

## MINUTES

GLYNN COUNTY PLANNING COMMISSION  
AUGUST 5, 1997 9:00 A.M.

-----  
MEMBERS PRESENT: Wayne Stewart, Chairman  
Richard Altman  
Lamar Cole  
Hal Hart  
Glenda Jones  
Iris Touw

ABSENT: Jonathan Williams

STAFF PRESENT: Dick Newbern, Planner  
Deborah Taylor, Zoning Administrator  
Jim Bruner, Assistant County Engineer  
Janet Loving, Administrative Secretary

-----  
Chairman Stewart 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.

-----  
Due to the number of citizens present, along with the small child involved in the special use request, Chairman Stewart advised that Item #7 (SUP-2-97) would be addressed first on the agenda.

### SUP-2-97

**Request for a Special Use Permit in an R-12 One-Family Residential District to permit a mobile home as a Medical Hardship; subject property consists of 1.73 acres (Lots 52A and 52B, Section D Addition 2, Glyndale Subdivision), located between Canal Street and Glyndale Circle, lying east of I-95 (5 ft. from the southwest property line and 200 ft. from the northwest property line).**

**Property owned by Grady Sapp, Deidra Sapp and Clifford N. Martin.**

Grady Sapp, Deidra Sapp and Amanda Dickerson were present for discussion. Also present was Ms. Ashley Tindle, Physical Therapist.

Mrs. Deborah Taylor presented the staff's report. She stated that this request is for a special use permit in an R-12 One-Family Zoning District to allow a mobile home as a medical hardship. Section 702.4 2) of the Glynn County Zoning Ordinance states that a special use permit to allow a mobile in an R-12 District would be on a two-year basis

at the discretion of the County Commission when a documented hardship exists, provided such use meets all other requirements of Section 702.5. Renewal may be obtained for an additional two-year period at the discretion of the County commission if the hardship continues to exist.

Mrs. Taylor explained that the subject property involves 2 lots consisting of a total of 1.733 acres with frontage on Canal Street and Glyndale Circle. The property has 2 existing structures, one structure per lot. The property is owned by the mother and grandmother of Amanda Dickerson, who is in need of obtaining a special use permit as a medical hardship. Mrs. Taylor stated staff received documentation from Southeast Healthcare Associates explaining that Mrs. Dickerson's daughter, Brittany (granddaughter and great-granddaughter of the property owners) is severely and permanently disabled and needs constant supervision.

Mrs. Taylor stated staff feels that this request is a documented medical hardship, it is a very personal and long-term medical situation. The special use permit for the two-year period (possible maximum of four years) would benefit the family on a temporary basis but would not be a long-term solution.

Mrs. Taylor pointed out that the subject property is located within an area that consists of site-built homes, owned and occupied by the same individuals for a number of years. The area is considered as a well-established neighborhood. The subject property is located at the end of the dead-end street, adjacent to I-95. Due to this being a temporary use, it really should not have a negative impact on the area. However, the concerns of the surrounding property owners should be considered when making a decision.

Mrs. Taylor stated that staff recommends approval of this request.

The following adjacent property owners submitted letters of opposition to this request: Grover and Linda Ramsey, Mr. & Mrs Jim Robinson, and Edward & Shelba Davis. Initially, Mrs. Debra Pitts submitted a letter of opposition; however, she withdrew the letter and offered her support. Also, a petition consisting of signatures from six adjacent property owners was submitted in support of this request.

Mrs. Deidra Sapp explained in detail the condition of the 2 year old child. Afterward, Mrs. Shelba Davies withdrew her letter of opposition.

The citizens opposing this request were concerned that the mobile home would become a permanent fixture in their neighborhood; however, Chairman Stewart explained that documented medical hardships are allowed in accordance with the Ordinance. He assured the residents that if the situation resolved itself, the mobile home would be removed within the two-year time period. He added that his term on the Planning Board will expire before the permit comes up for review, but he stressed that if the mobile home is not

removed, he guaranteed the residents that he would help them plead their case to have it removed when the time comes.

Following discussion, a motion was made by Mrs. Glenda Jones to recommend approval of this request. The motion was seconded by Mr. Hal Hart and unanimously adopted.

-----

**Review sign compliance in the  
St. Simons Village District  
"Hole In One Bagels"  
Located at 511 Ocean Boulevard,  
Corner of Neptune Way and Ocean  
Boulevard, zoned General Commercial**

**William Downey & J.T. Whelchel, Property Owners  
Peter and Jamie Kendall, Business Owners**

Jamie Kendall was present for discussion.

Mrs. Taylor presented the staff's report. She stated that this request is for approval of a sign for a new business opening in an existing commercial building (same building as Parker's), previously occupied by Poppingo Video, located on the corner of Neptune Way and Ocean Boulevard.

Mrs. Taylor pointed out that the business will be pick-up only. According to the Glynn County Zoning Ordinance, this type business is not classified as a restaurant. The definition for a restaurant is "a retail establishment serving prepared food on the premises and which is offered to the general public and where chairs, tables and counters are provided to serve and seat people."

A plan showing the interior layout of the business has been submitted. The plan also shows that there is only counter space for pick-up service and no area is shown that would accommodate tables, chairs, etc. for sitting and service. The applicants propose to have pick-up from the existing drive-through on the side of the building, which exits onto Neptune Way.

Mrs. Taylor explained that this request is for the approval of the sign. The sign has a total square footage of 17.124, measuring from the beginning to the end of the text only. There will be a white background filling the existing sign case with 18 inch high green letters to read **"HOLE IN ONE BAGELS."**

Mrs. Taylor stated that the proposed sign meets the requirements of the sign ordinance for the St. Simons Village Preservation District.

Following discussion, a motion was made by Mr. Hal Hart to approve this request. The motion was seconded by Mr. Lamar Cole and unanimously adopted.

-----

**Site Plan**

**Revision of McDonald's Site Plan  
Addition of a Playland, 612 sq. ft,  
located on the south side of Demere  
Road, zoned Planned Development-General**

**Property owned by McDonald's Corporation**

Ms. Virleene Minnis was present for discussion.

Mr. Dick Newbern presented the staff's report. He stated that the applicant is proposing to build a 612 sq. ft. playland area to be located to the immediate west of the McDonald's building which will occupy space that is now permeable open space.

Mr. Newbern stated the PD text requires that no more than 80% of the total PD area can be impermeable site coverage. The proposed site plan verifies that the additional 612 sq.ft. of playland site coverage will render a total PD site coverage area of only 77.23%, which is within the allowable site coverage area. The playland will have no adverse effect on parking or the drive-through facility.

Mr. Newbern pointed out that the Engineering Department, Building Inspections, and Water & Sewer have found this proposal to meet their requirements. The Fire Department seeks assurance that the playland will be constructed in a manner that will not impede access of emergency personnel to the McDonald's restaurant or the playland area.

Mr. Newbern stated staff recommends approval of this request with the following comment:

**Fire Department:**

1. The playland area should be constructed in a manner that does not impede the access of emergency personnel to McDonald's restaurant or to the playland area.

Mrs. Iris Touw stated she had requested a copy of the Planned Development Text for this request because she wanted to see the permitted uses. She stated in her opinion, this request falls under what is defined in the Ordinance as an amusement center, and it is not a permitted use.

Mrs. Taylor explained that the principal use is McDonald's and the playground is an accessory to the principle use. She stated it is not a permitted use that stands alone. However, Mrs. Touw stated that this is just an interpretation and she does not think the Ordinance

identifies that certain businesses have certain accessories. Ms. Virlene Minnis, co-owner of McDonald's explained that there is not an entrance to the playground from the outside. Entry would be gained from inside of the restaurant. She pointed out that the playground would only be available to the restaurant patrons.

Mrs. Touw stated that this is a scenic and historical area. She stated people have accepted McDonald's because the landscaping softens the area and it looks really good; however, she then read the definition of an amusement center as follows: "Amusement center is an indoor place or an enclosure which is maintained or operated for amusement or recreation of the public..."

Following discussion, a motion was made by Mrs. Glenda Jones to approve this request. The motion was seconded by Mr. Richard Altman. Voting Aye: Mr. Richard Altman, Mr. Lamar Cole, Mr. Hal Hart, Mrs. Glenda Jones and Mr. Wayne Stewart. Voting Nay: Mrs. Iris Touw.

-----

**Preliminary Plat  
Forest Cottages at Ocean  
Forest, Phase II, 9 lots, zoned  
Planned Development, located off  
Forest Road, north end of Sea Island**

**Sea Island Company, Owner/Developer**

Mr. Bill Edenfield and Mr. Bobby Shupe were present for discussion.

Mr. Newbern presented the staff's report. He stated that the applicant is proposing to extend Forest Road and develop 9 lots. This is a multi-phased project in Ocean Forest. Access to Phase II will be from Forest Road, which also accesses Phase I. Emergency vehicle access will be provided from Phase II through to Phase I along the portion of Forest Road inside the subdivision.

Mr. Newbern stated that the 9 lots meet the minimum Planned Development requirements of 6,000 sq. ft., the smallest lot being 9,750 sq. ft. He pointed out that this development will be served by the Sea Island Company water and sewer system. The developer has provided necessary approval from the U. S. Army Corps to develop near the wetlands. The Engineering Department, Water & Sewer and the Fire Department have assured that this project meets specifications.

Mr. Newbern stated that staff recommends approval of this request subject to the following:

**Planning & Zoning:**

1. Change the 40 ft. private area listed as "expansion area" to "owned by Sea Island Co." This is an area that is substandard for future lot development.

Mr. Bill Edenfield, Sea Island Company, stated that the issue related to the pavement came up when there was a comment from staff about the accessibility of Lot 308. He explained that in trying to comply with the Glynn County Subdivision Regulations, they are providing sufficient access to Lot 308 without creating a cul-de-sac. The proposed solution is to connect the two phases so that emergency vehicles can traverse through the 40 ft. right-of-way.

Mr. Bobby Shupe addressed the 40 ft. strip. He explained that they labeled the strip "expansion area" because they are not sure what they want to do with it at this time. In developing a community under GA Law, it is important to let all landowners be aware of property that could be developed. He stated the area in question would more than likely remain as open area, but they do not want to designate it as such at this time. He pointed out that in any event, future development of the open area would have to go before the Planning Commission for review and approval in accordance with the Ordinance.

Mr. Shupe stated it is not their intention to develop the open area, but they would like to maintain the flexibility to use it for whatever is consistent with the current zoning. He stated it might be misleading to label the strip "owned by Sea Island Company."

Chairman Stewart stated he understands that the developers do not want to mislead future property owners. He then suggested labeling the area "Sea Island Property/Forest Cottage Expansion Property." Mrs. Taylor stated that due to the expansion at that point being 40 ft., staff wanted it to be completely clear that the expansion area could not qualify as a building lot.

Attorney Jameson Gregg stated that Sea Island Company would be willing to submit that no additional residence would ever go on this 40 ft. area. Chairman Stewart advised staff and the developers to work out the proper language.

Following discussion, a motion was made by Mrs. Glenda Jones to approve this request. The motion was seconded by Mr. Richard Altman and unanimously adopted.

-----

**Request for Variance from the Glynn County Subdivision Regulations to allow a lot split of a tract of land (2 acre tract) on a county unpaved road, Chris Road, that currently serves 10 residential lots.**

**Property owned by James W. and Florine Toler**

Mr. Don Hutchinson was present for discussion. James and Florine Toler were also present.

Chairman Stewart pointed out that the County Commission referred this request to the Planning Commission, but according to the Ordinance, the Planning Commission does not have the power to grant this type of variance. The Planning Commission has the power to deny this request and the applicant can take it back to the County Commission for final action. Chairman Stewart stated that according to the Ordinance, the Planning Commission has the authority to grant a minor variance; however, this is not a minor variance.

Mr. Hutchinson stated that this has already gone before the County Commission. He then asked for the Planning Commission's recommendation as to what he should do. Chairman Stewart stated this would have to go back to the County Commission because it is not just a lot split. Again he stated that the Planning Commission does not have the power to grant this type of variance.

For clarification, Mrs. Taylor explained that if the applicant had filed an 801 plat to subdivide the lot and submitted it to staff, staff would have denied the request in accordance with Section 801 because it does not meet the requirements. The applicant would have the right to appeal staff's decision to the Planning Commission. Then the Planning Commission has the option to approve the plat and along with that, give the applicant a variance from the staff's section of the Ordinance, which in the Chairman's opinion is a major variance and not a minor variance. Therefore, the applicant has to go to the Board of Commissioners. (In essence, proper procedure was somehow misdirected.)

At this time, Mr. Wayne Stewart stepped down as Chairman in order to offer a motion on this request. Vice Chairman Glenda Jones presiding.

Following discussion, a motion was made by Mr. Wayne Stewart to recommend denial of this request on the grounds that it is the Planning Commission's interpretation that the Planning Commission does not have the authority to grant such a variance. The motion was seconded by Mr. Richard Altman and unanimously adopted. The applicant was advised that he could submit his request to the Board of Commissioners.

-----

The meeting was turned back over to Chairman Stewart.

-----

**Minor Plat**  
**Redivision of Lot 36 Heritage Estates**  
**4.45 acre tract subdivided into 2 lots**  
**(1.00 acre and 3.45 acres)**  
**Zoned Forest Agricultural**

**Property owned by S. L. Mobley and**  
**Sharon Mobley**

Due to no one being present for discussion, this item was deferred pending arrival of a representative.

-----

**Minor Plat**  
**Lot Line Revision**  
**Lots 23 & 24 Laurel Grove Plantation**  
**Zoned Forest Agricultural**

**Property owned by Algie and Annie Outlaw**

Mr. Algie Outlaw was present for discussion.

A map showing the original lot line and the proposed lot line was included in the packages for the Planning Commission's review.

Following a brief discussion, a motion was made by Mrs. Glenda Jones to approve this request. The motion was seconded by Mr. Hal Hart and unanimously adopted.

-----

**STAFF ITEMS**

- a) Discuss Development Area/Net Land Area as it relates to Wetlands;
- b) Status of German Village Report;
- c) Status of Comprehensive Plan Submittal;
- d) Discuss Definition of Caretakers Residence and Wildlife Refuge.

Mr. Keith Flanagan was absent due to a family emergency. Therefore, Chairman Stewart advised that all staff items would be deferred until the September 9<sup>th</sup> meeting.

-----

**COMMISSION ITEMS**

Mr. Maxwell Miller, representing a St. Simons business (Gourmet To Go), was present to express his dissatisfaction in the way the Planning Commission handled application number SUP-1-97 at the July 1<sup>st</sup> meeting.

Mr. Miller disputed the Planning Commission's comments regarding the dumpster, parking, hours of operation, building dimensions, etc. He stated that there seems to be two sets of rules for different businesses and "it looks like certain people have certain leeway to the rules." Mr. Miller stated that they were not dealt with fairly and stressed that "this is far from over." He then requested that his \$100.00 be returned to him because according to the Planning Commission, the application was not done correctly.

Mrs. Taylor stated that the \$100.00 is a submission fee. She explained that the application has not been denied, it was deferred. She also pointed out that Mr. Miller's name does not appear anywhere on the application and therefore he is only present to voice his concerns.

-----

Also under Commission Items, Mrs. Touw stated that a work session is needed to discuss unresolved issues, i.e., enforcement of Rafters, the balloon issue, towers, etc. She stated these items need to be finalized. Chairman Stewart stated he would confer with Mr. Flanagan regarding a work session and report back to the members and staff.

-----

**MINUTES**

Upon a motion made by Mrs. Iris Touw and seconded by Mr. Lamar Cole, the Minutes of the July 1, 1997 Planning Commission meeting were approved and unanimously adopted.

-----

There being no further business to discuss, the meeting was adjourned at 10:10 a.m.