dollars that Glynn County is paying to get access for the development. Mr. Hainley explained that this is part of the improvements included at the spur up to Rosewood Drive. Any changes made to the existing plans will be at the developer's expense.

Mr. Boland pointed out that Page 7 of this proposal indicates that utilities will be provided by Glynn County but he believes that the proposal should indicate Joint Water & Sewer for utilities. Mr. Hainley explained that the plans will be updated before being presented to the Board of Commissioners.

Ms. Larissa Harris had questions about a possible turning lane. Mr. Hainley stated that the changes may trigger an extension of one of the existing turning lanes, but beyond the north point, it will transition back into a two lane section.

During a brief presentation, Mr. Robert Ussery explained that the changes to the text are fairly simple and will allow a little more flexibility to the overall development. He is soliciting the Planning Commission's approval at this time.

There was no one present to oppose this request, and at the end of discussion, a motion was made by Mr. Tom Boland, seconded by Mr. Gary Nevill and unanimously adopted to recommend approval of application **ZM3076** to change the Planned Development Text of the Canal Crossing to allow four accesses from Canal Road.

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**SP3068 Krystal:** Consider site plan for Krystal, a quick service restaurant. The property is located in the Village at Glynn Place at 90 Scranton Connector. This property is located approximately 350 feet south of its intersection with Altama Connector. Parcel ID: 03-21177. Brett Milke with Boos Development, Inc. applicant, for ABT Investments, LLC, owner.

Mr. Brett Milke was present for discussion.

According to the staff's report, the applicant is proposing a 1,702 sq. ft. quick service restaurant with dine-in and drive-through options. The total site area is .723 acres, .495 acres of which will be impervious. Twelve parking spaces are required for the business and 20 spaces are provided. A 5 ft. landscape strip is shown around the outside of the parcel.

Under Section 619.4 (a) of the Glynn County 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: The proposed uses, buildings, and structures are compliant with the requirements of this ordinance and other ordinances of Glynn County. Any outstanding issues shall be addressed during the construction phase and prior to issuance of a building permit.**
- 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.**
- 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 located on this property.**
- 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: This requirement has been met.**
- 7) Adequate provisions are made to control the location, intensity, and direction of 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: This requirement has been met.**

9) Adequate provisions are made for water supply, fire protection and sewage collection and treatment. **Staff comment: Water & Sewer will be provided by the Brunswick Joint Water & Sewer Commission (BJWSC).**

Ms. Dagenhart stated that staff has reviewed the site plan and determined it satisfactorily complies with all applicable codes and ordinances. Any remaining issues can be addressed at the time of permitting. Staff's recommendation is for approval of **SP3068**.

Mr. Boland asked if there will be a new access point on Scranton Connector. Ms. Dagenhart replied no. The building will be accessed through the existing parking lot.

Mr. Brett Milke, representing the developer, presented a rendering of the proposed site and pointed out that the facility will seat approximately 43 customers.

Mr. Boland stated that one of the biggest problems that they've encountered with a lot of restaurants in the county is sewers overflowing from grease. Mr. Milke stated that this facility will have the required grease traps. He then pointed the area out on the rendering for additional clarification.

There being no further discussion, a motion was made by Mr. Gary Nevill, seconded by Mr. Tom Boland and unanimously adopted to approve application **SP3068**.

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**SUP3060 131 Land of Canaan:** Consider a request for a special use to allow a second dwelling unit (mobile home) on a lot as a medical hardship. The property is located on the north side of the road, approximately 530 ft. from the intersection of Land of Canaan Drive and Stafford Road. Parcel ID: 03-14627. Barbara Hutchinson, owner and applicant.

Ms. Barbara Hutchinson and her son, Mr. Sean Hutchinson, were present for discussion.

According to the staff's report, the purpose of this request is to allow a special use for a medical hardship, pursuant to **Section 704.3 Special Use of the Zoning Ordinance**. The use of the property would not change. When the medical hardship no longer exists, the mobile home will be removed from the property. The applicant has provided a letter from her attending physician stating the need for someone to live close by in case of medical emergency.

Ms. Dagenhart explained that this application was heard at the July 7, 2015 Mainland Planning Commission meeting. At that time, staff was directed to work with Code Enforcement to investigate allegations regarding an RV being lived in and located on the property. Code Enforcement visited the property and found power and utilities available at the RV site; however, the applicant reported that the RV was removed from the property on July 17, 2015.

Ms. Dagenhart stated that staff's recommendation remains for approval of *SUP3060* contingent upon meeting all other requirements of the Glynn County Zoning Ordinance.

Mr. Boland asked if the mobile home would be placed on the site where the travel trailer was removed from. Ms. Dagenhart replied no, the mobile home will be located in a different area of the property.

Mr. Williams wanted to know who's responsible for following up after the two-year period of the special use permit relative to removal of the mobile home. Ms. Dagenhart explained that the planner who's assigned to the case is responsible for the follow-up. Also, the planning staff has a current list of mobile homes being used in medical hardship cases with special use permits and the list is actually maintained by the in-take staff of Community Development. Eventually, the department will have software with capabilities to alert staff when the two-year time period has expired.

Chairman Murphy asked if there is a current list of medical hardship cases. Ms. Dagenhart stated that currently, there are three active permitted medical hardship cases and approximately six expired cases where staff has identified existing mobile homes; however, not all of those are occupied. At least three are empty and still located on the property. All other owners will be notified by mail to remove the mobile homes. Ms. Dagenhart stated that for the most part, the rules are being followed.

Chairman Murphy asked if Community Development has the enforcement tools in place for these cases. Mr. Hainley replied yes, through Planning and Code Enforcement. He explained that there is an administrative review at the end of the two-year period, at which time the applicant will have to provide the same evidence of a medical hardship for an additional two-year extension. If proven, the extension would be granted administratively rather than by the Planning Commission or the Board of Commissioners. Mr. Nevill wanted to know if there is an incentive to remove the mobile home at the end of the two-year period or consequences if it is not removed. Mr. Hainley stated that if the mobile home is not removed in the time allotted, the applicant would be issued a citation and/or would have to appear in Magistrate Court. Each day is a new violation for a fine up to \$1000 dollars on each violation.

During a brief presentation, Mr. Sean Hutchinson, the applicant's son, explained that if there is any way around applying for the medical hardship, he is open to suggestions. Currently, he is only allowed one dwelling on the five acre property. He stressed that he is willing to do whatever he can to look after his mother who has been diagnosed with COPD. Mr. Hutchinson stated that currently, he lives in Gardi, Georgia but he will be moving to Brunswick to take care of his mother and the property. He pointed out that he fully understands the two-year time period, and he reiterated that he is open to an alternative solution.

Mr. Nevill explained that the area contains a private access easement which can only serve four parcels. It would have to become a private road with improvements. Mr. Hutchinson stated that he owns the first 130 ft. of the property; however, Mr. Nevill pointed out to Mr. Hutchinson that he doesn't own the access easement that serves the property. The access easement would have to become a private road in order to serve more parcels. Chairman Murphy suggested that Mr. Hutchinson confer with Community Development staff who he believes is better equipped to explain the process and perhaps offer suggestions.

At this time, the floor was open for public comments beginning with Mr. Mike Wilson who expressed concerns about proper procedure. He stated that no one seems to know what the fine really is for violators. He has personally spoken with someone who advised him that he had applied for a medical hardship and he currently has three mobile homes that he pays a fine of \$140.00 dollars per year for each mobile home. Mr. Wilson stated that these mobile homes are being used as rental property. He stated that he does not have a problem with this request if the mobile home will in fact be removed in two years. Mr. Wilson stressed that if Mrs. Hutchinson needs help he will gladly help her, but he cannot understand how the county continues to allow these violations.

Mr. Nevill asked if there is a particular place on the other tract that would be less intrusive for the placement of the mobile home. Mr. Hutchinson stated that there is actually a 7 acre tract that's landlocked because the address has been taken and he was unable to purchase the property. Mr. Wilson pointed out that there is only one access to get to the property.

For clarification, Mr. John Williams asked Mr. Wilson if his only concern is the fact that there may not be a follow-up to ensure removal of the mobile home at the end of the two-year time period. Mr. Wilson replied yes; removal of the mobile home once the permit has expired is his only concern. In fact, he stated that "an ex-county commissioner has a mobile home sitting in his yard now where his mother lived who is currently in a nursing home." Mr. Wilson stated that this particular mobile home is being used for rental property.

Chairman Murphy thanked Mr. Wilson for his comments and suggested that at the end of the two-year period, he should perhaps come back and make sure that the Planning Commission at that time has a written statement from the attending physician documenting that the medical hardship still exists; if not, he advised Mr. Wilson to confer with the Community Development staff to ensure that protocol has been adhered to.

There being no further discussion, a motion was made by Mr. John Williams recommending approval of application **SUP3060** to allow a second dwelling unit (mobile home) on a lot as a medical hardship contingent upon meeting all other requirements of the Glynn County Zoning Ordinance. The motion was seconded by Ms. Larissa Harris. Voting Aye: Mr. Tom Boland, Ms. Larissa Harris, Mr. Jeff Homans, Ms. Mary Hunt, Mr. Tim Murphy and Mr. John Williams. Abstained From Voting: Mr. Gary Nevill. The motion carried for approval.

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#### Ordinance Amendments

***Consider an amendment to the Future Land Use Plan and Map to create a category and map designation for Low Density Residential (St. Simons Island) which will have a recommended density range of 0-2 units per acre.***

Mr. Hainley proceeded with background information via power point presentation as follows:

This is a proposal to create a land use designation and associated recommended density of 0-2 units per acre on St. Simons Island to address in part the projected total build-out. The map also deletes the currently proposed northernmost village center because it is located in an area that has been determined to be unsuitable for that type of use. The plan and map are used in reviewing proposed zoning changes and determining whether the proposed zoning change conforms to the Comprehensive Plan to which this is Appendix A. The adoption of this plan and text change does not change existing zoning that may not conform to its standards.

Mr. Hainley stated that staff recommends approval of this amendment to the Future Land Use Plan and Map.

For the record, Chairman Murphy wanted to know why the Mainland Planning Commission is considering a St. Simons Island issue. Mr. Hainley explained that the Ordinance requires that all future comprehensive plans, text amendments and other plans required to be adopted by the Board of Commissioners be considered by both Planning Commissions.

Chairman Murphy opened the floor for public comments, to which there were none. Following a brief discussion, a motion was made by Mr. Tom Boland to recommend that the Board of Commissioners approve the amendment to the Future land Use Plan and Map to create a category and map designation for Low Density Residential (SSI) which will have a recommended density range of 0-2 units per acre and delete the northernmost Village Center. The motion was seconded by Mr. John Williams. Voting Aye: Mr. Tom Boland, Ms. Larissa Harris, Mr. Jeff Homans, Mr. Tim Murphy, Mr. Gary Nevill and Mr. John Williams. Voting Nay: Ms. Mary Hunt.

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***TA3083 Consider an amendment to Sections 302 and 613 of the Zoning Ordinance of Glynn County, Georgia; to require buffers along major, collector, and minor streets in some instances; to provide for standards for these buffers; to provide for definitions of certain terms; and for other purposes.***

Mr. Hainley presented the following background information which was also included in the packages for the Planning Commission's review:

Section 302 adds definitions (similar to those contained in the Subdivision Regulations) for Major, Collector and Minor Streets. Major Streets on St. Simons Island include but are not limited to Frederica Road, Demere Road, Lawrence Road, Sea Island Road, Kings Way and Ocean Boulevard. This amendment affects new subdivision and site plan cases only.

Section 613 requires specific types of buffers at residential subdivisions, commercial developments and industrial developments on St. Simons Island, and creates three new buffer types as follows:

Type F buffers will be required at residential subdivisions on St. Simons Island along major and collector streets requiring a preliminary plat approval. A type F buffer is defined as a planted strip no less than 15 feet in width with at least 2 large deciduous trees for every 50 lineal feet, 2 large evergreen trees for every 30 lineal feet, two small deciduous trees for every 50 lineal feet, 4 medium shrubs for each 15 lineal feet, and low shrubs and ground cover planted in such a manner conducive to the establishment and maintenance of healthy scrubs and ground cover.

Type G buffers will be required at commercial developments along major, collector and minor streets on St. Simons Island. A type G buffer is defined as a planted strip not less than 15 feet in width consisting of at least 1 large deciduous tree for every 50 lineal feet, 1 large evergreen tree for every 30 lineal feet, 1 small deciduous tree for every 50 lineal feet, and low shrubs and ground cover planted in such a manner conducive to the establishment and maintenance of healthy scrubs and ground cover.

Type H buffers will be required at industrial developments along major, collector, and minor streets on St. Simons Island. A type H buffer is defined as a planted strip not less than 40 feet in width consisting of at least 2 large deciduous trees for every 50 lineal feet, 1 large evergreen tree for every 30 lineal feet, 2 small deciduous trees for every for every 30 lineal feet, 2 medium shrubs for each 10 lineal feet, and low shrubs and ground cover planted in such a manner conducive to the establishment and maintenance of healthy scrubs and ground cover.

This amendment affects new subdivisions and site plan cases on the qualifying streets only. Staff's recommendation is for approval.

During discussion, Ms. Larissa Harris asked if this proposal would exempt an applicant from the buffers and not the setbacks. Mr. Hainley explained that it would only exempt them from the conditions.

Mr. Boland wanted to know if this particular amendment deals with the parking lots and trees. Mr. Hainley explained that this proposal deals with the frontage. It does not deal with the trees in the parking lot. That particular amendment was deferred and would come back to the Planning Commission in the future. He pointed out that not all of the amendments were done; some of them were deferred. For instance, the Tree Ordinance was not ready to bring forward to the Planning Commission at this time.

Ms. Mary Hunt expressed concerns about the 180 day moratorium and stated that not all of the ordinances are being presented. Mr. Hainley explained that the Board of Commissioners did not feel that the ordinances were ready to recommend that they be acted upon at this time. However, Ms. Hunt stated that perhaps the Board did not want to look at the hard issues. Chairman Murphy commented that the Planning Commission members have attended joint meetings, workshops and town hall meetings and should have an advantage, but the nature of this process is modification of a modification that has been going on for years and will most likely continue into the future. He stated that there is no absolute rule in this business.

Mr. Boland asked if this proposed amendment would apply to the Mainland as well as St. Simons. Mr. Hainley replied no. These particular changes only apply to the Island; however, the changes would not affect the Village because the Village streets are not classified as Arterial Collector Streets.

Mr. Nevill wanted to know if this applies to existing Planned Developments or future Planned Developments with respect to the buffer requirements. Mr. Hainley stated that it applies to existing Planned Developments that don't include this particular text.

Mr. Homans wanted to know if this applies to FEMA regulations as well. Mr. Hainley stated that this proposal does not exempt you from the current FEMA standards, which you would still be required to meet, as well as electrical codes, plumbing codes, etc. This particular amendment only deals with the buffer section.

Chairman Murphy opened the floor for public comments beginning with Mr. Joey Strength, a local real estate attorney, who requested to reserve his right to comment later in the meeting when the proposal is presented regarding buffers on streets and cross easements. He has also prepared a slide presentation on the subject. Mr. Strength's request was granted by the Chairman.

Mr. Cesar Rodriguez of East Beach stated that this proposed amendment is a good attempt relative to a building being destroyed; however, he doesn't think that it goes far enough because if the dimensions of a building have to change for any reason, FEMA requirements will have to be met. Again, he would like to see something that goes a little further. For instance, it doesn't specifically address the amount of square footage that would be replaced for a building. The way this proposal is written leaves a lot open to interpretation. Mr. Rodriguez reiterated that it needs to be more specific about how the building can be rebuilt, whether the square footage can be adjusted and any deviations that could be permitted to ensure that it doesn't trigger all of the other buffers. He stressed that we need to plan for some of the uncertainties in this provision.

Mr. Bobby Shupe expressed concerns about the speed at which the proposed ordinances are changing without enough time to digest everything. Also, he stated that it was mentioned earlier that this proposal would not affect the Mainland; however, the copies that he possess references the Mainland. Mr. Hainley advised Mr. Shupe that the latest versions are posted on line, including this particular amendment which indicates that it only affects District 2, St. Simons Island. Chairman Murphy stated that most of the Planning Commission members received the latest version of the amendments just hours before the meeting. Mr. Nevill also pointed out on his copy where it references that the unincorporated areas of Glynn County would be affected by this proposal. Mr. Hainley stated that perhaps that was included in error; however, he reiterated that this proposal does not affect the unincorporated areas of Glynn County. It only applies to the Island.

To address one of Mr. Rodriguez's concerns, Mr. Hainley advised that under provisions of the Zoning Ordinance, he has the ability to increase buildings by 5% without having to go through the site plan approval process.

Mr. Nevill commented that the Planning Commission members have received a lot of ordinance changes and like Mr. Shupe, he would also like to see a little easier or a slower pace to digest them all. Chairman Murphy pointed out that these proposed changes were initiated by the Board of Commissioners and handed down to the Planning Commission as a directive to address the amendments and return them for the August 20<sup>th</sup> BOC Public Hearing. Again, he stated that there is never going to be an exact iron-clad rule that will work for every application at all times. Ms. Mary Hunt feels that this is ultimately defeating the purpose. She stated that the Planning Commission is supposed to be making these changes, but having a 180 day moratorium to get everything done by an August deadline date makes her very uncomfortable. She agrees with Mr. Rodriguez that a lot of these amendments need to be more specific, and at this point, she is not comfortable with any of them. Chairman Murphy advised Ms. Hunt that she

should vote accordingly, but the Planning Commission has been given a charge to address the changes, and ultimately vote our own conscience.

Mr. Joey Strength stated that he is prepared to give his presentation on these issues. He advised that he is representing 1600 Frederica Road, LLC, who is the owner of Wells Fargo Center on St. Simons Island. He pointed out that he understands that many of these changes relate to St. Simons but he really thinks that the proposed changes affect all of Glynn County in the way that if they're not implemented correctly and appropriately, all of Glynn County could pay for the mistake.

Mr. Strength stated that many people see both the buffers and the cross-easement proposal as something that can beautify St. Simons and possibly Glynn County. In fact, a month ago this actually applied to Glynn County in a proposal that created more buffers along roads, sidewalks and other improvements and also provided an access easement between commercial property to ease traffic. He feels like a lot of people would be in favor of this type of proposal where there is more greenspace, better access ways, more sidewalks and bike paths; all of which can be obtained through acquired right-of-way.

Mr. Strength's presentation, with respect to the proposed changes, included information on zoning issues, power plants/utilities, trees, the impact and effect of buffers and cross easements on property owners, as well as commercial property cross easements. (For the record, a copy of Mr. Strength's presentation in its entirety is contained in the file for future reference.)

In conclusion, Mr. Strength expressed concerns that the county cannot do what it is proposing without having to pay for it, and if the county could implement these changes, he feels that it would not be fair to commercial property owners. Therefore, on behalf of 1600 Frederica Road, LLC, Mr. Strength recommended that these proposed changes be deferred for further analysis and consideration of incentive based alternatives.

There being no other comments, a motion was made by Mr. Gary Nevill to defer **TA3083**, proposed amendment to Sections 302 and 613 of the Glynn County Zoning Ordinance. The motion was seconded by Mr. Tom Boland. During discussion, Mr. Hainley reminded the members that the Planning Commission has been given a directive to address the amendments and return a recommendation to the Board of Commissioners by the August 20<sup>th</sup> deadline date. Deferral is not an option at this point. Therefore, the motion and the second for deferral were withdrawn. A motion was then made by Ms. Larissa Harris to recommend denial of **TA3083**, proposed amendment to Sections 302 and 613 of the Glynn County Zoning Ordinance. The motion was seconded by Ms. Mary Hunt. Voting Aye (in favor of denial): Mr. Tom Boland, Ms. Larissa Harris, Mr. Jeff Homans, Ms. Mary Hunt, Mr. Gary Nevill and Mr. John Williams. Voting Nay (against denial): Mr. Tim Murphy. The motion carried with a recommendation for denial.

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***TA3086 Consider an amendment to Section 614 of the Zoning Ordinance of Glynn County, Georgia, pertaining to curb cuts and access easements; to require interparcel roadways and access easements for office and commercial property in certain instances; and for other purposes.***

Mr. Hainley stated that this proposed amendment requires adjacent office and commercial developments in Glynn County to tie their parking areas together. By doing so, cross connection traffic will not have to go out onto the street. This amendment affects new site plan cases only and would also be affective county-wide. Staff's recommendation is for approval.

Regarding mishaps that may occur within an easement, Ms. Larissa Harris asked if the property owner would be held responsible for any accidents occurring on the easement. Mr. Hainley explained that when there is an accident on your property, regardless as to whether it is a cross access easement or not, it falls to the property owner.

Mr. Boland wanted to know what type of impact this proposed amendment would have in all areas of the Island. Mr. Hainley stated that he is not sure but there is a travel aisle required to provide access to a parking space which is where the cross access easement would occur.

Mr. Hainley reiterated that this amendment does not require any existing stores to make any connections; it only applies to new developments. Currently, there are only four sites on the Island that are eligible for commercial development.

The floor was opened for public comments beginning with Mr. Joey Strength who expressed dissatisfaction with the ordinance changes. He stressed that these amendments are unconstitutional and represent a "taking of property." To substantiate his point, he referred to case law *Dolan v. Tigard*, 512 U.S. 374 (1994) as outlined in his power point presentation. Mr. Strength stated that a property owner will lose control of his property but yet the property remains his risk for liability and taxes. Again, he feels that these amendments should be deferred for additional study.

Mr. Nevill stated that he believes that most of the issues can be worked out, but additional review is needed on this proposal. Time will not permit the Planning Commission to defer, but he is not comfortable approving something that needs more study. Mr. Williams concurred. Thereupon, a motion was made by Mr. Gary Nevill to recommend denial of ***TA3086***, amendment to Section 614 of the Glynn County Zoning Ordinance pertaining to curb cuts and access easements; to require interparcel roadways and access easements for office and commercial property in certain instances. The motion was seconded by Ms. Mary Hunt. Voting Aye (in favor of denial): Ms. Larissa Harris, Mr. Jeff Homans, Ms. Mary Hunt, Mr. Gary Nevill and Mr. John Williams. Voting Nay (against denial): Mr. Tim Murphy. Abstained From Voting: Mr. Tom Boland. The motion carried with a recommendation for denial.

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***TA3087 Consider an amendment to add Section 626, of the Zoning Ordinance of Glynn County, Georgia, to provide for a conservation subdivision overlay district, and for other purposes.***

Mr. Hainley explained that this new section creates the Conservation Subdivision Overlay District Ordinance on St. Simons Island. A conservation subdivision preserves conservation areas while allowing for a reduced density of residential units for the overall site area resulting in a net neutral density. Neutral density is achieved by allowing smaller, individually owned residential lots in neighborhoods that are offset by larger block(s) of preserved open space. There is no increase in density allowed by this type of development. Use of a conservation subdivision by a developer is entirely voluntary. Mr. Hainley stated that staff's recommendation is for approval.

During discussion, with the exception of Ms. Mary Hunt, it appeared that the majority of the Planning Commission members were in support of this amendment; however, they feel that it should be effective county-wide. They also took issue with the 50% site coverage. When Chairman Murphy opened the floor for public comments, Mr. Bobby Shupe expressed the same sentiments as the members and suggested that this amendment be effective on the Mainland as well as St. Simons. Mr. Hainley advised that the Planning Commission could include as a recommendation in the motion that this amendment be applied county-wide, and that the 50% site coverage be deleted from the amendment as proposed.

At the end of discussion, a motion was made by Mr. Gary Nevill to recommend approval of **TA3087**, an amendment to add Section 626 of the Glynn County Zoning Ordinance to provide for a county-wide conservation subdivision overlay district and omit the 50% site coverage as proposed. The motion was seconded by Ms. Larissa Harris. Voting Aye: Mr. Tom Boland, Ms. Larissa Harris, Mr. Jeff Homans, Mr. Tim Murphy, Mr. Gary Nevill and Mr. John Williams. Voting Nay: Ms. Mary Hunt.

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***TA3090 Consider an amendment to Sections 705.5(3) (a), 705.5(3) (b), 705.5(3) (d) and 705.5(8) of the Zoning Ordinance of Glynn County, Georgia, pertaining to the Resort Residential District; to increase the minimum lot area, minimum lot width and minimum side yard for townhouse end units; to provide that no more than five contiguous townhomes shall be built in a row; and for other purposes.***

Mr. Hainley explained that this amendment adjusts the minimum yard requirements for townhouse end units in the Resort Residential District on St. Simons Island. It increases the minimum lot area to 3,100 square feet and the minimum lot width to 31 feet for an end unit on the perimeter of the development. It also requires a minimum of 15 feet of side yard and a minimum of 27 feet of rear yard in the case of an end unit abutting a street or adjoining property. In addition, it requires a Type F

buffer separating the rear yard and side yard from streets or neighboring property. The amendment reduces the number of townhouses allowed to be connected from 10 to 5 and it also lowers the density of bedroom units for all types of development from 35 to 30. This amendment affects new zoning and preliminary plat cases only. Staff's recommendation is for approval.

During the public comment period, Mr. Robert Ussery asked if this proposed amendment would affect density in the Resort Residential District, to which Mr. Hainley replied yes; it changes the bedroom units from 35 to 30.

Mr. Don Gentile stated that he would like for the language in this proposal to be more specific as to how it will affect property in the Resort Residential District. He also expressed concerns about enforcement and stated that none of these changes will be beneficial if they're not enforced. He then gave an example of a current violation on St. Simons with a "three-bedroom residence that is being advertised by a realtor as having five bedrooms and sleeps eight." He stated that quite often there are more than eight people staying in the house. The neighbors have complained but no enforcement action has been taken. Mr. Gentile stated that "it would be more effective if the county would enforce the existing zoning regulations rather than single out people to bear the blunt of having the value of their property reduced in some way by trying to reduce the density in the area."

For the record, Mr. Cesar Rodriguez of East Beach presented an email from Mr. George Ragsdale who has expressed concerns that the language in these proposed amendments is too vague and needs to be clarified. Mr. Rodriguez also alluded to citizens not having enough time to review all of the proposed amendments. Chairman Murphy reiterated that these proposals were initiated by the Board of Commissioners and not by county staff, the Mainland or Islands Planning Commission members, but once again he stated that the Planning Commission is expected to render a recommendation on each proposed amendment to the Board by the August 20<sup>th</sup> BOC meeting date.

There being no further discussion, a motion was made by Mr. Tom Boland to recommend approval of **TA3090**, an amendment to Sections 705.5(3) (a), 705.5(3) (b), 705.5(3) (d) and 705.5(8) of the Glynn County Zoning Ordinance pertaining to the Resort Residential District; to increase the minimum lot area, minimum lot width and minimum side yard for townhouse end units and to provide that no more than five contiguous townhomes shall be built in a row. The motion was seconded by Mr. Jeff Homans. Voting Aye: Mr. Tom Boland, Ms. Larissa Harris, Mr. Jeff Homans, Mr. Tim Murphy and Mr. John Williams. Voting Nay: Ms. Mary Hunt and Mr. Gary Nevill. The motion carried with a recommendation for approval.

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***TA3091 Consider an amendment to Section 302 of the Zoning Ordinance of Glynn County, Georgia, pertaining to definitions; to amend the definitions of “Dwelling, Row House”; “Dwelling, Two-Family”; and “Site Coverage”; and for other purposes.***

Mr. Hainley explained that the second amendment to Section 302 is a housekeeping amendment that changes "row house" to "townhouse." It further clarifies that a duplex is contained in one building, and it changes the definition of site coverage to exempt pervious pavement from counting as site coverage. He stated that staff's recommendation is for approval.

Mr. Nevill had questions about a possible list of permeable materials; however, Mr. Hainley stated that the list was intentionally omitted because the types of materials are constantly changing which means that the list would also repeatedly need to be amended, which is also why the County Engineer is needed to determine the permeability of these materials. Mr. Homans asked if the County Engineer will apply the permeability factor to whatever materials are being used. Mr. Hainley replied yes, and it will be calculated accordingly.

The floor was opened for public comments, at which time Mr. Shupe stated that he supports the definitions, but for a point of clarification, in previous zonings that allowed row-houses there was a limit for the high and the low; no more than ten and no less than three. He then asked that by definition, would a two-unit row house or townhouse be allowed. Chairman Murphy replied no, under the definition it is no longer a townhouse; it would be a duplex.

At the end of discussion, a motion was made by Mr. Boland to recommend approval of ***TA3091***, an amendment to Section 302 of the Glynn County Zoning Ordinance pertaining to definitions; to amend the definitions of “Dwelling, Row House”; “Dwelling, Two-Family”; and “Site Coverage.” The motion was seconded by Mr. John Williams. Voting Aye: Mr. Tom Boland, Mr. Jeff Homans, Mr. Tim Murphy, Mr. Gary Nevill and Mr. John Williams. Voting Nay: Ms. Larissa Harris and Ms. Mary Hunt. The motion carried with a recommendation for approval.

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***TA3093 Consider an amendment to Sections 706.2, 706.4, 707.2, 707.4, 708.2, and 708.4 of the Zoning Ordinance of Glynn County, Georgia, pertaining to row houses; to change the term “row house” to “townhouse”; to correct a citation; and for other purposes.***

Mr. Hainley explained that this proposal is a housekeeping amendment to change the term "row house" in the current ordinance to "townhouse."

There being no discussion from the floor, a motion was made by Mr. Tom Boland to recommend approval of **TA3093**, an amendment to Sections 706.2, 706.4, 707.2, 707.4, 708.2, and 708.4 of the Glynn County Zoning Ordinance pertaining to row houses; to change the term "row house" to "townhouse"; to correct a citation. The motion was seconded by Mr. John Williams. Voting Aye: Mr. Tom Boland, Ms. Larissa Harris, Mr. Jeff Homans, Mr. Tim Murphy, Mr. Gary Nevill and Mr. John Williams. Voting Nay: Ms. Mary Hunt. The motion carried with a recommendation for approval.

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***TA3094 Consider an amendment to Article VI, Section 602.2 of the Subdivision Regulations of Glynn County, Georgia, to require at least two access points per subdivision or a certain type of enlarged entranceway for subdivisions of 25 lots or more; and for other purposes.***

Mr. Hainley explained that this amendment requires at least two access points or a certain type of enlarged entranceway for subdivisions of 25 lots or more in Glynn County, and does not require existing subdivisions to connect. This amendment affects new subdivision cases only. Staff's recommendation is for approval.

Mr. Boland asked if this proposal is necessary mainly for safety purposes. Mr. Hainley replied yes, it will provide a secondary means of ingress/egress.

During the public comment period, Mr. Robert Ussery stated that he understands the intent, but in the provision to widen the front entrance, he's not sure how this meets the intent for safety purposes. He further stated that if the intent is for safety, widening the entrance for a short distance doesn't make a difference. Ms. Larissa Harris expressed the same concern. Mr. Hainley provided an example of how this would be necessary from a safety standpoint which involved an incident that occurred in Sea Palms where an oak tree came down across the road trapping individuals behind it.

There being no other comments from the public, Chairman Murphy stated that the floor is open at this time for additional comments from the Planning Commission.

Ms. Mary Hunt stated that the Planning Commission received many of these changes an hour before this meeting, but most of the citizens of Glynn County have not seen the revisions. "There are so many holes and questions on every single one of these items." Ms. Hunt stressed that the deadline is the biggest pain that she has ever experienced because the Board of Commissioners feel like they need to do something. However, she feels very strongly that they're opening themselves up for a lawsuit. She pointed out that there has only been one town hall meeting, although tonight's meeting is considered a town hall meeting, but there has only been one town hall meeting for St. Simons Island residences, but all of sudden these amendment changes are before us. Ms. Hunt stated that we're not doing a service to the citizens of St. Simons Island or to

Glynn County. “Just because we have the Board of Commissioners who want it done by a certain day doesn’t mean that they’re right.”

Chairman Murphy stated that the Board is not asking us to make the perfect decision; they’re asking us to render a decision and to vote as an individual. The Islands Planning Commission will do the same, as well as members of the Board.

At the end of discussion, a motion was made by Ms. Larissa Harris to recommend denial of **TA3094**, an amendment to Article VI, Section 602.2 of the Glynn County Subdivision Regulations to require at least two access points per subdivision or a certain type of enlarged entranceway for subdivisions of 25 lots or more. The motion was seconded by Ms. Mary Hunt. Voting Aye (in favor of denial): Ms. Larissa Harris, Mr. Jeff Homans, Ms. Mary Hunt, Mr. Tim Murphy, Mr. Gary Nevill and Mr. John Williams. Voting Nay (against denial): Mr. Tom Boland. The motion carried with a recommendation for denial.

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There being no further business to discuss, the meeting was adjourned at 9:05 p.m.