

MINUTES
MAINLAND PLANNING COMMISSION
MAY 3, 2016 - 6:00 P.M.
Historic Courthouse, 701 G Street

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

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

Chairman Nevill called the meeting to order and the invocation was given, followed by the Pledge of Allegiance. He then gave a brief recap of the rules, voting procedure and audience participation in discussing agenda items.

MINUTES

April 5, 2016 - Regular Meeting

Upon a motion made by Ms. Mary Hunt and seconded by Mr. Tom Boland, the Minutes of the *April 5th Regular Meeting* were approved and unanimously adopted.

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

Upon staff's request, a motion was made by Ms. Mary Hunt, seconded by Mr. Tom Boland and unanimously adopted to change the order of the agenda as follows:
Item #1) SP3230; Item #2) PP3235; Item #3) XS3200; Item #4) ZM3126.

SP3230 Cheddar's: Consider approval of a site plan for the development of a restaurant. The property, 551 Canal Road, is zoned PD Planned Development - Canal Crossing II and is located on the corner of Canal Road and McDavid Way approximately 1,300 ft. from the intersection of Canal Road and Golden Isles Parkway. Parcel ID: 03-26563. Cunningham & Company Engineers, Inc., agent and applicant for owner, Canal Road Investors, LLC.

Mr. Cleve Cunningham and Mr. John Callaway were present for discussion.

The staff's report was included in the packages for review and was presented by Ms. Julie Grimm as follows:

The applicant is proposing an 8,465 sq. ft. restaurant with dine-in and patio seating. The total site area is 2.9 acres, 2.18 acres of which will be impervious. Also, 159 parking spaces are required for the business and 226 spaces are proposed, of which 7 are handicap accessible. There will be a type "E" landscape buffer planted along Canal Road and McDavid Way and crape myrtles 30 ft. on center facing Gateway Center Boulevard which has existing street trees.

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 the 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 to protect on site.**
- 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: The Fire Department has determined that this site plan is compliant. This requirement has been met subject to review by JWSC as part of review of the building permit.**

Ms. Grimm stated that staff has reviewed this site plan and determined that it satisfactorily complies with all applicable codes. Therefore, staff's recommendation is for approval. Any remaining issues can be addressed during the permitting process.

Following a brief presentation by Mr. Cunningham and an explanation of the request by Mr. Callaway, a motion was made by Ms. Mary Hunt to approve site plan application *SP3230*. The motion was seconded by Mr. John Williams and unanimously adopted.

As agent for the next two agenda items, PP3235 and XS3200, Chairman Gary Nevill stepped down from the panel and turned the meeting over to Vice Chairman John Williams.

PP3235 Covington Pointe Phase II: Consider approval of a preliminary plat for a 124 lot subdivision on 36.242 acres. The proposed subdivision is located in the Covington Pointe Planned Development, along Covington Pointe Drive, Loblolly Drive, Chestnut Drive, Acorn Drive, Crabapple Drive and Coral Drive. Parcel ID: 03-26647. Gary Nevill with Shupe Surveying Co., P.C. agent for Arnold Rogers with SGAR Properties, LLC, applicant and owner.

Mr. Nevill was present for discussion.

The staff's report was included in the packages for review and was presented by Ms. Cayce Dagenhart as follows:

The preliminary plat for Covington Pointe Phase II shows the subdivision of a 36.242 acre parcel in order to create 124 lots, each intended for a one-family dwelling. All roads depicted on the preliminary plat have been constructed by a prior developer.

The following are preliminary plat requirements (and staff's comments) in accordance with Section 703 of the Glynn County Subdivision Regulations - The preliminary plat shall consist of a map or maps, drawn at a scale of not less than one inch, two hundred feet depicting the following:

- 1) The proposed name of the subdivision and proposed street names shall not duplicate or too closely approximate phonetically the name of other subdivisions or streets in Glynn County. If shown to the contrary, the Planning Commission or Geographic Information System (GIS) office may refuse to accept such subdivision and street names; must indicate whether the streets are to be public or private. **Staff Comment: Provided by applicant on plat. The streets have already been constructed in this subdivision.**
- 2) Name, address and telephone number of the owner of record. **Staff Comment: Provided by applicant on plat.**
- 3) Name, address and telephone number of the subdivider. **Staff Comment: Provided by applicant on plat.**
- 4) Date of survey, north point and graphic scale, source of data, date of plat drawing, and space for revision dates. **Staff Comment: Provided by applicant on plat.**
- 5) Preliminary Plat Certificates and Statements. **Staff Comment: Provided by applicant on plat.**
- 6) A vicinity map locating the subdivision in relation to the surrounding area with regard to well-known landmarks such as major streets and thoroughfares, railroad rights-of-way, rivers, streams and other named bodies of water. Vicinity maps may be drawn in freehand and at a scale sufficient to show clearly the information required, but not smaller than one inch to one mile. **Staff Comment: Provided by applicant on plat.**
- 7) Name of former subdivision(s), if any. **Staff Comment: N/A**
- 8) Exact boundary lines of the tract or parcel to be subdivided, indicated by a heavy line giving length and bearings, and total subdivision land area in acres. The boundary lines shall apply to the entire tract to be subdivided. **Staff Comment: Provided by applicant on plat.**
- 9) Natural features within the proposed subdivision, including drainage channels, bodies of water, flood plain, wetlands and other significant features. **Staff Comment: Provided by applicant on plat.**

- 10) Cultural features within the proposed subdivision, including rights-of-way widths, and names of existing and proposed streets and alleys, existing structures, existing easements, buildings, city and county lines, zoning districts and boundaries, and other significant information. **Staff Comment: Provided by applicant on plat.**
- 11) Proposed layout including lot lines with rough dimensions, lot numbers, block letters, street and alley lines, sites reserved through covenants, dedication or otherwise for public uses. **Staff Comment: Provided by applicant on plat.**
- 12) Location of existing water and sewer utilities, if a connection to these public systems is proposed. **Staff Comment: JWSC has noted in the reviews that the “existing lift station does not meet current JWSC standards.” As a condition of approval of the preliminary plat, the motion should include the resolution of the differences between the existing lift station and the current JWSC standards.**
- 13) Proposed unit division or stage of development, if any, by the subdivider. **Staff Comment: Provided by applicant on plat.**
- 14) The names of owners of record and zoning of land adjacent to the tract to be subdivided. **Staff Comment: Provided by applicant on plat.**
- 15) FIRM Panel Number and flood zone designation. **Staff Comment: Provided by applicant on plat.**
- 16) Building setback information per Zoning Ordinance including setback lines on odd shaped lot. **Staff Comment: Provided by applicant on plat.**

Ms. Dagenhart stated that staff recommends approval of application **PP3235**, subject to the resolution of the JWSC issues with the existing lift station; also, the Certificate of Preliminary Plat Approval should read “***Vice Chairman***” instead of Chairman.

Mr. Gary Nevill gave a brief presentation and a general discussion followed. Afterward, a motion was made by Mr. Jeff Homans to approve application **PP3235**, Covington Pointe Phase II, subject to the resolution of the issues between the existing lift station and the JWSC construction standards. Also, change the Certificate of Preliminary Plat Approval to read “***Vice Chairman***” instead of Chairman. The motion was seconded by Mr. Tim Murphy. 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.

XS3200 Lucy Rogers Harris: Consider a variance request to waive the requirement in Section 602.2 (1) General Provisions of the Subdivision Regulations that requires the dedication of right-of-way during the subdivision process for property along platted streets that do not conform to the minimum right-of-way requirements. This request would apply to the expedited subdivision of a portion of the Lucy Rogers Harris property at 426 Petersville Road. Parcel ID: 02-00125. Gary Nevill, applicant and agent for Lucy Rogers Harris, owner.

Mr. Gary Nevill was present for discussion.

The staff's report was included in the packages for review and was presented by Ms. Cayce Dagenhart as follows:

According to the Glynn County Subdivision Regulations, when there is a subdivision of property abutting a platted road that does not meet the right-of-way width requirements, the applicant is required to dedicate a portion of their property to the county so that eventually required width can be achieved, per *Section 802.2 (1)*.

The applicant is requesting that a variance be given in lieu of dedication and will reserve the 10 ft. deep area on the parcel which will be required for the additional right-of-way. Setbacks will be measured from this ultimate right-of-way line. The applicant is making this request because the owner of the property is not in good health and the process of dedication would be a stress on her finances. They would like to get this done as soon as possible to make sure that the property owner has the decision regarding to whom this parcel is given.

The right-of-way has been reserved in this manner on two other parcels along Petersville Road. There are approximately 34 parcels on this road with no additional right-of-way dedication at this time. Petersville Road is currently a dead-end that stops at the Carriagate Planned Development.

In conformance with Section 901 of the Glynn County Subdivision Regulations, variances shall be permitted as follows:

- 1) **General:** When a peculiar shape, or the topography of a tract of land, or other unusual condition, makes it impractical for a subdivider to comply with the literal interpretations of the design requirements of this Ordinance, the Planning Commission shall be authorized to vary such requirements, provided, however that in so doing the intent and purposes of this Ordinance are not violated.

Staff Comment: Due to health and financial constraints there is an obstacle for the applicant to comply with the literal interpretations of the design requirements. Granting a variance to reserve an area for the dedication of additional right-of-way to be surrendered at a later time does not violate the intent and purpose of the Subdivision Regulations.

2) **Conditions:** In approving variances, the Planning Commission may require such conditions that will, in its judgment, secure substantially the objectives of the standards and requirements of these regulations.

Staff Comment: Designating the additional right-of-way on the expedited subdivision is enough to legally secure future compliance with this regulation.

3) **Procedures:** A petition for any such variance shall be submitted in writing by the subdivider at the time when the preliminary plat is filed for the consideration of the Planning Commission. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

Staff Comment: Letter provided by the applicant.

Ms. Dagenhart stated that staff believes that this application is complete and contains all information required by the Glynn County Subdivision Regulations. Therefore, staff recommends approval of the variance request for expedited subdivision plat **XS3200** with additional right-of-way to be dedicated at another time.

Following a brief presentation by Mr. Gary Nevill, a motion was made by Mr. Tim Murphy to grant the variance request for expedited subdivision plat **XS3200** so that in lieu of dedication, the applicant will reserve a 10 ft. deep area on the parcel for the additional right-of-way to be given to the county at a future date. The motion was seconded by Mr. Tom Boland. 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.

At this time, Chairman Nevill rejoined the panel and presided over the remainder of the meeting.

ZM3126 Stutts Road - Consider a request to amend the Planned Development text for the Stutts Road Tract planned development located on Stutts Road in Glynn County, Georgia. The purpose of the request is to permit agricultural uses as allowed uses in accordance with Section 704.2 of the Glynn County Zoning Ordinance and to require any use set forth in Section 3.1.2 maintains a 100' setback from the property line of any residence. The property is located at 430 Stutts Road, .25 miles north of the intersection of Stutts Road and Fancy Bluff Road. Parcel ID: 02-00501. Joe Fendig, agent for Justin Stanisky, applicant; Marshland Community F.C.A., owner.

Mr. Joe Fendig was present for discussion.

The staff's report was included in the packages for review and was presented by Mr. Karl Bursa as follows:

The applicant is proposing changes to the planned development text to permit agricultural uses as allowed uses in accordance with Section 704.2 of the Glynn County Zoning Ordinance, and to require any use set forth in Sections 3.1.2 maintains a 100 ft. setback from the property line of any residence. The property is located at 430 Stutts Road, .25 miles north of the intersection of Stutts Road and Fancy Bluff Road.

In conformance with Section 1103 of the Glynn County Zoning Ordinance, the following findings of fact are to be considered in making a decision on a request for rezoning:

- Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

The 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 Low Density Residential. The applicant proposes no change to the existing land use at this time. This 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 add new allowed uses and designate required setbacks for these uses.

It was pointed out that this application was deferred at the last meeting to allow the applicant and the adjacent neighbors to meet and see if they could come to an agreement that would satisfy all parties. During that meeting, the neighbors proposed the following amendment:

3.1.2 Raising livestock limited to two cows and two horses at any one time.

Add the following Special Restrictions:

3.4.3.8 A setback of 300 ft. shall be maintained for any livestock along the property lines of Bayou Oaks Subdivision Phase I and Stutts Road.

3.4.3.9 A 150 ft. undisturbed natural buffer shall be maintained along any property lines of any lot in the Bayou Oaks Subdivision Phase I or the property lines located on the unpaved portion of Stutts Road and from the curvature of the bank around the pond or lake.

The applicant did not agree to the above proposal from the neighbors, but instead, agreed to an additional 25 ft. planted buffer along the edge of the lake. The applicant has also removed all reference to animal hospital-veterinarian and/or boarding facility. Mr. Bursa stated that staff's recommendation is for approval of **ZM3216** contingent upon meeting all other requirements of the Glynn County Zoning Ordinance.

During a brief presentation, Mr. Joe Fendig stated that the applicant and the adjacent property owners conducted a cordial meeting and an effort was made to find a solution; however, no agreement was reached between the parties. He stated that his client is asking for approval of this application which he believes to be a reasonable request.

There were approximately 25 adjacent property owners present to oppose this request, with Mr. Hector Marin of 299 Stutts Road acting as spokesperson for the group. Mr. Marin relayed concerns about property value in the area being diminished if this request is approved. There would also be a decrease in tax revenue, foul odors, noisy animals, spot zoning and road maintenance issues. The residents concluded that this proposal would be a detriment to their health, safety and general welfare. Additionally, they were afraid that without something more substantial on record, the applicant would not limit the livestock to "two cows and two horses." Although the developer at the time only completed phase one of the original plan, the property owners want their

neighborhood to remain attractive to developers who might be interested in finishing it as a subdivision for homes and not livestock. They respectfully asked that this request be denied.

Following a brief rebuttal from the applicant and a general discussion among the Planning Commission members, a motion was made by Mr. Tom Boland to recommend denial of application **ZM3216**. The motion was seconded by Ms. Mary Hunt. Voting Aye: Mr. Tom Boland, Mr. Jeff Homans, Ms. Mary Hunt and Mr. Gary Nevill. Voting Nay: Ms. Larissa Harris and Mr. Tim Murphy. Abstained From Voting: Mr. John Williams. The motion carried for denial.

There being no further business to discuss, the meeting was adjourned at 7:50 p.m.