

MINUTES
CALLED MEETING
MAINLAND PLANNING COMMISSION
MAY 11, 2010 - 9:00 A.M.
Harold Pate Building, 1725 Reynolds Street, Bwk, GA

MEMBERS PRESENT: Gary Nevill, Chairman
Bill Brunson, Vice Chairman
Jason Counts
Buddy Hutchinson
Ryan Lawrence
Julie H. Martin

ABSENT: Buck Crosby

STAFF PRESENT: David Hainley, Community Development Director
York Phillips, Planning Manager
Janet Loving, Admin/Recording Secretary

Chairman Gary Nevill called the meeting to order at 9:00 a.m. He then turned the gavel over to Vice Chairman Bill Brunson in order to avoid a conflict of interest with the next agenda item.

SP1323 Goodbread Road Administrative Complex
SP1325 Goodbread Road Residential Complex

Consider approval of revised site plans on property consisting of a total of 12.393 acres located west of Golden Isles Parkway (Spur 25), north of Scranton Road, east of Terry Drive and south of South Goodbread Road. Access is from Center Drive and Coastal Village Drive. The revision will allow a six-foot fence in lieu of an eight-foot fence and will allow a mulch fitness trail within the required fifty-foot buffer. The property is zoned Planned Development. Parcel ID: 03-23459, 03-23338 and 03-03993. Gateway Behavioral Health Services, applicant.

Ms. Barbara Myers was present for discussion.

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

The site plans were approved September 9, 2008 subject to the rezoning, which was approved October 2, 2008. (The minutes of the Mainland Planning Commission and the Board of Commissioners were included in the packages for review.) The buffer and the fence were discussed by the Mainland Planning Commission and specifications for them were included in its action approving the site plans. The specifications included: buffer to be 50 feet in width; fence to be 8 feet in height; and fence to be approximately 10 feet inside the outer edge of the buffer. As constructed, the fence is 6 feet instead of 8 feet, but is otherwise properly located within the buffer.

This is a request to revise the approved site plans to allow the required fence to be 6 feet in height instead of 8 feet, and to allow the construction of a mulch fitness trail within the buffer. These actions have already been taken for the portion of the buffer adjacent to the residential complex. Observation of the resulting configuration suggests that these changes will not materially affect the function of the buffer.

Under Section 619.4 (a) of the Zoning Ordinance, the Planning Commission's review shall be guided by the following standards and criteria:

- 1) The application, site plan, and other submitted information contain all the items required under this Section. **Staff Comment: This requirement has been met.**
- 2) The proposed uses, buildings and structures are in accordance with the requirements of this Ordinance and other ordinances of Glynn County. **Staff Comment: This requirement has been met.**
- 3) Adequate provisions are made for ingress and egress, off-street parking, loading, and the flow of traffic, which may reasonably be anticipated. **Staff Comment: This requirement has been met.**
- 4) Adequate provisions are made to control the flow of storm water from and across the site. **Staff Comment: This requirement has been met.**
- 5) Adequate provisions are made to protect trees that are selected to remain as depicted on the site plan. **Staff Comment: This request is to determine that the proposed change will provide an adequate functioning wooded buffer.**
- 6) Adequate provisions are made to buffer intensive uses and to screen all service areas from view of the adjacent properties and streets. **Staff Comment: This request is to determine that the proposed change will provide an adequate functioning buffer.**
- 7) Adequate provisions are made to control the location, intensity, and direction of all outdoor lighting so that it will not have an adverse effect upon adjoining properties. **Staff Comment: This requirement has been met.**

- 8) Open space, as required, has been provided and appropriate means are proposed to assure maintenance of common areas and facilities. **Staff Comment: This requirement has been met.**
- 9) Adequate provisions are made for water supply, fire protection, and sewage collection and treatment. **Staff Comment: This requirement has been met.**

Mr. Phillips stated that staff recommends that this request be approved as the changes provide a functioning buffer that protects adjoining residential areas. Approval should be conditioned on the following: (1) further development of the fitness trail should be staked out and approved by the Community Development Director prior to tree removal; (2) further tree removal should not exceed one-sixth of the width of the buffer; (3) further construction of the fitness trail should be no closer to the fence than 15 ft.

Mr. Buddy Hutchinson wanted to know when staff became aware of the fence and the walking trail. Mr. Phillips stated that he could get the exact dates from his log but he doesn't have the dates on hand at this time. He stated that staff sent out a letter approximately a week after becoming aware of the situation, and he believes that it was sometime during the last week of March. He explained that staff discussed this with the contractor when he came in and inquired about getting a Certificate of Occupancy (CO). The contractor stated that he did not think that the fence was going to meet the 8 ft. standard. Mr. Phillips stated that he provided the contractor with copies of the minutes from previous meetings as a reminder of what was required. It was about a week later that staff discovered that the fence did not appear to be 8 ft. and it was a couple of days after that time that staff found out about the fitness trail.

For clarification, Mr. Hutchinson stated that what staff is saying is that the contractor knew there was suppose to be an 8 ft. fence, but instead put up a 6 ft. fence. Mr. Phillips replied yes. Mr. Hutchinson asked if the contractor made any other comments about the fence. Mr. Phillips replied no, but he did state that he would pass the information on.

Mr. Bob Wendel, adjacent property owner, reminded everyone of the meeting in which Mr. Cap Fendig (former County Commissioner) stated that everything was up in the air and if the neighbors didn't approve, nothing would be done; however, that didn't prove to be true. Mr. Wendel stated that 2 ft. more on the fence isn't going to make much difference. He pointed out that he has a very clear view of the residential area and it looks great. Also, the fence looks great. He stated that his problem is that the applicants have not been honest. The first thing they said was that the neighbors wouldn't even know that they're in the area because there would be a 50 ft. buffer zone and trees. They also said that there would be a 12 ft. high solid fence. He noted that Mr. Wayne Stewart who was on the Planning Commission at that time stated that there would be a 10 ft. solid fence. Mr. Wendel stated that a chain link fence isn't going to stop anything and 2 ft. more would not make a difference; it would only cost more.

Mr. Wendel stated that he never had a problem with the project in the beginning because he felt that it would be a good use of the property. Most of the other neighbors said no; it would ruin their property value. The neighbors never said yes go ahead with the project, but yet they went ahead with it. He stated that the applicants put up the 6 ft. fence instead of the required 8 ft. fence and contended at the time that the fence was not to keep people in, but it was to keep the drug dealers out. Mr. Wendel stated that a 6 ft. chain link fence isn't going to help, nor would an 8 ft. fence. A 10 ft. solid fence might hinder them from getting in as long as it's solid all the way around. Again, he stated that he has no objection to this project; it looks fine, but he is not happy with the new neighbors because they haven't been honest. "Why would they put up a fence that they know is against the regulations and then get it approved."

Mr. Wendel expressed concerns about none of the other neighbors being present at this meeting. He stressed that a number of the residents feel that the commissioners don't care what they think because they go ahead and do what they want to anyway. He stated that he asked one of the neighbors about attending today's meeting and her response was "what's the point."

Mr. Brunson stated that he doesn't remember any reference to a 10 ft. solid fence. He remembers Ms. Myers talking about a 6 ft. 10 in. solid stucco type fence and according to the Minutes, Commissioner Counts stated that they didn't need to spend that kind of money on an elaborate fence; an 8 ft. chain link fence would suffice.

Ms. Barbara Myers stated that this is the first time that she's heard about the contractor coming by for a permit and discussing the 8 ft. fence. She stated that it was after the fact that the fence was installed and she wasn't sure if it was right. She stated that they looked at the PD Text and there was no reference to the height of the fence in the PD Text, they also looked at the packet that was presented to the County Commissioners and the only reference to restrictions on the property was there could not be a detention facility, so maybe the issue on the fence was dropped regarding the height. Although this was included in the Minutes, it never made it in the PD Text. She stated that the fence is already up. They could go to the extra expense and tear it down or go to the County Commission.

Ms. Myers stated that the buffer issue was ignorance on their part because she didn't realize that undisturbed meant not disturbing a leaf. She pointed out that the specifications for the buffer did not get carried over to the text. She is asking for forgiveness and soliciting approval of this request. She also elaborated on the type of atmosphere and environment that they're trying to create for the in-mates with respect to the walking trail.

Mr. Brunson stated that in meeting with the neighbors at the inception of this project he was 100% in support of this project then and he thinks that it is a good project now. However, the neighbors had three concerns; 1) flooding - which has been addressed with the retention pond; 2) security - which the Planning Commission attempted to

address via 50 ft. undisturbed buffer; and 3) a fence - mainly for the protection of the clients. Mr. Brunson stated that an 8 ft. fence is more protective than a 6 ft. fence.

Ms. Myers stated that they have retained a security firm for night patrol starting May 15th. The facility will have day-time security once it becomes a full time clinic.

Mr. Brunson explained to Ms. Myers that the reason the term “undisturbed” was included was so that there would not be any activities in the buffer area, which is what the neighbors were concerned about.

Mr. Hutchinson stated that there were several meetings on this issue and those meetings were well attended by the neighbors. In fact, the County Administrator and at least three County Commissioners attended the meeting held on September 9, 2008 because they felt that this was a very important issue. The Planning Commission worked very hard with Gateway and the neighbors toward reaching a mutual understanding. At the time, Gateway proposed a 6 ft. 10 in. solid stucco column fence, but Mr. Counts suggested a chain linked fence. During the course of discussion, they all agreed on a 50 ft. undisturbed buffer, which was also in the Gateway Planned Development, and an 8 ft. minimum chain linked fence, all of which is reflected in the two motions made at the September 9th meeting.

Mr. Hutchinson stressed that he told the residents that there would be an 8 ft. fence and an undisturbed buffer. His word is all that he has and he is not giving his word away.

Ms. Julie Martin asked if it is possible to add 2 ft. onto the existing fence that would actually project in toward the property to prevent outsiders from scaling the fence from either direction. Mr. Hutchinson stated that the applicants could put the additional 2 ft. onto the fence, which would avoid having to completely tear it down. Mr. Counts stated that if the 2 ft. is added it should be uniform with the existing fence. It doesn't have to resemble a penitentiary but it should be 8 ft. He pointed out that he recalls discussing this issue at length at the September 9th meeting and after the applicant's presentation he remembers saying that it wasn't particularly necessary to go to the expense of putting up an elaborate fence. They were all comfortable with an 8 ft. chain linked fence.

At this time, a motion was made by Mr. Buddy Hutchinson to deny this site plan request. Mr. Brunson asked Mr. Hutchinson if he could expand on the motion in a way that would allow the applicant to obtain a temporary CO. Mr. Hutchinson stated that he is not a “hard nose” person and he would re-phrase his motion, but he does not want this to be a 4 or 5 year deal. Mr. Brunson agreed and reiterated that there should be no activity in the buffer.

Mr. Hutchinson's motion for denial died for lack of a second. After a brief discussion regarding a time-frame for the additional 2 ft., Mr. Hutchinson offered a motion to approve *SPI323* and *SPI325* subject to 2 ft. being added to the fence within a six month period and being uniform with the remainder of the fence, which will be 8 ft. as specified by the Minutes of the Planning Commission Meeting of September 9, 2008, and the additional buffer will be undisturbed as originally intended. The motion was seconded by Mr. Jason Counts. Voting Aye: Mr. Bill Brunson, Mr. Jason Counts, Mr. Buddy Hutchinson, Mr. Ryan Lawrence and Ms. Julie Martin. Abstained From Voting: Mr. Gary Nevill.

There being no further business to discuss, the meeting was adjourned at 9:45 a.m.