

MINUTES
JOINT PLANNING COMMISSION
MAY 26, 2015 - 9:00 A.M.
Harold Pate Building, 1725 Reynolds Street, Bwk, GA

Mainland Planning Commission

Present: Tim Murphy, Chairman
Tom Boland, Vice Chairman
Mary Hunt
John Williams

Islands Planning Commission

Present: Preston Kirkendall, Chairman
Desiree Watson, Vice Chairman
Stan Humphries
Robert Ussery
Karen Ward
Joel Willis

Absent: Larissa Harris
Jeff Homans
Gary Nevill

Absent: William Lawrence

Staff Present

David Hainley, Community Development Director
Cayce Dagenhart, Planner II
Karl Bursa, Planner II
Rachel Hatcher, RS&H
Beverly Davis, RS&H
Janet Loving, Admin/Recording Secretary

Also Present

Mark Stambaugh, County Commissioner
Alan Ours, County Administrator

The meeting was called to order at 9:00 a.m. with approximately 50 people in attendance, including county staff, consultants and citizens. Draft copies of revised ordinances were distributed for review. Mr. Preston Kirkendall, Chairman of the Islands Planning Commission, asked Mr. David Hainley to proceed with an update.

Mr. Hainley began with a power point presentation and a brief overview of the proposed changes. He also elaborated on the recent moratorium and the legal review of the ordinance changes. The floor was then opened for discussion among staff and the Planning Commission members. Chairman Kirkendall recommended that the order of review be prioritized to ensure that they move forward with some of the least controversial items.

Section 602.2

An amendment to require at least two access points per subdivision; and for other purposes - Each subdivision with 11 or more lots shall have at least two points of access. The two points of access may be combined into one, provided that the access consists of two separate driving lanes each at least 20 ft. in width separated by a landscaped area at least 10 ft. in width.

Chairman Kirkendall stated that he understands why there would be two access points for commercial property but what is the purpose of having two access points for subdivisions. Mr. Hainley stated that the purpose of the two access points is mainly for public safety due to the probability of an accident at the intersection.

Mr. Ussery expressed concerns about the number of lots being set at 11. He feels that it should be much higher and suggested the magnitude of 50 or more dwellings. Mr. Hainley stated that the concern is the backdoor connection to another subdivision. Mr. Ussery stated that perhaps this would work on the mainland where there may be a lot of development area but on St. Simons new subdivisions particularly will be rather small. Mr. Willis stated that the residents of existing subdivisions are concerned about the increase in traffic volume due to construction of new subdivisions in their area. This particular proposal would not be fair to existing neighborhoods. Mr. Ussery stated that if the intent is public safety he would like to see the numbers where there have been accidents that have caused subdivisions to be inaccessible.

Chairman Kirkendall asked the members for the number of dwellings that they would be comfortable with, however Mr. Murphy stated that he would like to hear from the experts first. He agreed with Mr. Ussery and stated that he would also like to be shown that there is a problem. Mr. Hainley agreed to research this further, identify issues and report back with his findings. In the meantime, there was a consensus to defer this item. **(For the record, Mr. Humphries did not indicate approval or disapproval.)**

Section 614

An amendment to require inter-parcel roadways and access easements in certain instances; and for other purposes.

Mr. Hainley pointed out that this section basically deals with commercial and office. Ms. Watson stated that ***614 b) Access easement provisions*** – should reference *vehicle* rather than *automobile* for consistency. She also stated that the width or some measure should be added for the inter-parcel connection so that people do not use parking spaces for the drive-through. Regarding ***614 d)***, she feels that additional criteria should be set forth as a basis for the County Engineer to “waive” the inter-parcel drive-through requirement. “Adverse impact” could mean that when the developer says he cannot build what he wants to build, the requirement therefore has an “adverse impact” on the developer’s plan. Ms. Ward agreed with Ms. Watson and stated that in her opinion, the language is very vague and needs to be clarified.

Section 503.3 Site Coverage

Chairman Kirkendall wanted to know why Sea Island is not included in the recommended reduction in maximum lot coverage. He feels that all areas, St. Simons and Sea Island, should be covered. Mr. Hainley explained that they have been dealing with St. Simons under the moratorium only, but this body could make a recommendation to include Sea Island. Mr. Ussery stated that if they're going to adopt a site coverage for residential then perhaps they should consider changing the definition of site coverage to allow pervious surfaces as a way to mitigate the on-going discussion about how the lots can be laid out as they apply to single-family. Pervious surfaces may be an allowance to a certain percentage required. Mr. Hainley pointed out that the Board of Commissioners asked him to review this carefully because they feel that the 50% in RR and R6 may be too intense.

There was a consensus among the members to recommend that allowance be made for pervious surfaces that would not count against the total lot coverage. **(For the record, Mr. Humphries did not indicate approval or disapproval.)** The current ordinance text includes all driveways, decks and structures in the calculation of lot coverage. The members recommended that only a percentage of the pervious surface would be considered exempt from the calculation of lot coverage. **(For the record, Mr. Humphries did not indicate approval or disapproval.)**

Section 625 Architectural Design Standards

Chairman Kirkendall wanted to know how these standards are defined. Mr. Murphy stated that there are and have been for quite some time architectural standards, and he believes that there needs to be a separate architectural review board. Mr. Ussery agreed. He listed a number of municipalities that have an architectural review board with design guidelines. Although it is very subjective, this review board would make the decision on what will and will not be allowed. He stated that St. Simons has always been a "gritty beach community" and part of the grit is that there are a lot of different things going on.

Ms. Ward stressed that in re-writing the ordinances, particularly with this section, the language has to be more precise. Every board that comes along has its own interpretation because the language in this ordinance is too subjective and ambiguous. Mr. Ussery stated that there is no easy way to accomplish this task. It will be subjective, and as such, he'd rather not see it. Again, in his opinion, this would require a separate board with its own criteria used to judge parcels. It would perhaps make going through the approval process much harder, much lengthier and much more costly.

Mr. Ussery asked the members if they think that we need a certain standard on St. Simons. Ms. Ward replied why not. She stated that although this is for discussion purposes, she'd like to know why we couldn't have separate or certain standards on St. Simons. Mr. Ussery stated that perhaps we need to determine if there is even a serious issue on St. Simons relative to architectural designs. Ms. Watson wanted to know how this came about. Mr. Hainley explained that this issue resulted from a complaint that staff received from citizens regarding developments that were not in-keeping with the

standards of St. Simons. Ms. Watson agreed that there needs to be a separate qualified independent body with authority to act. She specifically stated that this should not be handled by the Islands Planning Commission.

There was a consensus among the members that this section is not part of the critical issue and therefore should be pulled and brought back at another time. **(For the record, Mr. Humphries did not indicate approval or disapproval.)**

Section 705 RR

Two issues of concern are density and mass of structures. Chairman Kirkendall stated that perhaps the sleeping rooms should be lowered from 35 to 25. Mr. Hainley stated that if this is done we would have to consider single-family dwellings because anything and everything in the RR district is covered by the same density. Mr. Ussery stated that currently, 35 sleeping rooms is actually lower than it was. Chairman Kirkendall stated that if we lower the number to 25 there could actually be 4-bedroom houses under the R-6 zoning. Mr. Hainley stated that the main issue expressed to staff is the mass of structures, such as townhouse developments. Ms. Watson stated that density is a problem and she feels that the number of sleeping rooms should be changed to 30 per net acre. However, Mr. Ussery disagreed and stated that if there is a problem with density he would like to be shown. He pointed out that the density was lowered when they went to 35 sleeping rooms, and for the first time they were able to have a standard for all uses in that particular district. By the numbers, it makes sense. He feels that if it gets any lower than 35, it presents a “taking situation.”

The majority agreed on the following: **(For the record, Mr. Humphries did not indicate approval or disapproval.)**

- Change from 35 to 30 sleeping rooms per net acre
- 705.6 Add “of the development area” to the end of the sentence
- 705.8 Add buffer type rather than “reasonably secluded” - suggested buffer type F or 12’-20’ buffer for adjoining properties

Ms. Mary Hunt feels that these changes should not just apply to townhouses and condos. It should apply to overall uses. Mr. Ussery agreed and stated that it should be a universal standard. He also reiterated his concerns about knowing whether or not there is an existing problem. However, Ms. Ward stated that these changes are about the future and not just existing conditions. Mr. Ussery pointed out that in this particular instance, we’re talking about the RR district where most of this applies. He then stated that if the intent is to stop development on St. Simons it needs to be expressed.

Discussion continued on the potential effect that these actions would have on the development of condos vs. townhouses and that the recommended changes to townhouses would not solve the density issues but rather promote the development of condos due to

new regulations. Mr. Joel Willis stated that if there is a way to lower the density, then it should be lower.

With the exception of Mr. Willis who indicated that he disagrees, the majority agreed on adding 50% site coverage to all residential districts under *Section 700 Site Coverage*. **(For the record, Mr. Humphries did not indicate approval or disapproval.)**

It was discussed that provisions should allow for pervious surfaces. There is also a need to better define driveways based on materials. The current ordinance text does not differentiate between dirt driveways and impervious materials. Standards would need to be established to prevent the use of gravel with potential contaminants or the use of pavers with no drainage system. Mr. Hainley agreed to work on definitions.

Section 613 Buffers

This section adds type F, G and H buffers and a description of where they are used. PD buffer requirements should be revised to state "...may be greater than base requirements, but not less than the requirements for buffers in zoning districts with similar uses..." Mr. Ussery had questions about the different buffers on different roads. Mr. Hainley explained that it needs to be written as a universal requirement. Definitions need to be included, but should be cross checked with all existing ordinances.

Sections 628/627 Traffic Impact Analysis (TIA)

Chairman Kirkendall wanted to know how many households in a new development would trigger the requirement to submit a TIA. RS&H consulting staff responded that each dwelling unit generates approximately 10 trips per day. If peak is represented by roughly 10% of the daily trips then it is estimated that a development with 100 dwelling units could theoretically trigger the need for a TIA. Peak hour will vary depending on the area and the local travel trends. For clarification, Mr. Hainley explained that the County Engineer will determine the need and a consulting engineer will develop the TIA. Ms. Watson recommended that consulting engineers be provided the opportunity to utilize AASHTO standards in their analysis.

Section 627.3 Exemptions were discussed and accepted via consensus; **(with the exception of Mr. Humphries.)**

Section 626 Conservation Subdivisions

There was discussion to clarify language - "perimeter of the property along street frontage." Expedited subdivisions and commercial properties should be included. There was a consensus to remove exemptions. There was also discussion about adding homeowners associations as a requirement. **(For the record, Mr. Humphries did not indicate approval or disapproval.)**

Section 611 Parking

Mr. Hainley stated that this section would be considered for the Islands and Mainland. 7A - 450 SF does not work with other standards for travel lanes or spaces. This provision was established in response to a specific development and does not work as a universal standard.

Section 611.4 Change to "...required use shall be for the greater use."

Section 611.5 There was a consensus that this section will be revised based on amended text provided by Ms. Watson. ***Section 11.6*** Add criteria for the provision that modifications to the requirements will be allowed by the Planning Director. **(For the record, Mr. Humphries did not indicate approval or disapproval.)**

At the end of discussion, Mr. Hainley provided an overview of the upcoming work sessions and public hearings that would occur prior to adoption of revised ordinances. In addition to the public hearings, there will also be a town hall meeting to receive public input. Recommendations will be addressed and provided to the Board of Commissioners at its next work session.

For the record, Mr. Stan Humphries distributed the following memo and comments to be included in the Minutes:

"Attached are comments on the proposed ordinance amendments for St. Simons Island. These comments were prepared by knowledgeable and experienced experts, who are ready and willing to support and explain the findings if requested.

"Though the intent may have been well meaning, the proposed amendments appear to be incomplete and missing key components, even for draft documents.

"A great concern is the lack of public input. In numerous meetings the residents have expressed their outrage. They expect their government and elected representatives to listen and respond. They have done their part. The proposed changes do not adequately reflect this.

"It is suggested that the staff and consultants listen to the public, weigh their response, and comprehensively address the complex issues that face the islands and the mainland.

"Today is a critical time in determining the intelligent growth of St. Simons Island and Glynn County. It is the responsibility of the Planning Commissions and the County Commission to make certain this is done right."

(Also provided by Mr. Humphries)

COMMENTS ON DRAFT ZONING ORDINANCE PROCESS ISSUES WITH THE PROCESS TO DATE:

“RS&H has been retained as the expert to assist staff with the process. The contract was executed on February 23 with a start date of March 6 (date of purchase order).

“A key component of the RS&H scope of work is stakeholder, citizens committee and public participation (**140 hours**). Up to eight ‘citizens committee’ meetings and three ‘public meetings’ were included in the contract price.

“To date, there have been no meetings at which the public was invited to discuss zoning and land use issues on the Islands. As of April 6 progress report, RS&H had developed tasks to support public participation, drafted meeting and public notice schedules, and were awaiting ‘direction from Glynn County.’ Two developer ‘round tables’ were also part of the scope of work – have discussions with developers occurred, but no community and citizen input?

“A quality process includes public engagement in open forum town hall meetings and design *charrettes* to determine what the residents want their community to look like and how the ordinances need to be amended to achieve the community’s goals. This process, guided by the professionals employed by RS&H should have taken place before the development of the staff recommendations in the PowerPoint presentation and before the draft ordinances were prepared.”

WHERE THE PROCESS IS NOW:

“Staff presented recommendations in a PowerPoint presentation to the Commissioners in work session on May 14, 2015. None of these recommendations were based on public input. Commissioners were in favor of all recommendations.

“After the work session, staff posted on the County website the PowerPoint containing the recommendations as well as draft ordinances. There were no rational relationships drawn between the ordinances and the recommendations, and the ‘Explanation of Changes’ following each ordinance was simply a ‘track changes’ version of the Word document – it did not provide any narrative explaining the changes or how the text of the draft ordinances relate to the recommendations.

“IPC and MPC members are expected to discuss and comment on the draft ordinances at work session without the benefit of public input or an explanation of the changes.

“Several recommendations do not have corresponding draft ordinances that provide for implementation of the recommendations, so it is clear that the ordinances are incomplete at this time.”

WHAT NEEDS TO BE DONE:

“Each recommendation in the PowerPoint presentation should be linked to the corresponding draft ordinance for discussion purposes. For example, Recommendation #1 – 50% site coverage for single family lots is addressed in Draft Ordinance 503.3 and 700.5.

“Staff needs to explain how each draft ordinance will provide the legal foundation to enforce each recommendation. Staff needs to be certain that no other ordinances will be affected by or conflict with the changes made by the draft ordinances.

“Staff needs to be certain that no remaining ordinances will provide a loophole, exemption or exception to the draft ordinance so that the recommended changes can be circumvented.

“Two recommendations – Conservation Subdivision Overlay and the Architectural Standards – are new concepts and the draft ordinances are in need of detailed review. The draft ordinances appear to be ‘borrowed’ from other jurisdictions and have not been fully revised to be relevant to the Islands. Suggest that these two ordinances be tabled so that the IPC and MPC members can focus on the immediate issues that prompted the moratorium. Perhaps a committee should be appointed to work on these two ordinances, like the tree ordinance, and bring them back to the commissioners later.

“Finally, prior to adoption of the draft ordinances an independent legal review of the entire County Code of Zoning Ordinances should be undertaken by an outside attorney who is an expert in Georgia zoning law to confirm that the recommendations are fully documented in and adopted by the draft ordinances, that there are no conflicts between the existing ordinances and the new ordinances, and that all zoning ordinances are legally enforceable.”

GENERAL OBSERVATIONS ON DRAFT ORDINANCES

“There are many undefined terms in the draft ordinances (and in the existing ordinances) – unless all terms are properly defined, these ordinances will be ambiguous and subject to interpretation, rendering them unenforceable. Examples: site coverage, development area, townhomes.

“There are several instances where discretion is delegated to the planning staff – this discretion should remain with the elected commissioners, or at least the appointed planning commissioners. Staff should not be given governmental powers that are by law reserved to the commissioners.

“The RR (resort residential) zoning classification should be completely rewritten to avoid dense, multifamily housing. RR was intended to be a hotel or resort accommodation classification, but the current RR text allows for everything from single family homes to hotels, at ‘35 sleeping rooms’ per net acre. Divide that

number into 2 bedroom homes, and you have a density of 17 homes per acre – impossible. Recent development demonstrates the abuse of the RR classification - the construction of high density attached dwelling units, site plans with limited greenspace, negative impacts on water & sewer, stormwater drainage and traffic, and clear-cutting of trees. Residential dwellings, whether multi-family or single family, should not be developed under RR.

“The Conditional Use Permit should be eliminated – it has been abused as a method of de facto rezoning without the applicant meeting the requirements for rezoning. There are no proposed changes to the ordinances with respect to conditional use permits.

“The PD ordinance should be amended to make it clear that PD zoning creates a controlling land use plan for a specific property. The documentation required for a PD, including the text and the plat should be appended to the minutes of the Commission as an ordinance creating each PD. There should be no amendment to a PD without a full-blown rezoning application. In the past, the conditional use permit has been utilized as a method to circumvent the requirements of the PD. As part of the discussion – ask for RS&H’s land use analysis of existing zoning and the number of potential dwelling units (potential DUs) that could be built under the current zoning classifications.”

The meeting was adjourned at 11:35 a.m.