

MINUTES

ISLANDS PLANNING COMMISSION

FEBRUARY 16, 2010 - 6:00 P.M.

The Casino Bldg, 530 Beachview Drive, SSI

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
Janet Loving, Admin/Recording Secretary

Chairman Preston 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.

MINUTES

January 12, 2010 Joint Meeting

January 19, 2010 Regular Meeting

A motion was made by Mr. William Lawrence to approve the Minutes of the *January 12th Joint Meeting*. The motion was seconded by Ms. Joan Wilson. Voting Aye: Mr. Kirkendall, Mr. Lawrence, Ms. Watson and Ms. Wilson. Mr. Dow, Ms. Laurens and Mr. Sanders did not attend the January 12th Meeting and therefore abstained from voting.

A motion was made by Mr. John Dow to approve the Minutes of the *January 19th Regular Meeting* subject to a minor correction. The motion was seconded by Ms. Desiree Watson and unanimously adopted.

ZM1728 Wilson Creek

Consider a request to rezone from Forest Agriculture and Conservation Preservation to Planned Development, property consisting of 28.820 acres located on the west side of Hampton Point Drive, approximately 1,200 feet south of its intersection with Rice Mill. The property contains 23.212 acres of upland and 5.608 acres of wetlands. The proposed project would provide for a maximum of 54 single-family dwellings and supporting uses. Parcel ID: 04-09794 (part). Robert Ussery, agent for North End Partners, LLC, owner.

Mr. Robert Ussery and Mr. Frank DeLoach were present for discussion.

This request was considered at the January 19th IPC meeting and was deferred to allow the applicant to submit additional information. The PD Text, PD Master Plan, and Conceptual Layout are all revised documents. The changes to the proposed PD Text include: (1) changing the reference date of the Glynn County Zoning Ordinance to the date of approval of the planned development; and (2) removing the provisions allowing the mail box center to be located in the buffer. In addition, a list of estimated lot sizes has been submitted showing that nine lots (one-sixth of the total) are below 10,000 square feet. Most of these lots are near a buffer area or preserved area. The lot sizes average 14,106 square feet, and the overall development density is 2.33 dwelling units per acre.

Mr. Phillips stated that staff recommends approval of application **ZM1728** to rezone from Forest Agriculture and Conservation Preservation to Planned Development, together with the Planned Development Text and Master Plan.

During a brief presentation, Mr. Robert Ussery explained that the vision for this proposed development is for families as opposed to a country club setting, which is why he feels like the smaller lots would be more appropriate. He stated that most of the existing lots in the area are larger than what he is proposing. He then made a comparison of this proposal with previous rezonings such as the Sinclair Tract, which permitted 181 dwellings on 80.23 acres at 2.25 units per gross acre, and Hampton Plantation with 190 dwelling units on 292 acres at 3 units per gross acre.

Mr. Ussery stated that he re-examined the guidelines for the density relative to the Comprehensive Plan, which calls for the area to be anywhere from 1 to 4 units per acre. The proposed development, as noted by staff, is 2.33 units per gross acre.

Ms. Joan Wilson wanted to know if the portion of property that's donated to the St. Simons Land Trust is marshland, and can it be accessed. Mr. DeLoach stated that the property is actually a hammock and it is within 15 ft. of the upland property. He stated that he gave that particular piece of property along with three other tracts around the property that he acquired from the Sea Island Company to the Land Trust a number of years ago. He stated that the property cannot be accessed by vehicle and it will probably never be developed.

Ms. Wilson also expressed concerns about there being square cul-de-sacs as opposed to the round cul-de-sacs that they've tried to get everyone to put in. Mr. DeLoach stated that the issue of cul-de-sacs would be addressed and decided on at the preliminary plat approval stage of the project. He stated however, that they do have a configuration that doesn't have any stub streets but he did not include it in the packages. Ms. Wilson inquired about the size of the lots. Mr. DeLoach estimated that the average lots will be plus or minus 14,000 square feet.

Mr. John Dow had questions about the wording on Page 4 D of the PD Text under *Permitted Uses for Separate Tracts* which states that *"This planned development has only one development tract to be used for primarily one-family dwellings."* He was particularly concerned about the word "primarily" and suggested inserting the word "only." Mr. Ussery stated that the word "primarily" should be deleted but he disagreed with inserting "only." He explained that the text was worded in this manner because there are accessory uses that are allowed. For example, he would hate to get held up by saying **only** one-family dwellings and then need a lift station or a park. Mr. Dow stated that he just wants it clear that they are agreeing to one-family dwellings and not two-family dwellings. Mr. DeLoach stated that the more sensible approach would be to just eliminate the term "primarily." The Planning Commission concurred.

Ms. Patricia Laurens asked the applicant to define the benefit of changing the zoning. Mr. Ussery explained that a PD allows you to tailor the configuration of the lots to the land. As stated in the general description, the land is a very odd shape and as such, it allows for smaller lots. He stated that he could have requested an R-9 subdivision with all of the lots being no smaller than 9000 sq. ft., but instead, the advantage of the zoning that he has requested allows more flexibility and enables him to configure the lots to the shape of the land, and at the same time he promises to have no more than 54 lots with the smallest lot being 9000 sq. ft.

At this time, the floor was opened for public comments beginning with Mr. John Kowal, president of the Hampton Plantation Homeowners Association. He stated that during an informational meeting with Mr. Ussery and Mr. DeLoach, Mr. Ussery gave an overall presentation of the proposed project followed by a question/answer session. Mr. Kowal pointed out that during this time it became very obvious that most of the residents were very concerned with the number of units that were being proposed for the property. He stated that the applicant is proposing a total building area of approximately 17 ½ acres. It was felt that with this acreage 35 units, as opposed to 46 to 54 units, would be more appropriate for the property. They also expressed concerns about the many acres along Lawrence Road that are currently undeveloped and worried that this may set a precedent for greater density projects.

Mr. Kowal stated that he travels Lawrence Road on a daily basis and the volume of traffic has increased over the last couple of years. He's concerned that this will continue and become a safety hazard. At his request, approximately 18 residents of Hampton Plantation stood to show opposition to this application. Among them was

Mr. Larry Lamattina who strongly disagreed with the number of units being proposed for the site.

There were two residents present who complained about not being properly notified of this public hearing and about not being able to see the rezoning sign because of where it was placed in the area of construction. This prompted Mr. Paul Sanders to question staff about the procedures for advertising a public hearing. Mr. Dave Hainley explained that staff follows the state law which specifies the distance from the site to which notice is given. A public hearing sign is placed in front of the property in question and it includes the date, time and location of the meeting and a brief description of the proposed request. In addition to the sign, written notice is forwarded to adjacent property owners who are within 200 ft. of property being requested for a rezoning. A legal ad is also placed in the classified section of the Brunswick News at least 15 days prior to the meeting. This ad, like the posted sign, includes the date, time and location of the public hearing and a brief description of the proposed request.

Mr. Dow stated that in canvassing the area of Stillwater and Hampton Plantation he saw the public hearing sign and felt that it was adequately posted. He also spoke to a couple of people from Stillwater and their reaction was that they have no problem with this proposal. In addition, Mr. Dow stated that the market appears to be geared toward smaller lots and he feels that what the applicant is proposing is a fair use of the property.

Ms. Desiree Watson commented that the Comprehensive Plan calls for low density in this particular area and what the applicant is proposing is a low density development.

Chairman Kirkendall stated that at the last meeting, ideas and suggestions were made about what could happen with this development, but the applicant has made no changes to the plan. During his review of this proposal he did a schematic showing all of the lots at 12,000 sq. ft. In doing so, he estimated losing 5 lots with 49 lots remaining. Chairman Kirkendall stated that he would be more inclined to vote for 12,000 sq. ft. lots but he disagrees with the 9,000 sq. ft., which he stated is the minimum for St. Simons Island. He reiterated that although it is an odd shape piece of property, he would be more in favor of the maximum 12,000 sq. ft. lots. He would not be completely happy but feels that the applicant has a right to use his land.

At the end of discussion, a motion was made by Ms. Desiree Watson recommending that the Board of Commissioners approve application **ZM1728** to rezone from Forest Agriculture and Conservation Preservation to Planned Development, together with the Planned Development Text and Master Plan. Motion for approval also includes eliminating the word “primarily” on Page 4 D of the PD Text under ***Permitted Uses for Separate Tracts***. The motion was seconded by Mr. John Dow. Voting Aye: Mr. Dow, Ms. Laurens, Mr. Lawrence, Mr. Sanders and Ms. Watson. Voting Nay: Mr. Kirkendall and Ms. Wilson.

ZM1754 (I) Old Stables Tract II

Consider a request to revise the Planned Development Text and Master Plan for the Old Stables Tract Planned Development (approved March 5, 2009-case #ZM1373) on property located north of Sea Island Road and west of Frederica Road. The purpose of the revision is to authorize an additional right-in/right-out access from Sea Island Road approximately 1,000 feet west of its intersection with Frederica Road. Parcel ID: 04-05060, 04-05141, 04-05142, and 04-06511. William E. Edenfield, agent for JLV-VASI, LLC, owners.

Mr. Edenfield was present for discussion.

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

The Old Stables Tract Planned Development was approved March 5, 2009 and provided for the re-development of the Sea Island support facilities complex with potential uses including commercial retail, hotel, and residential development, along with a smaller area devoted to support facilities. The general arrangement and the maximum quantity of development for each of these activities were established, but the detailed design of the project was not. Subsequently, a site plan was approved for an internal driveway which links one of the entrances on Sea Island Road with the entrances on Frederica and provides access to four development sites along the north side of Sea Island Road.

Among the limitations on the project established under the planned development zoning was a provision limiting access to "...two (2) points off of Frederica Road, four (4) points off of Sea Island Road, and one (1) point off of Sylvan Drive. The points of access closest to the intersection of Sea Island and Frederica Roads shall be limited to "right-in and right-out" movements..."

The pending proposal is to allow an additional right-in and right-out access point between the second and third access points on the north side of Sea Island Road.

Another change proposed will be a revision of the signage standards in the approved PD Text. The existing language effectively restricts signage, which was not the intent. The proposed language will allow signage consistent with the regulations applicable to St. Simons Island.

Engineering is interested in the coordination of the design of the various entrances along Sea Island Road, particularly with respect to the arrangement of thru lanes and the acceleration/deceleration lanes. This will be addressed at the site plan design stage. In addition, Engineering does not have a concern about the entrance opposite the proposed new entrance (i.e. the access to the loading dock for the Harris Teeter property) as long as the function of that access remains primarily for truck access. If the function served by the access on the opposite side of Sea Island Road changes, consideration may need to be given to restricting that access to a right-in/right-out configuration.

An extensive analysis was prepared for the original approval of traffic generated by the Old Stables Tract project. The conditions predicted and the design indicated by that analysis does not appreciably change, as the overall limitations on the quantity of development will remain. Furthermore, the limitation of this entrance to a right-in/right-out configuration will limit any impacts.

The site is served by public water and sewer.

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 use is consistent with the development of nearby property.

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

No.

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

Yes.

- 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.

Water and sewer services are available and will require connections. Drainage can be handled through the site plan process. The street system was extensively studied as part of the 2009 rezoning and improvements were identified at that time. The proposed change does not substantially impact the circulation system. Other infrastructure is not adversely affected.

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

Yes.

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

No.

Mr. Phillips stated that staff recommends approval of application **ZM1754** to revise the Planned Development Text and Master Plan for the Old Stables Tract Planned Development. The change will allow an additional right-in/right-out entrance on the north side of Sea Island Road, and will change the PD Text to allow signage.

Ms. Patricia Laurens asked if traffic lights were added with the new development. Mr. Phillips stated that there was discussion at the time of the rezoning about where signals might be located and at what point they might need to be installed, but he's not sure if a firm decision was made.

Mr. Dow wanted to know if there was any discussion about adding a median along that particular stretch of the road. Mr. Phillips stated that he is not sure. The current design has two free flowing thru lanes with the use of acceleration/deceleration lanes and other techniques to move the traffic in and out of the free flowing lanes. He stated that a median might reduce the thought of turning left. While the right-of-way is fairly wide, he's not sure if it is sufficient to support two additional full lanes.

Mr. Dow stated that the existing right-in/right-out area on the Harris Teeter parking lot is a heavily abused area. Ms. Wilson stated that the area that Mr. Dow is referring to is extremely congested with cars and delivery truck traffic especially in the afternoons.

During a brief presentation, Mr. Bill Edenfield stated that this is not a minor request. He remembers the amount of time spent on developing the plan for the entire tract known as the "Old Stables Tract." He recalls there being three revisions and two site plan approvals on the first phase, and stressed that this is not an insignificant piece of real estate.

Mr. Edenfield pointed out that he forwarded an e-mail to Mr. Hainley emphasizing his desire to approach this request very deliberately and very carefully like he's done with other planning pieces on this tract. He also stated to Mr. Hainley that it would be okay to simply discuss this item tonight and not ask for a vote. He would prefer to have traffic engineers present perhaps at the March meeting to talk about the complex traffic situation. Mr. Edenfield stated that traffic systems are moving parts and one thing affects another. The weakness of the right-in/right-out points may be very valid but correcting one issue might very well create some other problems. He stated that he is not comfortable saying what those problems might be at this time and would rather hear what the concerns are and then bring the appropriate people in who could better address the concerns.

Ms. Wilson asked if the engineers would consider coming out to view the heavy congested traffic in the afternoons at the time when cars are pulling over into the middle of the street where there are no lines, and when trucks are actually turning to the left, etc. She stated that they need to see these instances when they occur in order to assess the situation. Ms. Wilson is also concerned about the two entrances; one with a proposed light sitting on the side of the property. Mr. Edenfield stated that this began with a conversation with the CVS Drug Store site plan and it is one of the issues that need to be examined to determine if it can be resolved without damage to the public interest. Ms. Wilson noted that the developers are asking for five entrances and she agrees that somebody needs to look at the consideration of the public and assess the damage that could occur.

Mr. William Lawrence wanted to know the projected increase in traffic as a result of approval of this request (if it is in fact approved). He stated that he has repeatedly asked for accurate traffic counts. The existing data is very obsolete. He has been requesting this information for approximately two years and stressed that he cannot make a sound decision on anything until he receives accurate data. Mr. Edenfield stated that traffic counts were done with the rezoning and they were available at the time. He would see that they get copies. Mr. Lawrence stated that there are several developments pending that will have an impact on the traffic. Mr. Edenfield pointed out that the uses for this particular tract of land and the amount of uses have already set the potential traffic demand, but the discussion at this time should be focused on the impact of the right-in/right-out point and what can be done to ease the movement of traffic in and out of the new facility.

Ms. Watson stated that every time traffic stops to either go in or out of an area it changes the flow. She also commented that everybody thought at the time that it was an outstanding idea to have the entrance to the Old Stables Tract right across the entrance to help the traffic flow, which is why the secondary road was put in so that there would be access throughout the compound; the four cuts would be used to get in and out of the development in the back. She feels that the plan was good and she doesn't see changing it by adding another "stop and go" to the situation. Mr. Edenfield stated that the reaction that he received from the County Engineer's office was that they did not see a safety issue imposed by this but there may be a congestion issue, which relates to delay. Ms. Wilson expressed concerns about the interruption of traffic and merging into the flow of traffic, which causes more "stop and go" situations.

Chairman Kirkendall asked if anything would be gained by having the developer come back in 30 days. Ms. Watson replied no, not from her perspective. However, Mr. Edenfield stated that he would appreciate the opportunity to confer with his client. Thereupon, a motion was made by Mr. John Dow to defer application **ZM1754** until the March 16th IPC meeting, beginning at 6:00 p.m. The motion was seconded by Ms. Patricia Laurens and unanimously adopted.

PP1742 Seaside Cottages

Consider approval of a preliminary plat for 5 lots with the smallest lot area of 2,604 square feet on property consisting of 14,315 square feet or 0.33 acre located at a physical address of 310 through 350 First Street on its northeast side, off Ocean Boulevard, St. Simons Island. The property is zoned Resort Residential and is served by public water and sewer. Parcel IDs: 04-03958 & 04-03959. Ernest Johns of Atlantic Survey Professionals, agent for Mitch Fulmer representing Montgomery Bank & Trust, owners. *(This item continued from the January 19th meeting.)*

Mr. Ernie Johns, Mr. Peter Schoenauer and Mr. Robert Jenkins were present for discussion.

The following report was included in the packages for review and was presented by Mr. Phillips:

Ideally the subdivision process and the site plan approval process happen simultaneously, or sometimes in a “one-two” sequence with (1) the property being subdivided prior to (2) site plan development. A preliminary plat is intended to bridge the transition between the conceptual or “first draft” drawing when land is proposed to be divided into lots, followed by the water and sewer infrastructure construction plans, and finally concluded with the legal recordation of the specific individual lots depicted on the final plat.

The purpose of the sequence is that any issue overlooked conceptually at the first stage, can be observed, get corrected as the project infrastructure is designed and/or installed, and as a result, the final plat will contain all necessary descriptions that are then recorded as legal documents.

After the subdivision sequence, site plans are drawn to conceptualize the site layout for building(s) which are then constructed according to plan. However, in the case of Seaside Cottages, as sometimes is the case, the property is being divided to define lots upon which building has already occurred.

Due to the fact that the site plan for Seaside Cottages was approved and construction of both building and infrastructure well on its way, some questions during public input arose at the January Islands Planning Commission regular meeting. In a process separate from the Planning Commission, setbacks and lot coverage variances were granted by the Board of Appeals for the site. Minutes from the October 8, 2009, and November 12, 2009 Board of Appeals meetings were included in the packages for review.

Questions also arose during public input about adequate drainage for the site. To provide supplemental information to the Planning Commissioners, construction/drainage plans have been provided as support material to the preliminary plat. These plans depict future walks, drives, grading, drainage system including detention, utilities, etc. as requested by Planning Commission members.

The preliminary plat meets requirements in all respects. Specifically, the following requirements have each been met: proposed name of the subdivision; name, address and telephone number of the owner of record; date of survey, north point and graphic scale, source of data, date of plat drawing, and space for revision dates; prescribed Preliminary Plat Certificate and Statements; vicinity map; exact boundary lines of the tract or parcel to be subdivided; natural features; cultural features including rights-of-way widths, existing streets, structures, easements, etc.; proposed lot line layout; location of existing water and sewer utilities; proposed unit division; names of owners of record and zoning of land adjacent to the tract to be subdivided; FIRM Panel Number and flood zone designation; building setback information per Zoning Ordinance.

Engineering requested that drainage easements across the property be shown. One more drainage easement may be needed across the front of the property. A known and calculated source of off-site drainage onto the property will need to be noted and/or depicted. A comment about possible widening of the right of way was resolved (and has been shown).

This property is served by First Street which is classed as a local street, off of Ocean Boulevard which is classed as a collector street. This project is expected to produce approximately 50 average daily vehicle trips.

Based on averages, the project will generate three school age children. Generally, sufficient capacity appears to be available in public schools that serve the area, with the exception of the elementary school.

Mr. Phillips stated that staff recommends approval of the preliminary plat for Seaside Cottages (*PP1742 I*), subject to meeting all requirements, with side yard setbacks and lot coverage as allowed by variance approval.

Mr. Dow pointed out discrepancies in the information provided by staff and/or the applicant. He stated that the Planning Commission has been given a preliminary plat in the name of Sea Oaks Inc., and an engineering plan with the name Seaside Cottages. He stated that they discussed the drainage issue extensively and there appears to be different drainage patterns in the back of the properties on the preliminary plat versus the engineering plan. Mr. Dow stated that this project has been a problem from the beginning. At the last meeting he asked for a single document that would incorporate the usual and customary things that would be viewed on a site plan. Instead, he has received a preliminary plat with a different name. He expressed additional concerns about the drainage easement in relation to the preliminary plat and the construction plan.

Mr. Hainley explained that there is no drainage easement shown on the construction plan. The easement on the preliminary plat encompasses all of the drainage that's shown on the construction plan. He then pointed out all of the drainage areas on the map and elaborated on the difficulties of handling and resolving the technical issues of this case due to the publicity associated with the request. For clarification, he pointed out the entire proposed impervious pavement shown on the construction plans.

Mr. Dow stated that the Planning Commission would not have approved a preliminary plat that contained 63% site coverage. Mr. Hainley explained that site coverage is something that the Board of Appeals would review for approval. The division of the property is what the Planning Commission is dealing with which is purely the purpose of the preliminary plat. If there are any variances to site development standards it would be handled through the Board of Appeals.

Mr. Dow maintained that this project has been a problem since the beginning. He reiterated that he would like to have a single document that incorporates accurate information for the Planning Commission's approval as though it was being presented with all of the variances and deviations from what they would normally look at per the code. Ms. Wilson stated that variances have already been approved; however, Mr. Dow stated that the Planning Commission still has to approve a preliminary plat that is not consistent with what the Planning Commission would normally do. He stated that what he is simply saying is, "show me what you want me to approve and illustrate what's been done that's different than what we would have approved if it had come to us in the beginning." He feels that this is a reasonable request.

Mr. Hainley explained that if proper procedure had been followed, the Planning Commission would not have seen a site plan in this case. They would have seen the division of the property into four and five lots and then any subsequent issues that would have occurred, such as the notches on the trim on the two corners of the building, would have gone to Board of Appeals as would any issue with lot coverage.

For additional clarification, Chairman Kirkendall stated that what the Planning Commission is tasked with approving at this time is the division of the lots into five lots.

Mr. Peter Schoenaur gave a brief presentation and a general discussion followed. Mr. Brian Adamson, the contractor for this project, was also on hand to answer questions.

Mr. Paul Sanders stated that the current developers have gone to great lengths to improve this project. He therefore made a motion to approve preliminary plat application **PP1741 (I)**, known as "Seaside Cottages," subject to meeting all requirements, with side yard setbacks and lot coverage as allowed by variance approval. The motion was seconded by Ms. Joan Wilson. Voting Aye: Mr. Kirkendall, Ms. Laurens, Mr. Lawrence, Mr. Sanders, Ms. Watson and Ms. Wilson. Voting Nay: Mr. Dow.

There being no further business to discuss, the meeting was adjourned at 7:30 p.m.