

MINUTES

MAINLAND PLANNING COMMISSION FEBRUARY 5, 2013 - 6:00 P.M. Historic Courthouse, 701 G Street

MEMBERS PRESENT: Bill Brunson, Chairman
Buddy Hutchinson, Vice-Chairman
Thomas Boland, Sr.
Larissa Harris
Tim Murphy
Eddie Wildsmith
John Williams

STAFF PRESENT: David Hainley, Community Development Director
Eric Landon, Planner II
Janet Loving, Admin/Recording Secretary

Chairman Brunson called the meeting to order at 6:00 p.m. He then welcomed Mr. Eddie Wildsmith and Mr. John Williams as the new members appointed to the Mainland Planning Commission. Afterward, the invocation was given followed by the Pledge of Allegiance.

MINUTES

December 4, 2012 - Regular Meeting

January 8, 2013 - Regular Meeting

A motion was made by Mr. Tim Murphy to approve the Minutes of the *December 4th* Regular Meeting. The motion was seconded by Mr. Thomas Boland. Voting Aye: Mr. Bill Brunson, Mr. Thomas Boland, Ms. Larissa Harris, Mr. Buddy Hutchinson and Mr. Tim Murphy. Abstained From Voting: Mr. Wildsmith and Mr. Williams.

A motion was made by Ms. Larissa Harris to approve the Minutes of the *January 8th* Regular Meeting. The motion was seconded by Mr. Eddie Wildsmith. Voting Aye: Mr. Thomas Boland, Ms. Larissa Harris, Mr. Buddy Hutchinson, Mr. Tim Murphy, Mr. Eddie Wildsmith and Mr. John Williams. Abstained From Voting: Mr. Bill Brunson.

AGENDA

Mr. Hainley requested that the Planning Commission go into *Executive Session* at the end of the Public Hearing. A motion was then made by Mr. Buddy Hutchinson, seconded by Mr. Tim Murphy and unanimously adopted to add that the Planning Commission would go into *Executive Session* at the end of the Public Hearing.

At this time, Chairman Brunson gave a brief recap of the rules, voting procedure and audience participation in discussing agenda items.

SP2541 Coastal Village - Consider a request to approve a site plan for five residential buildings (25 units) and a 2,783 sq. ft. community building on the Gateway Behavioral Health Services campus. Parcel ID: 03-04003. Gateway Behavioral Health Services, applicant for Glynn County Development Authority, owner.

Ms. Barbara Myers, Administrative Director for Gateway Behavioral Health Services, was present for discussion.

In presenting the staff’s report, Mr. Landon explained that this property was rezoned to Planned Development in October 2012 with the intent of developing this project. Now the applicant is ready to proceed with construction which requires site plan approval. The request will be accessed from the existing campus. A 50 ft. buffer (20 ft. undisturbed) is proposed to be provided adjacent to any residentially zoned property, along with a fence, as provided on the existing development.

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, subject to review by Engineering as part of the building permit process.**

- 5) Adequate provisions are made to protect trees that are selected to remain as depicted on the site plan. **Staff comment: This site requires substantial buffers which will require tree preservation.**
- 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: The PD Text requires a 50 ft. buffer, of which 20 ft. is to remain undisturbed.**
- 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: Not applicable.**
- 9) Adequate provisions are made for water supply, fire protection, and sewage collection and treatment. **Staff comment: This requirement will be met during the building permit process.**

Mr. Landon stated that staff recommends approval of *SP2541* subject to meeting all other requirements.

During a brief presentation, Ms. Barbara Myers stated that she is soliciting the Planning Commission's approval to allow this facility to continue its mission in providing a much needed service for a number of citizens in the area.

Mr. Boland commended Ms. Myers on the appearance of the facility and the surrounding area. Chairman Brunson concurred and added that her accomplishments have been a great asset to the community. Ms. Myers thanked the Commissioners for their support.

Following discussion, a motion was made by Mr. Thomas Boland to approve *SP2541* subject to meeting all other requirements. The motion was seconded by Mr. Eddie Wildsmith and unanimously adopted.

SP2547 Dollar General: Consider a request to approve a 9,100 sq. ft. retail building on 1.74 acres. The property is located on the southeast corner of Highway 17 and Higginbotham Road. Parcel ID: 03-12903. Teramore Development LLC, applicant.

Mr. Tom Hodges and Mr. Matt Phelps were present for discussion.

In presenting the staff's report, Mr. Landon explained that this property was rezoned in 1981 with the intent to provide commercial development along Highway 17 frontage and residential in the rear or eastern portion. The applicant is asking to develop the commercial portion of this property as a free standing retail store.

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: The applicant will be required to comply with both Glynn County and Georgia DOT in permitting this property, specifically with the location of the access drive. This site is anticipated to generate approximately 400 daily trips (56 trips per 1,000 square feet).**
- 4) Adequate provisions are made to control the flow of storm water from and across the site. **Staff comment: This requirement has been met, subject to review by Engineering as part of the building permit process.**
- 5) Adequate provisions are made to protect trees that are selected to remain as depicted on the site plan. **Staff comment: This site plan shows the location of trees at 24 inch caliper or greater.**
- 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: Buffers are required adjacent to residential property and to the right-of-way.**
- 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: Not applicable.**
- 9) Adequate provisions are made for water supply, fire protection, and sewage collection and treatment. **Staff comment: This requirement will be met during the building permit process. Water and sewer to be provided by JWSC. An additional fire hydrant will be placed on the property to meet fire protection requirements.**

Mr. Landon stated that staff recommends approval of **SP2547** subject to the access to the site being coordinated and approved by both Georgia DOT and Glynn County Traffic Engineering, and subject to meeting all other requirements.

Mr. Boland had questions about the buffer between the applicant's property and the adjacent property. Mr. Landon stated that the buffer is a Type A, 20 ft. buffer. There is also a landscaped strip around the parking area.

Mr. Murphy stated that although this is not a food service establishment, often upon approval of any type of commercial or retail property the location of the dumpsters become paramount. Mr. Tom Hodges, the applicant, stated that all of the dumpsters are on a dumpster pad and are enclosed in a shadow box fence.

Mr. Boland wanted to know how close the detention pond would be to any potential residential property. Mr. Matt Phelps of Lovell Engineering Associates stated that the pond is actually located in front of the building toward Highway 17. He stated that there won't be a pond in the rear adjacent to any residential property. Mr. Murphy was concerned about this interfering with the drainage; however, Mr. Phelps stated that they intend to stay clear of the drainage.

At the end of discussion, a motion was made by Mr. Buddy Hutchinson to approve **SP2547** subject to the access to the site being coordinated and approved by both Georgia DOT and Glynn County Traffic Engineering, and subject to meeting all other requirements. The motion was seconded by Mr. Tim Murphy and unanimously adopted.

SP2548 Dollar General: Consider a request to approve a 9,100 sq. ft. retail building on 2.36 acres. The property is located on the east side of New Jesup Highway, approximately 500 ft. north of its intersection with Community Road. Parcel ID: 03-04814. Teramore Development LLC, applicant.

Mr. Tom Hodges and Mr. Matt Phelps were present for discussion.

In presenting the staff's report, Mr. Landon explained that the Board of Commissioners approved a rezoning on this site in January to Highway Commercial. As a result of the zoning change, the applicant is requesting to remove the existing structures on this site and develop the property as a free standing retail store.

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. The applicant will be required to comply with both Glynn County and Georgia DOT in the permitting of this property.**
- 4) Adequate provisions are made to control the flow of storm water from and across the site. **Staff comment: This requirement has been met, subject to review by Engineering as part of the building permit process.**
- 5) Adequate provisions are made to protect trees that are selected to remain as depicted on the site plan. **Staff comment: This site has been previously cleared.**
- 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: Buffers are required to the north and along the right-of-way as shown.**
- 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: Not applicable.**
- 9) Adequate provisions are made for water supply, fire protection, and sewage collection and treatment. **Staff comment: This requirement will be met during the building permit process. Water to be provided by JWSC and sewer service will be septic. An additional fire hydrant will be placed on the property to meet fire protection requirements.**

Mr. Landon stated that staff recommends approval of *SP2548* subject to meeting all other requirements.

Mr. Murphy asked if there are issues with signage associated with this request. Mr. Landon stated that the applicant is allowed three signs with one being a free standing sign, and two signs on the building itself.

Mr. Boland asked if the area in back will be paved once the buildings are torn down. Mr. Landon stated that he's not sure but the intent is to remove all of the buildings.

There being no further discussion, a motion was made by Mr. Thomas Boland to approve *SP2548* subject to meeting all other requirements. The motion was seconded by Mr. Eddie Wildsmith and unanimously adopted.

SUP2549 427 Georgetown Road: Consider a request to allow a second dwelling for a medical hardship. The property consists of approximately 23 acres on the southwest side of Georgetown Road. Parcel ID: 02-01892. Property owned by Jack Barlow.

Mr. Barlow was present for discussion.

Mr. Landon reported that the purpose of this request is to allow a special use for a medical hardship, pursuant to Section 704 Special Uses, which allows a mobile home in an FA District on a two (2) year basis at the discretion of the County Commission when a documented medical hardship exists, provided such use meets all other requirements. The applicant for the medical hardship shall also provide the following:

- (a) A property owner's statement describing the need, identifying the person requiring medical care and the person to provide the care, and relationship of the persons to reside in the mobile home.
- (b) A certificate of need and necessity filled out and signed by a medical doctor, describing the medical problem(s), and offering a professional opinion of need.

If the medical hardship ceases to exist during the initial (2 year) term, or any renewal term of the special use permit, the special use permit shall expire and the mobile home shall be removed from the property. The rental of the mobile home shall be prohibited. The special use permit may be renewed for one additional two (2) year period provided that the applicant presents to the Community Development Director a new certificate of need demonstrating that the medical hardship still exists.

Mr. Landon stated that staff recommends that *SUP2549* be approved subject to meeting all other requirements.

Mr. Boland had questions about utilities being provided for the proposed mobile home. Mr. Hutchinson stated that during his site visit he noticed that the septic tank and drain fields were already in place. This was verified by Mr. Barlow who added that the well for the new mobile home will be tied into his existing house. He explained that he merely wants to move his mother-in-law on the property so that she can be cared for without having to go into a nursing home.

There was no one present to oppose this request and at the end of discussion, a motion was made by Mr. Buddy Hutchinson to recommend approval of *SUP2549* to the Glynn County Board of Commissioners subject to meeting all other requirements. The motion was seconded by Mr. Thomas Boland and unanimously adopted.

Election of Officers

- a) *Chairman*
- b) *Vice Chairman*
- c) *Recording Secretary*

Mr. Tim Murphy reported that the Nominating Committee agreed to retain the current officers for 2013. There were no other nominations from the floor and a motion was adopted to retain the current officers of the MPC for 2013 as follows: Mr. Bill Brunson, Chairman, Mr. Buddy Hutchinson, Vice Chairman and Mrs. Janet Loving, Recording Secretary.

Status Report - Risley Middle School

Mr. Hainley distributed correspondence to the members which included case law from Attorney Andrew Lakin of the Glynn County School Board, indicating that the Court has ruled that the School Board is immune from local zoning regulations, and as such, staff has concluded that the subject matter before the Commission is closed. Copies were also furnished to Carol and David Leahy of 104 Barrington Oaks Drive, and are contained in file number *SUP2500* as well.

At this time, Mr. Leahy gave a brief sequence of events leading up to staff's conclusion. He stated that at the January 8th MPC Meeting, Mr. Hainley said that he had met with Mr. Mann and Mr. Boudreau and concurred that there is a lighting problem, and that GA Power would look at it the following week. Mr. Hainley also talked about the signs and the buffer, and he implied that they were making progress. The very next day this case law that has been provided for review was faxed to Mr. Mann. The research had already been done and had already been sent to Mr. Mann the very next day. Two days later he received an e-mail from Mr. Hainley stating that he cannot do anything else with our problems with respect to lighting, buffering and drainage. Mr. Leahy pointed out that he doesn't understand what drainage has to do with the zoning.

Continuing, Mr. Leahy stated that three days later an article appeared in the Brunswick News about the electronic sign. Mr. Boudreau is quoted as saying that he is working with the Mainland Planning Commission and even though they are not beholden to the Zoning Ordinance, they are going to work with the Planning Commission regarding the sign issue "in the spirit of cooperation."

Mr. Leahy stated that he submitted a letter to Mr. Mann expressing his opinion about these issues and Mr. Mann replied in two sentences: "I received your letter and I will take it under advisement." Mr. Leahy stated that he and his wife's concerns continue to be the same as they were for the last two meetings. He stressed that Mr. Hainley is not working with them and has e-mailed them stating that he is not going to work with them even on the drainage issue.

In conclusion, Mr. Leahy stated that they have followed the process and have talked to everybody. His family has done nothing to warrant an adversary stance and there is no reason for anyone's unwillingness to work with them. He is asking the Planning Commission to follow the process and make a recommendation to the Board of Commissioners.

Chairman Brunson asked Mr. Leahy if he had gone to a Board of Education meeting or a County Commission meeting about this issue. Mr. Leahy replied no, he came to the Planning Commission first and he will go to the County Commission next. Chairman Brunson stated that he sympathizes with the Leahy's but he doesn't know what else the Planning Commission can do at this point. He stated that he has concerns about the drainage ditch and the wetlands issue and feels that something can be done to cure this problem. Mr. Leahy stated that there appears to be a cure and they were being told that something would be done, but nothing has happened to fix anything.

Mr. Hutchinson stated that he also sympathizes with the Leahy's. He agrees with the Chairman that the ditch is a problem for the county and it will be a bigger problem when it starts to rain. As far as the School Board is concerned, Mr. Hutchinson stated that it is a disgrace to have an entity that won't honor its commitment. He stressed that he is embarrassed to have a Board of Education because of what they have said and done.

Mr. Boland stated that he was under the impression that the Planning Commission was dealing with the sign that was shining on the adjacent property. The School Board and their attorney stated that they were going to remove it and that it would be placed on the building. Due to the ruling regarding the case law, it appears that the zoning and drainage issues are beyond this Commission's control at this time. Mrs. Leahy stated that the Boy's and Girl's Club sign was removed but since the case law appeared the sign is back up. Mr. Leahy thanked the Planning Commission members and stated that their alternative now is to go to the Board of Commissioners.

At 6:45 p.m., the Planning Commission went into Executive Session. At 7:09 p.m., the meeting reconvened and was adjourned at 7:10 p.m.