

**MINUTES**  
**CALLED MEETING**  
**MAINLAND PLANNING COMMISSION**  
**JULY 13, 2010 - 9:00 A.M.**  
**Harold Pate Building, 1725 Reynolds Street, Bwk., GA**

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**MEMBERS PRESENT:** Gary Nevill, Chairman  
Bill Brunson, Vice Chairman  
Jason Counts  
Buddy Hutchinson

**ABSENT:** Buck Crosby  
Ryan Lawrence  
Julie Martin

**STAFF PRESENT:** David Hainley, Community Development Director  
York Phillips, Planning Manager  
Iris Scheff, Planner III  
Janet Loving, Admin/Recording Secretary

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Chairman Gary Nevill called the meeting to order at 9:05 a.m.

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**SUP1633 (M) 1160 B & W Grade Road**

Consider approval of an additional dwelling (custom modified mobile home) based on a medical hardship on the east side of B&W Grade Road, south of its intersection with Lambert Lane. The property is zoned R-12 One-Family Residential. Parcel ID 03-04275. Property owned by Belle Ferrell.

Ms. Ferrell was present for discussion.

According to the staff's report, this site is located in the Central Glynn Future Development area. The site is shown as Medium Residential on the edge of the Regional Center on the Future Land Use Map.

The property was identified as supporting more than one dwelling unit without a current approved Special Use Permit. A Special Use Permit was issued previously under files SUP-01-07 and SUP-2002-05 to allow a mobile home as an additional residence in the case of a documented medical hardship.

Planning staff reviewed the original request due to a change in circumstances that were reviewed to ascertain whether the circumstances that warrant a Special Use Permit still exist. The original medical hardship expired. It was discovered that in the interim from the time the first permit was issued the applicant, Belle Ferrell, acquired the property shortly thereafter. Her mother was being cared for by her, but during an out of town trip, was placed in a nearby nursing home by her brother. Besides caring for her mother, Ms. Ferrell's son, Randy Mobley, was moved onto the property and was also under her care where he remains and continues to be cared for by her. His name and medical circumstances were not on the original application.

The structure of the mobile home where Randy Mobley resides appears to consist of two mobile homes that have been altered to function as one. A roof has been attached overhead, such that they appear to be a built home. Other alterations such as handicapped walkways, an above ground pool, and RV carports have been added on the property. No permits for construction are on file in Glynn County Building Division records.

Staff explored with Ms. Ferrell the possibility of subdividing the property so that each dwelling unit would be supported on its separate lot. This would be an advantage by putting an end to the necessity of returning to renew a Special Use Permit every two years. It would bring the dwelling units into conformity with the R-12 zoning. However, it appears that subdividing the property might not be an option because the total property is less than two full acres in area. Subdividing the property would be allowed if the property was in proximity to be served by public water and sewer, rather than the well and septic systems now used. Staff conveyed to Ms. Ferrell that she should continue exploring the possibility of subdividing her property, even though this Special Use Permit request is approved, because she would no longer be obliged to submit a medical hardship application every two years.

The Department of Environmental Health assessed the well and septic systems functionality and determined that they are safe at the present time.

In summary, there were many different circumstances associated with this application when compared to the original request. Rather than renewal of the previous Special Use Permit, staff decided to present the new information to the Planning Commission to allow what amounts to a different request to be considered.

Mr. Phillips stated that staff recommends approval of application *SUP1633 (M)*, request for a special use medical hardship.

During a brief presentation, Ms. Ferrell elaborated on the circumstances of this request and asked for a recommendation of approval from the Planning Commission.

There was no one present to oppose this request.

Following discussion, a motion was made by Mr. Buddy Hutchinson to recommend approval of application **SUP1633 (M)**, request for a special use medical hardship. The motion was seconded by Mr. Jason Counts and unanimously adopted.

The applicant was advised that the Board of Commissioners would review this request for final action at its August 5<sup>th</sup> meeting beginning at 6:00 p.m.

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**SUP1781 Herrin Tract**

Consider approval of an additional dwelling (mobile home) installed temporarily based on a medical hardship on 1.3 acres located at 218 Hendricks Lane, approximately 230 feet west of its intersection with Frazier Road. The property is zoned R-12 One-Family Residential. Parcel ID: 03-10078. Robert Hendricks, Sr., agent for the estate of Yewvon Shirley Hendricks.

Mr. Robert Hendricks, Sr. and Mr. Samuel P. Hendricks were present for discussion

According to the staff's report, this property is located in the Central Glynn Future Development area and is shown as Medium Residential on the edge of the Regional Center on the Future Land Use Map.

This special use request was set aside after its submittal because three dwelling units were on one property, which is a violation of Article VI, Section 603 of the Glynn County Zoning Ordinance. A letter was sent to notify the family that the property was not eligible for a Special Use Permit due to non-conformance with the R-12 zoning and questions were raised based on the application information as to ownership and as to who was caring for whom.

It was pointed out during the visit by the applicants that the family members and their situation had not changed from the situation in place at the time of original approval. At that time, the Planning Commission was incorrectly advised that it was alright to allow a third dwelling unit to be placed on the property. Approval was apparently based on that advice. Since the old files reveal that the present request does not differ from the original one, once again the family wishes to continue the mobile home use, in addition to an existing mobile home, and a second mobile home allowed for medical hardship.

Mr. Phillips stated that staff recommends approval of application *SUP1781*, request for a special use medical hardship, which corresponds to a third mobile home on the same property that supports a primary mobile home and a Special Use Permit mobile home. This approval is on a case by case basis due to the fact that this request for this specific property and this family was granted previously by a prior Planning Commission. Further, no known problems have resulted from the previous approval, such as code compliance complaints, police calls or environmental health problems. In addition, the medical hardship continues as a basis for the request. This recommendation, if approved, is not to be construed as setting a precedent for other Special Use Permit requests, including for this property in the future.

At this time, Mr. Samuel P. Hendricks elaborated on the basis for this request, which includes poor health and financial instability. Afterward, Mr. Robert L. Hendricks, Sr. briefly talked about the history of the property dating back 60 years and pointed out that the multiple living quarters consist of family members only.

There was no one present to oppose this request.

Following discussion, a motion was made by Mr. Bill Brunson recommending approval of *SUP1781*, request for a Special Use Medical Hardship, which corresponds to a third mobile home on the same property that supports a primary mobile home and a Special Use Permit Mobile Home. This approval is on a case by case basis due to the fact that this request for this specific property and this specific family was granted previously by the Planning Commission, and further that no known problems have resulted from the previous approval. In addition, the medical hardship continues as a basis for the request. This recommendation, if approved, is not to be construed as setting a precedent for other Special Use Permits including for this property. Also, if the medical hardship is removed, then one of the mobile homes would be removed. The motion was seconded by Mr. Buddy Hutchinson and unanimously adopted.

The applicant was advised that the Board of Commissioners would review this request for final action at its August 5<sup>th</sup> meeting beginning at 6:00 p.m.

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**SUP1945 Lottie Davis**

Consider approval of a Special Use Permit to operate a day care center on property consisting of .24 acres located on the west side of Carteret Road approximately 675 feet north of its intersection with Buckingham Place. The property address is 539 Carteret Road and the property is zoned R-9 One-Family Residential. Parcel ID: 03-02684. Property owned by Lottie Davis.

Ms. Lottie Davis was present for discussion.

According to the staff's report, day care centers are considered appropriate in residential areas as a means of serving the needs of the public. The Special Use Permit process is used to ensure that the particular details of the operation do not create unusual adverse impacts on the neighborhood. The Zoning Ordinance requires compliance with the regulations of the State Health Department and the Fire Department. These regulations establish the limitations on the number of children served and other aspects of the operation, and are implemented through the building permit and other required permits.

While the Fire Department standards primarily address the safety of the children and the State Health Department regulations primarily address the health and safety of the children, zoning issues address the general impacts on the neighborhood in terms of traffic, noise, and other similar factors.

One of the zoning issues is the impact of the use on access to the site. As the location is near the end of a dead-end street, the applicant is installing a circular driveway to facilitate drop-off and pick-up of children without interfering with access to other property.

There are no actual traffic counts for this section of Carteret Road. However, applying an average traffic generation rate of 10 trips per unit per day suggests that the street currently carries 200 trips per day. The design standard for a minor street suggests that this is intended for not more than 250 average daily trips, and that there is little capacity for additional traffic-generating activity.

Data from the Institute of Traffic Engineers (ITE) indicates that a day care center of this size will generate 108 trips per day based on square footage. Based on the number of children, this would be equivalent to a center with 24 students. This would be equivalent to double the theoretical excess capacity of the street serving the site (i.e. the street is designed to serve 250 trips and currently serves 200 trips, leaving a capacity for 50 additional trips).

The applicant has contacted the Fire Department which is in the process of conducting inspections. The use and facility will comply with fire regulations before issuance of a Certificate of Occupancy.

Mr. Phillips stated that staff recommends that application **SUP1945** to permit a day care center be denied as representing an increase in traffic beyond the calculated capacity for additional trips for the street serving the site (Carteret Road) and having an adverse impact upon the residents. However, he stated that in the alternative, the Planning Commission and the Board of Commissioners may consider approving the use with a limitation on the number of children so as to mitigate the potential increase in traffic, subject to approval by the Glynn County Fire Department and the State Health Department.

During a brief presentation, Ms. Davis stated that she is currently licensed to keep six (6) children. Additionally, she keeps two (2) of her grandchildren. She explained that according to the regulations, she does not have to include her grandchildren in the total number of children that she is licensed to keep. She pointed out that the hours of operation are from 7 a.m. to 5:30 p.m. She has four (4) workers to assist her. State rules appear to allow up to 45 children; however, once she complies with all regulations, Ms. Davis has agreed to keep a limitation of up to 30 children.

There was no one present to oppose this request.

Following discussion, a motion was made by Mr. Buddy Hutchinson recommending approval of *SUPI945* to permit a day care center subject to a limitation of up to 30 children, and further subject to approval by the Glynn County Fire Department and the State Health Department. The motion was seconded by Mr. Bill Brunson and unanimously adopted.

The applicant was advised that the Board of Commissioners would review this request for final action at its August 5<sup>th</sup> meeting beginning at 6:00 p.m.

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There being no further business to discuss, the meeting was adjourned at 9:50 a.m.