

MINUTES

ISLANDS PLANNING COMMISSION

MARCH 18, 2014 - 6:00 P.M.

The Casino Bldg., 530 Beachview Drive, SSI

MEMBERS PRESENT: John Dow, Chairman
Paul Sanders, Vice Chairman
Stan Humphries
Preston Kirkendall
William Lawrence
Oliver Seabolt
Robert Ussery

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

ALSO PRESENT: Commissioner Dale Provenzano, BOC
Alan Ours, County Administrator

Chairman Dow 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.

MINUTES

February 18, 2014 - Regular Meeting

A motion was made by Mr. Robert Ussery to approve the Minutes of the *February 18th Regular Meeting*. The motion was seconded by Mr. Paul Sanders. Voting Aye: Messrs. John Dow, Stan Humphries, Preston Kirkendall, William Lawrence, Paul Sanders and Robert Ussery. Mr. Oliver Seabolt did not attend the February 18th Meeting and therefore abstained from voting.

Agenda - **Additions, Deferrals, Deletions, Postponements**

Due to the anticipated length of discussion of application **ZM2782**, Chairman Dow suggested moving application **VP2797** first on the agenda in an effort to accommodate the applicant. The Planning Commission concurred. Thereupon, a motion was made by Mr. Preston Kirkendall, seconded by Mr. Oliver Seabolt and unanimously adopted to move application **VP2797** up first on the agenda.

VP2797 - 319 Mallery Street: Consider approval for the remodel and alteration of a retail storefront in the Island Preservation District. Parcel ID: 04-04461. Jepter Butler, agent for Douglas Taylor, owner.

Mr. Jepter Butler was present for discussion.

According to the staff's report, the applicant is proposing to remodel the existing storefront for a retail women's clothing store. The proposed elevation has been provided.

Section 709.4 in the Island Preservation District gives the standards for review, as follows:

- (a) Construction, or remodeling or enlargement of an existing building in a manner inconsistent with the existing building massing (the three-dimensional bulk of a building: height, width, and depth), articulation (the pattern of the building base, middle and top, created by variations in detailing, color and materials or stepping back or extending forward a portion of the facade) and fenestration (the arrangement, proportioning, and design of windows and doors in a building) in the immediate area; or
- (b) An absence of unity or coherence in composition which is in opposition to the character of the present structure in the case of repair; or
- (c) Violent contrasts of materials or intense colors not representative of the existing buildings in the immediate area; or
- (d) A multiplicity or incongruity of details resulting in a disturbing appearance.

Mr. Landon stated that staff recommends approval of Application **VP2797** to allow a storefront renovation at 319 Mallery Street.

During a brief presentation, Mr. Butler pointed out that the name of the clothing store will be located on the awning. He stated that he is excited to open the store and he's asking for the Planning Commission's approval at this time.

Following discussion, a motion was made by Mr. Stan Humphries to approve Application **VP2797** to allow a storefront renovation at 319 Mallery Street. The motion was seconded by Mr. Preston Kirkendall and unanimously adopted.

ZM2782 IDAC Building - Consider a request to amend the PD Planned Development for the IDAC Building at the corner of Holly Street and Frederica Road. The purpose of the request is to add assisted living as a permitted use, amend the building height, and provide for additional buffers. Parcel ID: 04-04991, 04-04992, 04-13921, 04-13922. Jim Bishop, agent for Parkbrook Frederica Owners LLC, owner.

Attorney Jim Bishop was present for discussion.

The following report from staff was included in the packages for the Planning Commission's review:

This application proposes to amend the existing Planned Development District for the Frederica Building to allow an additional land use, Assisted Living Facilities. The site plan associated with this request shows 93 beds. The details of the request are defined in the amended PD text as follows:

“Assisted living facilities offering care for the elderly, provided such facilities conform with the requirements of the Georgia State Board of Health and provided plans for such facilities receive written approval of the Glynn County Board of Health and the Glynn County Fire Chief prior to the issuance of any permits for construction or operation; copies of such approval to be attached to the building permit and retained in the files of the Glynn County Building Official. Assisted living facilities shall include patient rooms, cafeterias, laundries, therapy rooms, recreational spaces and support offices normally associated with the operation of such facilities.” (p. 8)

The Zoning Ordinance does not specifically define “assisted living.” The closest comparison is “Care Homes,” which groups all “rest homes, nursing homes, convalescent homes or similar” into a single category. This is found as a Conditional Use in HC and GC Zoning.

There are generally three levels of service living facilities; independent living, assisted living, and nursing homes. The amount of parking required to support each unit varies based on the level of support offered. Independent living has very limited ongoing support, while a nursing facility has an intensive patient/caregiver ratio. Assisted living is considered a middle area. A number of parking spaces required for this use are defined as follows:

“One space for each full time employee and one space per eight (8) beds for visitors, doctors, and medical professionals. Standard leases shall not allow on-site parking for residents. In addition, twelve (12) spaces shall be reserved for joint utilization of the adjoining property. The use of such spaces shall be limited to 11 am to 2 pm and 6 pm until midnight.” (p. 12)

The nearest comparison in the Zoning Ordinance for parking would be for a nursing home, which requires “1 space for each 4 beds, plus 1 space for each 2 regular shift employees.”

Nationwide trends analyzed by the ITE (Institute of Transportation Engineers) show that the residents for assisted living generate a peak parking demand of 0.33 spaces per unit. That ratio would yield a required parking demand of 31 spaces. The proposed site plan depicts 38 spaces. According to the ITE parking manual, the peak parking demand for assisted living during the week is 0.33 parking spaces per dwelling unit. Based on research of other municipalities, this calculation appears to be consistent.

In addition, the applicant is also asking for an amendment to the proposed building height:

“Maximum building height: Thirty-five feet (35') for the renovation or rebuilding of the ‘IDAC’ Building and thirty-nine feet, eight inches (39' 8") for any new building with the allowance of a maximum height of forty-five feet (45') for mechanical equipment only, conditioned as follows: equipment shall occupy no more than 20% of the total roof area and shall be setback a minimum distance of twenty feet (20') from any roof edge.” (p. 9)

The properties directly adjacent are zoned LC and R6. The maximum building height is 35’ for these zoning classifications. The nearest properties that would allow a building up to 45’ are located on Palm Street, Sylvan Boulevard and Center Street to the south.

The buffer requirements have also been amended to provide plantings as follows:

“Assisted Living Facilities shall be conditioned upon the installation of plantings along westerly and northerly property lines as illustrated on the Assisted Living Concept Plan, Exhibit E. Such plantings shall meet Glynn County buffer requirements.” (p. 19)

The use of this property for assisted living also includes plans to expand the existing building and parking area. This expansion is shown in the attached exhibits and as a separate application (*SP2783 Thrive*).

In conformance with Section 1103 of the Glynn County Zoning Ordinance, the following findings of fact are to be considered in making a decision on a request for rezoning:

- Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

The proposed request will make for a small impact in noise, traffic, and other infrastructure. The applicant has also made provisions to limit the impact to surrounding property owners by providing a buffer that exceeds the requirements of the Zoning Ordinance.

- Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.

The proposed change will be consistent with the adjacent parcels. The use will be residential in nature, and will be buffered from surrounding properties.

- Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.

Yes, the use of the property can remain as currently zoned. However, the building is currently vacant.

- Whether the zoning proposal will result in a use, which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

None

- Whether the zoning proposal is in conformity with the policy and intent of the Comprehensive Land Use Plan.

Yes, this area is designated for medium density residential. This property also has frontage on Frederica Road, which is used as a commercial corridor.

- Whether there are other existing or changing conditions affecting the use and development of the property, which give supporting grounds for approval or disapproval.

- *None*

Mr. Landon stated that staff recommends approval of **ZM2782** to amend the PD Planned Development for the IDAC Building.

Chairman Dow stated that they have received volumes of information dating back to 2005, 2006, 2012, 2013, and up to 2014. He stated that he tried to follow the chronological order of the PD Text included in the packet of information dated September 24, 2012, October 9, 2012, November 15, 2012, as well as revised text dated March 10, 2014. However, he is not sure if the text that is shown as revised (March 10, 2014) is the text that they actually worked from on October 9, 2012 because the revisions are not identified. He stated that normally, they would receive the PD Text identifying the changes before and after. He wanted to know which text is being reviewed at this time. Mr. Hainley stated that they are reviewing the November 15, 2012 text which is the text that was officially approved by the Board of Commissioners. Chairman Dow was adamant that the confusion still exists because the changes are not reflected in the text. He stressed that he needs to see a side by side comparison. He then asked if they could proceed with the March 10th text, to which Mr. Hainley replied yes.

Mr. Robert Ussery stated that according to staff, assisted living facilities are not identified in the Zoning Ordinance; however, aside from being identified for parking, he asked if nursing homes are identified in the ordinance. Mr. Landon stated that all group living facilities seem to be lumped together. Mr. Ussery stated that there is a definition for group homes, which sort of fits with what the applicant is trying to do. Mr. Hainley explained that group homes are listed under a specific code in the Code of Georgia. Assisted living has a separate code under the Code of Georgia. Mr. Ussery feels that for the purpose of zoning in Glynn County, the definition of group homes could apply in this case. Mr. Hainley agreed that it is the closest definition that we have at this time. Mr. Ussery pointed out that the Comprehensive Plan cites that the district was approved for Medium Residential density in that particular area, and if rezoned, group homes would be allowed in the Medium Residential District.

Regarding the different districts with respect to living facilities, Mr. Kirkendall wanted to know if this proposal would be in the same category as public or private care homes. Mr. Hainley explained that there are three different classes of living facilities provided for seniors, and the care amount goes up as you go down the scale. The facilities are categorized as independent, assisted, and nursing.

Mr. Lawrence stated that he believes that we need a comprehensive breakout for assisted living because primarily, we don't have a complete picture as to what it will encompass. For instance, according to the application there will be 1 space per 8 beds. Nursing homes provide 1 space per 4 beds, which he feels is more comprehensive than assisted living. Mr. Lawrence stated that before we make a decision on this application we need a more comprehensive understanding.

Chairman Dow asked if any of the three living categories (independent, assisted, nursing) require a CON, "Certificate of Need." Mr. Hainley did not know. He stated that the applicant would have to reply during his presentation. In addition to concerns about acreage, site coverage, height increase and enforcement, Chairman Dow reiterated his thoughts about the revisions not being clearly reflected in the text. He stated that he wants to make sure that everyone understands exactly what we're reviewing.

At this time, Attorney Jim Bishop, representing the applicant, stated that the property was recently rezoned and is currently under contract to be sold to a joint venture from Atlanta for the purpose of constructing an assisted living facility. He then introduced the following people associated with this project: Messrs. Bill Edenfield, Chief Planner; Bobby Shupe, Surveyor; Johnathan Roberts, Engineer; Reed Freeman, President of Regents Partners of Atlanta; and Alan Moise, Director of Investments for Thrive Senior Care Facility. He also introduced the current owners of Parkbrook Frederica.

Before turning the presentation over to Mr. Freeman, Mr. Bishop stated that he received a phone call from a neighbor in the area who advised that a flyer was circulating entitled, "The Nuts Next Door" specifying that the applicants were proposing to open a mental health facility. Mr. Bishop stated that this is really an unfortunate, unfair and untrue description of this proposal. It is not a mental health facility nor is it an addiction rehab facility. He stated that this is a proposal for an assisted living facility. It appeared that most of the Planning Commission members had not seen this flyer of which Mr. Bishop was grateful.

During a brief presentation, Mr. Reed Freeman stated that he has been a frequent visitor of St. Simons since the early 70's but hopefully through this process he will become a local taxpayer. He stated that the Regents Partners have been in the development business in Atlanta since the late 80's and have done mixed use projects, particularly focusing on A-class offices, hotels, multi-family and assisted living facilities. He stated that they view any development in the context of how it fits within the community. They feel like they have found a great opportunity and a great transitional use in their quest to put an assisted living facility on St. Simons at the IDAC Building, which has been standing empty for years. Mr. Freeman stated that their partner, Thrive, has actually been looking for a site in this particular area for a number of years. He stressed that this proposed facility is a great engagement in the community in terms of the tax base, as well as the quality of jobs that will be created, and he pointed out that they are committed to becoming a vital part of the community.

In conclusion, Mr. Freeman stated that the memo/flyer that was circulating in the area is a very sad commentary that he as an individual is willing to forgive. He then introduced Mr. Alan Moise as the next spokesperson.

Mr. Moise elaborated on the operation of Thrive Senior Living, stating that it is an Atlanta base management company where they manage assisted living and memory care facilities. He stated that "The Oaks at Frederica," which is what they're proposing to call the community on St. Simons, is a 93-bed proposed assisted living and memory care facility. He pointed out that a lot of operators within their industry started their companies in the 90's, but the industry has changed and the needs of the residents have changed. They feel that in order to deliver a community that meets the needs of the residents they have to focus on new construction.

Mr. Moise gave a brief definition of assisted living in accordance with the Assisted Living Federation of America as follows: Assisted living provides meals, assistance in bathing, dressing, transportation, help with mobility, incontinence or other challenges for activities of daily living. He stated that they also provide a means for entertainment for the residents.

Mr. Ussery wanted to know the basic difference between assisted living and a nursing home. Mr. Moise stated that assisted living is licensed by the state. In fact, the Georgia Department of Community Health specifically requires a license and regular surveying of assisted living communities, along with skilled nursing. For additional clarification, Mr. Ussery wanted to know the basic operational difference between assisted living and a nursing home. Mr. Moise explained that nursing homes are for individuals with chronic conditions who actually need around-the-clock nursing care. In assisted living facilities operators can dispense medication but they cannot put it in the person's mouth, and they are not allowed to give injections to individuals. If a person is not ambulatory or cannot get out of bed, they cannot be at the assisted living facility. Residents are discharged if they do not meet the qualifications. Mr. Moise pointed out that the facilities are scrutinized by the state on a regular basis.

Mr. Lawrence wanted to know how to go about making a determination as to the need for an assisted living facility. He stated that during his research on-line, he discovered that there are between 12 to 28 facilities in this area. Mr. Moise stated that they do an internal analysis and they also hire a market study professional to validate the use. It is demographics based and it is also a matter of looking out in the community, seeing the existing assisted living facilities, and seeing how well occupied they are. Mr. Moise stated that there are companies that identify themselves in a broader category. He explained that home health is an example that might be counted in a quick internet search for assisted living facilities in the area. There are communities that offer assisted living as a component. For example, Marshes Edge offers 20 assisted living beds.

At this time, Mr. Bill Edenfield, the next spokesperson for this application, referred to the validity of the document. He stated that to the best of his knowledge, the basis of the document that they have changed was approved by the Glynn County Commissioners and is recorded as such. Unfortunately, when the Planning Commissioners received their packages, apparently they did not receive the information that showed the additions to the PD. He explained that the changes are additions, not revisions, and they are all shown in red ink. It was noted that members of the Planning Commission did not receive the changes in red ink.

Mr. Edenfield stated that the parking ratio that they're proposing is based on their understanding of the needs of the client and based on the fact that a patient or an occupant of this facility would not be allowed to have a car on site. It was actually based on the need for visitors and medical assistants, which is how they came to the conclusion that 1 space per 8 beds would be enough. However, if there is discomfort about this standard he stated that they are willing to operate under the Glynn County nursing home

standard and still have enough parking spaces. He stated that they are willing to make the modification in the document. He also advised that there are 51 parking spaces.

Chairman Dow expressed concerns about enforcement proceedings. He pointed out that the information provided to the Planning Commission indicates 1 space per 2 beds; 92 would mean 46 but these figures don't include the first double shift or the change of shifts at the facility. He stated that there needs to be some means of enforcing the changes being proposed by the applicant especially the parking issues. He stated that he has a problem with approving an item contingent upon the owner enforcing something that is not covered by the ordinance. Mr. Edenfield reiterated that with this facility they are willing to use the same parking guidelines listed in the Glynn County Ordinance for nursing homes which indicates 1 space for each 4 beds plus 1 space for each 2 regular shift employees. Mr. Freeman explained that the statute of 1 space per 2 beds will accommodate the employees as well.

Mr. Kirkendall wanted to know how the 51 parking spaces relate to the parking between 6 and 12. Mr. Edenfield stated that the 12 spaces are inclusive. Mr. Kirkendall asked for an explanation about the use of the 12 spaces being limited to 11 a.m. to 2 p.m. and 6 p.m. until midnight. Mr. Edenfield stated that the reason behind this stems from talking with one of the County Commissioners who thought that it was important that it be disclosed in the document in this manner, but it simply means that the Frederica House can use the spaces. At Mr. Kirkendall's request, Mr. Edenfield pointed out the proposed changes in the text, page by page, as noted in red ink for additional clarification.

Mr. Sanders asked for an explanation regarding the "Certificate of Need." Mr. Alan Moise explained that the State of Georgia requires a "Certificate of Need" to operate an assisted living facility. The applicant applies for the CON and if granted, they would then obtain a license to operate the facility. It is an administrative process and is not contested.

There was continued discussion regarding enforcement, the height increase and site coverage. Afterward, the floor was opened for public comments beginning with Mr. John Laws, one of the owners of the Frederica House, who stated that he is in favor of this request. Ms. Monica Smith was present to speak in favor as well, but she expressed concerns about stormwater runoff. Mr. Johnathan Roberts reported that there will be retention areas. He assured Ms. Smith that adequate provisions will be made to control the stormwater runoff.

The following residents were present to speak in opposition to this request: Ms. Nancy Thomason, Ms. Joann Cook, Ms. Caroline Harrington, Ms. Sandee Lubitsch, and Mr. Larry Sullivan. They voiced concerns about increased traffic, inadequate parking, insufficient egress/ingress and buffers. A number of the residents also stated that the area in question is too small for the proposed facility and it is incompatible with the Glynn Haven area. Ms. Thomason stated that if this request is approved and it fails

just like IDAC, the residents will be stuck with another “behemoth building with inadequate parking.”

Mr. Trent Williams stated that there are a number of other uses best suited for the IDAC Building, i.e. a coffee house or a wine bar. He stated that he knew of a CPA firm that was interested in renting the building. He urged the Planning Commission to deny this request. Mr. Williams also confirmed that he called a county office and was advised that this proposed facility would be used for mental patients.

Ms. Carol Brubaker, a former County Commissioner, stated that during her tenure on the Board, they worked very hard on the height limitation for St. Simons. She reminded the members that “once you change the height for one person you have to change it for others.”

Mr. Oliver Seabolt asked if not getting the height increase for the third floor would be a deal killer for the owners, to which Mr. Reed Freeman replied yes. He stated that they could not do the project without the third floor which would be designated for memory care patients.

During a brief rebuttal, Attorney Jim Bishop stated that he understands that the two basic issues are parking and height. He stated that he’s had extensive discussions with the developers about these concerns. He pointed out that if they were starting from scratch they could do this facility without the additional height, but since the building already exists, they need the increased height for the handicap ramps in order to manage the quality of life issues particularly for the memory care patients. Mr. Edenfield re-emphasized that they are willing to change the parking ratio and the setbacks to comply with nursing homes as identified in the ordinance. Mr. Sanders asked if the applicants would be willing to consider a deferral for 30 days in order to make some changes, to which the response was no.

Mr. Kirkendall stated that he would not have a problem approving this request if it did not involve the height increase. Mr. Humphries noted that the developers have a very good reputation and there is a need for this type of facility, but they are trying to fit something that is too big into an area that is too small.

At the end of a lengthy discussion, a motion was made by Mr. Preston Kirkendall to recommend denial of application **ZM2782** to amend the Planned Development for the IDAC Building. The motion was seconded by Mr. William Lawrence and unanimously adopted.

SP2783 Thrive: Consider approval of a site plan for the redevelopment of exiting office and retail space into an assisted living facility with an addition to the structure. The property is zoned Planned Development Parcel ID's: 04-04991, 04-04992, 04-13921, 04-13922. Jim Bishop, agent for Parkbrook Frederica Owners LLC, owner.

Mr. Bishop was present for discussion.

A motion was made by Mr. Stan Humphries to defer site plan application **SP2783**, Thrive. The motion was seconded by Mr. Paul Sanders and unanimously adopted.

VP2804 409 Kings Way: Consider approval for the demolition of a structure in the Island Preservation District. Parcel ID: 04-04443. Bill Edenfield, agent for Cerberus Holding LLC, owner.

Mr. Edenfield was present for discussion.

According to the staff's report, the applicant is proposing to demolish the existing structure. The buildings elevation is non-compliant with the Glynn County and FEMA requirements. Property tax records indicate that it was constructed in 1949. The applicant has provided a quote showing that elevating the structure exceeds 50% of the value of the home. The value of the existing structure is \$104,300 in accordance with the Glynn County GIS Department. The quote provided from the applicant to elevate the structure to meet current standards is \$57,360. The applicant will be required to re-submit an Island Preservation application prior to any redevelopment of this site.

Section 709.7 in the Island Preservation District requires the Planning Division to provide a report regarding the proposal addressing the four (4) criteria described below:

- (a) The building is of such architectural or historical interest that its removal would be to the detriment of the public interest. **Staff Comment: There is no known historical interest in the existing structure. It does not currently meet county or FEMA standards.**

- (b) The building is fifty (50) years or older and of such old and unusual or uncommon design, texture and material that it could be reproduced only with great difficulty. **Staff Comment: Tax records show the improvement values of the existing structures to be very low, as compared to the property value and the value of surrounding properties.**

(c) Retention of the building preserves and protects an historic place or historic presence. **Staff Comment: Staff is unaware of these structures having historical significance.**

(d) Retention of the building promotes the general welfare by maintaining and increasing real estate values, generating business, attracting tourists, educating and encouraging study and interest in American history, culture and heritage, or making the county a more attractive and desirable place in which to live. **Staff Comment: It is likely that the redevelopment of this property would provide a positive impact on this neighborhood.**

Mr. Landon stated that staff recommends approval of application *VP2804* to allow the demolition of a building at 409 Kings Way.

Following a brief discussion, a motion was made by Mr. Paul Sanders, seconded by Mr. William Lawrence and unanimously adopted to approve application *VP2804* to allow the demolition of a building at 409 Kings Way.

There being no further business to discuss, the meeting was adjourned at 8:15 p.m.