

**MINUTES**  
**ISLANDS PLANNING COMMISSION**  
**DECEMBER 20, 2005 - 6:00 P.M.**  
**Fire Station #2 Demere Road, St. Simons Island**

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- MEMBERS PRESENT:** Robert Ussery, Chairman  
Mike Aspinwall, Vice Chairman  
Preston Kirkendall  
William Lawrence  
Paul Sanders  
Joan Wilson
- ABSENT:** Millard Allen
- STAFF PRESENT:** York Phillips, Planning Manager  
Eric Landon, Planner II  
Paul Andrews, Assistant County Engineer  
Janet Loving, Admin/Recording Secretary

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Chairman Robert Ussery 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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**ADOPTION OF AGENDA**

Chairman Ussery added the December 6<sup>th</sup> work session minutes to the agenda as **Item 6 b**). There being no further changes, a motion was made by Mr. Preston Kirkendall to accept the addendum and approve the agenda for the December 20<sup>th</sup> Islands Planning Commission meeting. The motion was seconded by Mr. Paul Sanders and unanimously adopted.

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Variance Request - Oak Village

Request by Atlantic Survey for a variance from Section 602.2(g) of the Glynn County Subdivision Regulations to permit permanent dead-end streets to be constructed without cul-de-sacs in the proposed Oak Village Subdivision.

#### PP-2005-018 (I) Oak Village

Application by Portman Investments, owner for approval of a preliminary plat for a property located on Harrington Lane, approximately 150 feet north of its intersection with South Harrington Road. The proposed project consists of 22 single-family lots on 4.45 acres. The property is zoned R-6.

Mr. Ernie Johns and Attorney William Ligon were present for discussion.

According to the staff's report, the variance request for Oak Village is in connection with the approval of a preliminary plat for Oak Village Subdivision; therefore, the two items would be presented simultaneously but require separate action. The proposed project consists of 22 single-family lots on 4.45 acres and the property is zoned R-6. The variance is requested for Oak Village Court, which extends west from its intersection with Harrington Lane. The developer is proposing to use a "T" turnaround instead of cul-de-sacs as required in the County Subdivision Regulations.

Mr. William Lawrence asked for an explanation as to why the applicant is requesting a "T" turnaround instead of a regular cul-de-sac. Mr. Ligon stated that the "T" turnaround is being requested due to the layout of the land and this would be the most efficient use of the land. He pointed out that this type of request was granted for Captain's Cove in Glynn County and was approved to serve 12 lots. However, the applicant in this case is only proposing the use for 6 lots.

Mr. Lawrence wanted to know what the problem would be in having a circular cul-de-sac. Mr. Ligon stated that a circular drive would encompass more property than what is actually available. The applicant would lose the entire lot with a circular drive. He reiterated that the "T" turnaround is the more efficient use of the property. Mr. Ligon stated that Engineering and the Planning & Zoning Division reviewed this type of request in the past and were satisfied that it was feasible; therefore, a very recent precedent has been set.

Mr. Aspinwall agreed that the precedent exists; however, one of the criteria that they must look at is if an undo hardship is created in granting such a variance. In this particular case, there is plenty of land for a cul-de-sac as opposed to a "T" turnaround. He stated that the Planning Commission has to consider public safety issues and the ability to maneuver service vehicles, as pointed out by the Chairman at the November 15<sup>th</sup> meeting. Mr. Ligon stated that the hardship is that his client would lose property. Although there is 12,000 ft. on one lot, a cul-de-sac would remove a large portion of the available land and there would not be enough land to meet the size requirement for the lot. A circular cul-de-sac would cause the applicant to lose Lot 15. However, Chairman Ussery pointed out that the distribution of the lot sizes would allow for slightly larger lots.

Mr. Paul Sanders stated that it appears from previous comments that a normal circular cul-de-sac has less square footage than a “T” turnaround. Mr. Paul Andrews, Assistant County Engineer, stated that the ordinance does not have provisions for a “T” turnaround as it does for normal cul-de-sacs. Other communities have standards for this type of turnaround, which is used mostly in commercial environments. Mr. Andrews stated that in discussing this issue with the Traffic Safety Engineer, Mr. Glenn Bollinger, he indicated that “T” turnarounds have been used in parking areas for adjacent property owners. Mr. Ligon noted that as part of the covenants, there would be no on-street parking allowed.

To enlighten the Planning Commission, Mr. Phillips explained that sometimes the solution is to simply carry the street through to the property line, and in doing so, you would not lose the territory involved in the turnaround. The next step would be to put a temporary turnaround on the abutting property. However, in this case, the abutting property to the east and north east of the site is land trust property and is not likely to be available to utilize for a turnaround. In other words, due to the layout of development in this particular area, there would probably not be any extension beyond this peninsular.

Mr. Frank Quinby of St. Simons Island stated that the “Preamble and Enactment Clause” of the Glynn County Zoning Ordinance does not indicate that it is the obligation of the Planning Commission to obtain property for the developer. He stated that it is imperative that this request be denied. Although this type of request has been granted before, it has caused problems throughout the Islands and throughout Glynn County. Mr. Quinby stated that the provisions of the ordinance are essential and should be preserved.

Mr. Paul Sanders asked Mr. Ligon if the protective covenants of this subdivision indicate that there would be no on-street parking. Mr. Ligon replied yes, that has been the practice in previous developments and it will be enforced in this case also.

Following discussion, a motion was made by Mr. Mike Aspinwall to deny this variance request. The motion was seconded by Mr. William Lawrence. Voting Aye: Mr. Mike Aspinwall, Mr. Preston Kirkendall, Mr. William Lawrence, Mr. Robert Ussery and Ms. Joan Wilson. Voting Nay: Mr. Paul Sanders.

At this time, the *Preliminary Plat* for Oak Village Subdivision was briefly discussed; however, no action was taken.

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PP-2005-014 (I) Ramsey Estates

Application by Georgia Street, LLC, owner for approval of a preliminary plat for a property located on Ramsey Lane approximately 650 feet north of its intersection with

North Harrington Road. The proposed project consists of 22 single-family lots on 6.3 acres. The property is zoned R-6.

Mr. Ben Fendig was present for discussion.

In presenting the staff's report, Mr. Phillips explained that one particular issue of concern in this case is whether the applicant will be able to deliver adequate interests for the permanent maintenance of the road and any utilities at the time of the final plat consideration. If the road will be a dedicated county maintained road with utilities in the right-of-way, the county requires a fee simple deed to the road right-of-way; if not, the county would expect some sort of conveyance to a homeowners association or some other entity that would have responsibility for the road. Normally, this would be addressed at the construction plan phase, but staff is concerned about receiving an approved preliminary plat and then finding out that the applicant does not have a sufficient interest in the easement to convey the necessary rights.

Mr. Phillips stated that this issue has been brought to the attention of the County Attorney as well as to Mr. Odachowski, who is the attorney for the applicant. Staff is waiting for a response from the County Attorney as to whether there is legally sufficient interest. In the meantime, staff is suggesting that the request either be deferred until the decision is made by the County Attorney, or until the applicant increases his rights in the easement to ensure the ability to convey the necessary rights, or that the request be approved subject to resolution of the issue before final plat approval.

Mr. Mike Aspinwall asked if a stormwater plan is required in this case. Mr. Phillips replied yes, but it is normally required at the construction plan phase and handled at staff level. Mr. Aspinwall stated that it is very important for the Planning Commission to look at the impact of the wetlands closer in the future.

Chairman Ussery stated that due to the nature of the property in the Harrington area, it is not unusual to have private easements, but sometimes trying to get the easements cleared for proper use as a road is very difficult. He stated that he would be reluctant to move forward on the layout without knowing exactly where the road is coming in.

Mr. Ben Fendig pointed out that the applicant paid for the easement and they also have agreements with the two adjacent property owners. He stated that it is his understanding that Mr. Odachowski dealt with Mr. Gary Moore on the issue of the private road or easement and that the requirements had been met. He stated that he does not have letter to that affect, but it is his understanding.

Mr. William Lawrence stated that in his review of the application, he noticed that there seemed to be some concern about the width requirements of Lot 15. However, Mr. Eric Landon pointed out that what Mr. Lawrence is referring to was included in the list of comments from the original submittal and those comments have been addressed. Chairman Ussery stated that it would be helpful to the members if staff could include

some type of distinction between comments that have been resolved from those that are pending.

Mr. Fendig stated that they have invested a lot of money into this project and would not build a subdivision without having proper access, etc. He further stated that he was not aware that there were any outstanding concerns and thought that everything was done. He stressed that he is soliciting the Planning Commission's approval of this submittal.

Following discussion, a motion was made by Mr. Mike Aspinwall to approve this request subject to obtaining a response from the County Attorney regarding resolution of the access prior to construction plan approval. The motion was seconded by Mr. Paul Sanders and unanimously adopted.

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SP-2005-028 (I) Sea Island Beach Club  
Request for site plan approval for property located on the southeast intersection of Sea Island Road and 4<sup>th</sup> Street. The site consists of 8 acres and is zoned Planned Development.

Mr. Bill Edenfield and Attorney Jim Gilbert were present for discussion.

The following report from staff was included in the packages for the Planning Commission's review:

This proposal consists of the relocation of the existing Beach Club facilities, the addition of new amenities, and a 36 unit condominium. Staff's comments have either been addressed or can be addressed with the building permit site plan.

Staff's recommendation is for approval subject to meeting all requirements and subject to the Planning Official being directed to give final approval to the site plan consistent with the Planning Commission's action.

Attorney Jim Gilbert gave a brief presentation, followed by a general discussion. Afterward, a motion was made by Mr. Paul Sanders to approve this request. The motion was seconded by Mr. Preston Kirkendall. Voting Aye: Mr. Mike Aspinwall, Mr. Preston Kirkendall, Mr. William Lawrence, Mr. Paul Sanders and Mr. Robert Ussery. Abstained From Voting: Ms. Joan Wilson.

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SP-2005-029 (I) Sea Island General Trades Building

Request for site plan approval for property located on the north side of Sea Island Road approximately 1,300 feet west of its intersection with Frederica Road. The property is zoned Planned Development.

Mr. Bill Edenfield and Attorney Jim Gilbert were present for discussion.

The following report from staff was included in the packages for the Planning Commission's review:

This proposal consists of the relocation of an existing mobile home facility, and the construction of a new trades building. The total square footage of the proposed structures is 9,936 square feet.

Staff's comments have either been addressed or can be addressed with the building permit site plan.

Staff's recommendation is for approval subject to meeting all requirements and subject to the Planning Official being directed to give final approval to the site plan consistent with the Planning Commission's action.

Following review, a motion was made by Mr. Paul Sanders to approve this request. The motion was seconded by Mr. Mike Aspinwall. Voting Aye: Mr. Mike Aspinwall, Mr. Preston Kirkendall, Mr. William Lawrence, Mr. Paul Sanders and Mr. Robert Ussery. Abstained From Voting: Ms. Joan Wilson.

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## MINUTES

### **November 15, 2005 Regular Meeting**

Upon a motion made by Mr. Mike Aspinwall and seconded by Mr. Preston Kirkendall, the Minutes of the November 15<sup>th</sup> Islands Planning Commission meeting were approved and unanimously adopted.

### **December 6, 2005 Work Session**

Upon a motion made by Mr. Preston Kirkendall and seconded by Mr. Mike Aspinwall, the Minutes of the December 6<sup>th</sup> Work Session were approved and unanimously adopted.

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Under *Chairman Items*, Chairman Ussery stated that questions have come up about the approval process for new subdivisions relative to availability of water and sewer. Mr. Phillips stated that one of the issues surrounding utilities is the capacity to deliver water or retrieve sewage from a specific location. Another issue is the plant capacity or the water plant's ability to provide, supply and treat, and the sewage treatment plant's ability to supply treatment. He explained that when a development is reviewed, staff is mostly concerned with the issues of getting the development connected to the system and making sure that the line capacity and the adequacy of those lines are sufficient. Mr. Phillips stated that he would try to put together a more detailed presentation on this issue along with information on projects that are underway.

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For informational purposes, Mr. Phillips gave a brief update on the proposals for the Comprehensive Plan

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#### 2006 Elections

The nominating committee, consisting of Ms. Joan Wilson and Mr. Preston Kirkendall, nominated Mr. Robert Ussery as Chairman for 2006 and Mr. Millard Allen as Vice Chairman for 2006. Mr. Ussery passed the gavel to Vice Chairman Mike Aspinwall who opened the floor for nominations; however, there were none. Therefore, nominations were closed and by a unanimous vote, Mr. Robert Ussery was elected Chairman of the Islands Planning Commission for the year 2006 and Mr. Millard Allen was elected Vice Chairman for 2006.

#### 2006 Meeting Schedule

Upon a motion made by Mr. Paul Sanders and seconded by Ms. Joan Wilson, the Islands Planning Commission 2006 Meeting Scheduled was approved and unanimously adopted.

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Under *Staff Items*, Mr. Phillips gave a brief update of the discussion that took place at the December 13<sup>th</sup> work session regarding the ordinance amendment on Minor Subdivisions (801's) and Re-subdivision of Land (802's). The amendment has been forwarded to the County Attorney with suggested changes. It will subsequently be forwarded back to the Public Infrastructure Committee (PIC) for additional discussion.

Chairman Fendig has asked Mr. Ussery and Mr. Wayne Stewart to participate in the discussion. Chairman Ussery stated that he has some concerns about the layout and the intent of the amendment which needs to be very clear. He stated that he would forward his comments for staff's review. Mr. Phillips will advise the members of the date and time of the next PIC meeting.

Under *Upcoming Meetings*, Mr. Aspinwall stated that he would like to include some discussions on accreted land on East Beach, and also additional discussions on substandard lots, specifically in German Village. Mr. Phillips stated that he would include these topics on the next work session agenda for January 9, 2006 at 9:00 a.m. in Room 234 of the Office Park Building.

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There being no further business to discuss, the meeting was adjourned at 7:25 p.m.