

# MINUTES

## ISLANDS PLANNING COMMISSION

OCTOBER 19, 2010 - 6:00 P.M.

St. William's Catholic Church, SSI

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**MEMBERS PRESENT:** Preston Kirkendall, Chairman  
Desiree Watson, Vice Chairman  
John Dow, Jr.  
Patricia Laurens  
William Lawrence  
Paul Sanders  
Joan Wilson

**STAFF PRESENT:** David Hainley, Community Development Director  
York Phillips, Planning Manager  
Eric Landon, Planner II  
Paul Andrews, Assistant County Engineer  
Janet Loving, Admin/Recording Secretary

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Chairman Kirkendall 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.

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## MINUTES

### September 21, 2010 Regular Meeting

Upon a motion made by Mr. John Dow and seconded by Ms. Patricia Laurens, the Minutes of the September 21<sup>st</sup> IPC Regular Meeting were approved and unanimously adopted.

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## **ZM1968 (I) Red Barn Development**

Consider a request to amend a Planned Development (PD) for property consisting of 14.62 acres located on the southeast corner of Frederica Road and South Harrington Road. The property has 656 ft. of frontage on Frederica and 632 ft. of frontage on South Harrington. The purpose of the request is to allow a restaurant and combination of Local Commercial (LC) and mixed-residential uses. Parcel ID 04-05348, 04-09952, 04-05347, 04-05399, 04-05411. Ussery/Rule Architects, agent for Don Gentile, owner. *This item continued from the September 21<sup>st</sup> IPC Meeting.*

Mr. Robert Ussery was present for discussion.

The staff's report is somewhat unchanged from the September 21<sup>st</sup> meeting with the exception of the following information including the location of the traffic signal as proposed by the applicant:

The applicant has reduced the total commercial square footage from 110,000 to 85,000. Area "B" has been reduced from 70,000 to 65,000 sq. ft. with a 55,000 sq. ft. maximum primary tenant space. Area "C" has been reduced from 40,000 to 20,000 sq. ft. of commercial space. Buffers in Areas "B" and "C" have been increased, and signage requirements have been specified in the PD text.

The applicant had a traffic study prepared to analyze the traffic issues associated with the development. The study maintains that the existing level of service can be maintained at this location based on existing traffic counts under two scenarios:

### ***Scenario 1***

Frederica at South Harrington:

- Install a traffic signal when warranted. Pedestrian features should be included to accommodate the multi-use path along Frederica Road.
- Construct additional westbound lane.
- Construct additional right-turn lane

Frederica Road at General Oglethorpe/Driveway #3

- Provide one ingress lane and two egress lanes (a shared through/left turn lane and an exclusive right-turn lane) to the project site.
- Realign the eastbound approach slightly to the north to line up with Driveway #3, leaving a portion of the existing alignment for an eastbound right-turn slip-lane.

South Harrington Road at Driveway #1

- Provide one ingress lane and one egress lane to the project site.

Frederica Road at Driveway #2

- Provide one ingress land and one egress lane to the project site.
- Construct a northbound right-turn lane.

## **Scenario 2**

### Frederica Road at South Harrington

- Construct a northbound right-turn lane.

### Frederica Road at General Oglethorpe/Driveway #3

- Install a traffic signal when warranted. Pedestrian features should be included to accommodate the multi-use path along Frederica Road.
- Provide one ingress lane and two egress lanes (a shared through/left-turn lane and an exclusive right-turn lane) to the project site.
- Construct northbound and southbound left-turn lanes on Frederica Road.
- Realign the eastbound approach slightly to the north to line up with Driveway #3, leaving a portion of the existing alignment for an eastbound right-turn slip-lane.

### South Harrington Road at Driveway #1

- Provide one ingress lane and one egress lane to the project site.

### Frederica Road at Driveway #2 (Right-in/Right-out)

- Provide one ingress lane and one egress lane to the project site.
- Construct a northbound right-turn lane.
- Restrict the driveway to provide right-in/right-out access only.

Mr. Landon stated that staff recommends approval of application **ZM1968** to amend a Planned Development subject to the following conditions:

1. Traffic improvements as identified in the traffic study or on the concept plan shall be installed and functional prior to CO (Scenario 2, traffic signal at General Oglethorpe).
2. Development of Area “C” should be integrated with Area “B” and appear to be a continuation of that area. Buildings should be located within ten feet of Area “B” and all development pulled away from the eastern property line.
3. Based on the parking reduction, restaurants shall be restricted to 15% of the tenant space in Area “B” exclusive of the major tenant.
4. Outside sales of landscape material should be counted as commercial area at a rate of ten (10) square feet = one (1) square foot of commercial area.
5. The height of buildings which are exclusively commercial should be limited to the height of twenty-five (25) feet. Combined buildings may be thirty-five (35) feet.
6. Area “C” shall not be permitted to have banks, service stations, or stores any larger than 10,000 square feet.

7. There shall be no transfer of commercial density between areas.
8. The buffer wall shall be built prior to any vertical construction on the site.

Mr. Robert Ussery gave a brief overview of the proposal and elaborated on the alternatives regarding the traffic. He explained that the original plan called for a traffic light to be installed at the intersection of Frederica Road and South Harrington Lane but it was suggested by members of the Planning Commission that the light be located at the intersection of Frederica and Oglethorpe Road. He pointed out however that putting a traffic light at that particular site would require widening Frederica Road, which would in essence require obtaining property from the Friendly Express Convenience Store. Mr. Ussery reported that in conversations with the store owners, they did not seem likely to give up their property.

There was discussion at the September 21<sup>st</sup> meeting about the ability of a tractor trailer to turn onto South Harrington and from South Harrington onto Frederica Road. Mr. Ussery provided diagrams showing the turning radius for a tractor trailer and the affected intersection. He also provided scenarios for various options as to the placement of a traffic light on Frederica Road as well as accommodations for tractor trailers.

Several members of the Planning Commission still had concerns about traffic, parking and the location of the proposed traffic light. They also expressed concerns about language in portions of the PD text and suggested several changes, most of which the applicant agreed to consider. Ms. Desiree Watson pointed out that the location of a traffic signal should not be at the discretion of the developer. Mr. Hainley explained that the traffic signal, drainage and landscaping are site plan issues and would be reviewed at the site plan approval process, of which the Planning Commission will take part in.

Mr. William Lawrence expressed specific concerns about following the established rules in relation to this proposed development and future proposals. He then asked rhetorically, “why do we have rules, regulations and comprehensive plans if we’re going to be changing them at the whim of every Tom, Dick or Harry or Jane.” He stated that we need to look at proactive steps for Frederica Road and suggested that there be no ingress or egress on South Harrington Road, which would solve the traffic light problem. He also expressed concerns about the number of residences in the South Harrington area that were not included in the county’s calculations, along with a number of trucks pulling boats at Village Creek Landing, which somehow seem to go unnoticed. Mr. Lawrence stressed that decisions cannot be made on flawed or inaccurate information. In conclusion, he stated that “foresight is better than hindsight.”

Mr. Ed Ellis, Traffic Engineer with Kimley-Horn Associates of Atlanta briefly addressed some of the traffic concerns. Reiterating points from the last meeting regarding the traffic signal, he stated that they felt strongly that they could make the site work with the traffic signal at either location. They have done an additional evaluation and have confirmed exactly that. He pointed out that it is important to understand that in order to make the General Oglethorpe intersection work as a signalized intersection you

have to have left-turn lanes on Frederica Road. There is only 50 ft. of right-of-way, which is why there are property impacts that are not controlled by the developer.

Mr. Ellis stated that the other issue that he would like to clear up relates to the intersection of General Oglethorpe being said to operate at a LOS "F," which is incorrect; it is a misinterpretation of the results of the traffic study. He explained that the operating level on Frederica Road will continue to be a LOS "A" even after this proposed development. He stressed that the only LOS that shows some delay are the two driveways from the shopping center for people exiting the shopping center to turn left on Frederica. All of the delay will be contained within the shopping center parking lot. For additional clarification, Mr. Ellis referred to Mr. Jim Bruner's letter dated October 18<sup>th</sup> as follows:

"...Scenario 1 does not appear to be the better of the two alternatives primarily due to the LOS grades of D and F for the west bound movement from the shopping center onto south bound Frederica Road. However, neither of these movements negatively affects the traffic flow on Frederica Road, South Harrington Road, or General Oglethorpe Road..."

Ms. Joan Wilson had concerns about the danger surrounding the bike path location. Mr. Ellis explained that their assumption is that the bike path would have to be retained or replaced but would remain on the side of the road where the shopping center is being proposed.

There was a continued two hour discussion and an answer question session between members of the Planning Commission and the applicant regarding traffic, and changes in the PD text. Afterward, Chairman Kirkendall opened the floor for public comments. However, before opening the floor to the public, Chairman Kirkendall reminded everyone of the rules in conducting this Public Hearing. He also stressed that the Planning Commission is being asked to approve a zoning and not Publix or any other grocery store.

Attorney Don Stack, representing a number of residents opposed to this request, gave an extensive presentation. During this time, Mr. Stack made a number of critical points, one being that this meeting was not a valid Public Hearing. It did not meet the 15 day advance advertisement requirement for a Public Hearing, and therefore action should not be taken. However, discussion continued.

Of the over 200 people present for this Public Hearing, approximately 16 spoke in opposition to this request and 5 spoke in favor of it. Although Chairman Kirkendall made it very clear that all traffic complaints had been registered and included in the record, most of the opposition again cited traffic congestion, drainage issues and damage to the infrastructure as reasons for denial. They were also concerned about setting a precedent and how this proposal would negatively impact their quality of life. Those speaking in favor cited property rights, growth and economic reasons as grounds for approval.

At the end of the public comments, Mr. Ussery gave a brief rebuttal. Afterward, staff addressed the validity of the meeting.

The regular meeting of the September Islands Planning Commission was held at the Casino Building, Room 108 where the total seating capacity is approximately 83. However, there were over 100 people in attendance at that time. The October 19<sup>th</sup> meeting was originally advertised for the Casino location, but due to anticipation of a much larger crowd, staff re-advertised the October 19<sup>th</sup> meeting and changed the location in order to accommodate the citizens. However, the ad failed to meet the 15 day deadline requirement by at least two days.

In light of the above referenced information, a motion was made by Ms. Desiree Watson to defer action on this item and re-advertise the meeting for Tuesday, November 16<sup>th</sup> beginning at 6:00 p.m. The motion was seconded by Mr. Paul Sanders and unanimously adopted.

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There being no further business to discuss, the meeting was adjourned at 9:50 p.m.