

MINUTES

JOINT PLANNING COMMISSION

APRIL 17, 2007 - 5:00 P.M.

Fire Station #2 Demere Road, St. Simons Island

Islands Planning Commission

Robert Ussery, Chairman
Preston Kirkendall, Vice Chairman
John Dow, Jr.
William Lawrence
Paul Sanders
Desiree Watson
Joan Wilson

Mainland Planning Commission

Gary Nevill, Chairman
Wayne Stewart, Vice Chairman
Bill Brunson
Jeff Counts
Eric Croft
Buck Crosby
Buddy Hutchinson

Staff Present

David Hainley, Director
Iris Scheff, Planner III
Janet Loving, Admin/Rec.Secretary

Also Present

Will Worley, Asst. County Attorney
Commissioner Uli Keller, BOC

Chairman Robert Ussery called the meeting to order at 5:00 p.m. and the invocation was given, followed by the Pledge of Allegiance.

Minutes – April 3, 2007

Upon a motion made by Mr. Gary Nevill and seconded by Mr. John Dow, the Minutes of the April 3rd Joint Public Hearing were approved and adopted by the Mainland and Islands Planning Commission members. (Mr. Bill Brunson did not attend the April 3rd meeting and therefore abstained from voting.)

TA-2007-006

Consider an amendment to Sections 501, 801 and 802 of the Glynn County Subdivision Regulations; to provide for the definition of an existing subdivision; to provide for an amendment of Subsection 802 (e) to provide that the prohibition of re-subdivisions or changes to existing subdivisions on St. Simons Island shall only apply to lots of one acre or less; to create Subsection 802(f) to provide for an appeal from the provisions of 802(e); and for other purposes.

The amendment was included in the packages for review and was presented by Mr. David Hainley.

Mr. Bill Brunson stated that it appears to him that Section 802 (f) 2) raises about “four big red flags.” This section reads as follows: “...The Planning Commission may approve the application only if it determines ...2) *the proposed subdivision will not adversely affect density, traffic, drainage, or the burden on infrastructure.*” Mr. Brunson stated that if they were to eliminate 802 (f) 2), this would eliminate potential future litigation.

Chairman Ussery stated that based on all of the meetings and discussions, he feels that the amendment is acceptable.

Mr. Nevill stated that he doesn’t have a problem with 802 (e), but he agrees that the phrase “adversely affect” is somewhat an opinion. He pointed out that the items listed (density, traffic, drainage and infrastructure) will all be reviewed and addressed by Water & Sewer, Engineering and Traffic Safety.

Ms. Desiree Watson stated that the phrase “adversely affect” gives more leeway to determine the issues of density, traffic, drainage, infrastructure and if there is a burden on those issues in an adverse sense. She stated that something can be a burden and not be an adverse burden, which is the distinction in this provision. She would be in favor of keeping the phrase.

Mr. Wayne Stewart stated that he has a problem with the phrase because it just leaves the door open to give opinions, challenges and unnecessary headaches. The items listed are reviewed anyway on any rezoning, extension or lot split. He stated that he doesn’t have a problem with this amendment except for the sentence containing the words “adversely affect.” He feels that it should be taken out at this level and left up to the County Commissioners. Mr. Stewart stated that he cannot vote for this amendment with that particular phrase included.

Ms. Watson stated that the issue is being confused in terms of the word effect and what actually adversely affects something. Staff abides by the criteria and guidelines, but the ordinance gives staff the authority to act under those guidelines, which constitutes the adverse affect and not just the effect.

Mr. Preston Kirkendall stated that most people on St. Simons Islands feel that one more anything on the Island is an adverse affect. He feels that the phrase “adversely affect density” gives them the option to turn down everything.

Mr. John Dow wanted to know if the County Commissioners reviewed this proposal with this language when they sent it back to the Planning Commission. Mr. Hainley replied yes. He stated that this language was included originally in the previous amendment that was denied by the Board of Commissioners. Mr. Wayne Stewart stated that the two County Commissioners that he spoke with expressed concerns about the density. Also, Chairman Thaw stated to him that the Board would be open to suggestions on any recommended changes made by the Planning Commission.

At this time, Chairman Ussery opened the floor for public comments. Ms. Ann McCann stated that the big issue with the St. Clair homeowners was the 1 acre rule. She stated that if the homeowners could have the 1 acre with the normal county regulations totally enforced, all of their concerns would be covered. She agreed however that most anything would be an adverse affect.

There were no other comments from the floor.

Mr. Buck Crosby pointed out that it was not the intent of the Board of Commissioners to micro-manage the Planning Commission. He stated that the Planning Commission is tasked with giving its best interpretation of the ordinances, and he feels that 802 (f) 2) should be deleted. However, Ms. Watson explained that if item #2 were deleted, the only thing to be considered would be lot size. The Board would not have the authority to consider density, traffic, drainage or infrastructure. Adding the “adverse impact” is guidance or the criteria upon which those issues are considered. She stated that staff does not operate under the assumption that everything on the Island is an adverse impact. Staff takes a reasonable approach to looking at density, traffic, drainage and will let the Planning Commission know if there is indeed an adverse affect. Therefore, she is in favor of keeping 802 (f) 2).

For clarification, Mr. Will Worley, Assistant County Attorney, explained that there is an appeals process from the provisions of 802 (e), which applies to every piece of property on St. Simons Island within an established subdivision. It appears that there is concern about someone challenging a denial of an appeal, but no one is entitled to be exempted from the ordinance. Not only is 802 (e) designed to keep a uniform lot size in an established subdivision; it is also designed to prevent density problems, traffic problems and burdens on infrastructure. If item #2) were removed and an application were submitted with concerns or problems with density, traffic, drainage or infrastructure, there would be no basis to say if the request adversely affects these issues. Mr. Worley stated that leaving item #2) as written will actually cut down the potential for lawsuits.

Mr. Stewart stated that he would rather have the County Commissioners decide if item #2 should be deleted or not. For point of clarification, Mr. Worley explained that the last version of Section 802 (e) & (f) that both Planning Commissions approved and forwarded to the Board of Commissioners contained this existing language. Therefore, if the Planning Commission decides at this time to propose changes to 802 (f), Mr. Worley suggested that the motion reflect that the Planning Commission is rescinding its earlier recommendation to approve 802 (f) as written.

Following discussion, Ms. Desiree Watson made a motion stating that the *Islands Planning Commission* recommends approval of the proposed amendment to Sections 501, 801 & 802 as presented and 802 (e) & 802 (f) as presented. The motion was seconded by Mr. John Dow. However, the motion was amended by Mr. Preston Kirkendall to delete the word “density” from Section 802 (f) 2). The amendment to the motion was seconded by Mr. Robert Ussery. Voting Aye (in favor of the amended motion): Mr. Preston Kirkendall, Mr. Paul Sanders and Mr. Robert Ussery. Voting Nay (against the amended motion): Mr. John Dow, Mr. William Lawrence, Ms. Desiree Watson and Ms. Joan Wilson. The motion failed. The motion on the floor remains for approval of the proposed amendment as presented. Voting Aye: Mr. John Dow, Mr. William Lawrence, Mr. Paul Sanders, Mr. Robert Ussery, Ms. Desiree Watson and Ms. Joan Wilson. Abstained From Voting: Mr. Preston Kirkendall. The motion carried for a recommendation of approval.

Mr. Wayne Stewart made a motion stating that the *Mainland Planning Commission* recommends approval of the proposed amendment to Sections 501, 801, 802 and 802 (e) & 802 (f) 1) and ask that the County Commissioners revisit 802 (f) 2). The motion was seconded by Mr. Buck Crosby and unanimously adopted. (Voting Aye: Messrs. Brunson, Counts, Croft, Crosby, Hutchinson, Nevill & Stewart)

There being no further business to discuss, the meeting was adjourned at 5:33 p.m.