

MINUTES

ISLANDS PLANNING COMMISSION

JUNE 17, 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
Robert Ussery

ABSENT: Oliver Seabolt

STAFF PRESENT: David Hainley, Community Development Director
Eric Johnson, Planning Manager
Eric Landon, Planner II
Cayce Dagenhart, 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

May 20, 2014 - Regular Meeting

A motion was made by Mr. Paul Sanders to approve the Minutes of the *May 20th Regular Meeting*. The motion was seconded by Mr. Robert Ussery. Voting Aye: Messrs. John Dow, Stan Humphries, Paul Sanders and Robert Ussery. Mr. Kirkendall and Mr. Lawrence did not attend the May 20th Meeting and therefore abstained from voting.

AGENDA - Additions, Deferrals, Deletions, Postponements

Due to the anticipated lengthy discussion of some of the agenda items, Chairman Dow suggested changing the order of the agenda in an effort to accommodate the applicants. Thereupon, a motion was made by Mr. Preston Kirkendall, seconded by Mr. Paul Sanders and unanimously adopted to move applications **SP2839** and **SP2841** to the top of the agenda.

SP2839 Sea Palms Laundry and Housekeeping Addition: Consider approval of a site plan for an addition to the existing laundry and housekeeping facilities for Sea Palms on Windward Drive. Parcel ID: 04-00295. Larry Bryson, applicant for Sea Palms Resort, owner.

Mr. Bryson was present for discussion.

The staff’s report was included in the packages for review and was presented by Mr. Landon as follows:

The adopted Future Land Use Map shows this site as Medium Density Residential and it is located in the Sea Palms East Planned Development.

The applicant is proposing an addition to the existing laundry and housekeeping facilities for the Sea Palms Resort. This addition will also include an update of the entire building as well as a new façade, additional landscaping and an overall clean-up of the site.

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. Parking and loading spaces are provided on site. As required by Section 611 of the Zoning Ordinance, “one (1) space for each 200 sq. ft. of non-storage area.”**
- 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: The proposed plan will meet the requirements for tree canopy preservation as required by the Zoning Ordinance. There are many large specimen oak trees on the property that are to be preserved (as identified on the site plan).**
- 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: In addition to the large trees on site, there is also an existing hedge on the north side of the property. Additional buffers to adjacent properties are to be provided as shown on the site plan.**
- 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: The applicant will be required to meet this provision at all times.**
- 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 project is approved by the fire department subject to review of the building permit. Utilities will be served by JWSC.**

Mr. Landon stated that staff recommends approval of application *SP2839* subject to meeting all requirements during the development process.

Mr. Larry Bryson gave a brief presentation and a general discussion followed. During which time, Mr. Alan Smith, condo owner in Fairway Villas, wanted to know the amount of increased work that would take place at the proposed facility and how it would impact traffic in the area. Mr. Bryson stated that he is not sure if the volume of work will be increased. They merely need more room to operate. He stated that there will not be any rooms added to the rental program. The addition is to better accommodate the existing facility. He pointed out that the existing square footage is 1,291 and they are adding 905 sq. ft. Mr. Smith asked if there is any laundry being done somewhere else and transported to the proposed site. Mr. Bryson replied no, there is no laundry being done elsewhere. Chairman Dow stated that in essence, the applicant is proposing a more efficient facility to accommodate the same volume of employees, etc. Mr. Bryson replied yes, that is correct.

There being no further comments, a motion was made by Mr. Preston Kirkendall, seconded by Mr. William Lawrence and unanimously adopted to approve site plan application *SP2839* subject to meeting all requirements during the development process.

SP2841 Rich Sea Pack Warehouse: Consider site plan approval to construct a 3,000 square foot building (for warehouse use) at the existing Rich Products facility on Demere Road. Parcel ID: 04-02922. Attorney James Bishop, applicant for Rich Products Corporation, owner.

Attorney Jim Bishop was present for discussion.

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

This proposal is for a new warehouse building that would support the existing facilities at the Demere Road site. The site plan would provide the necessary off-street parking, buffers and tree canopy required by the Zoning Ordinance.

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. Parking and loading spaces are provided on site.**
- 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: The proposed site plan will meet the requirements for buffers and tree canopy preservation as required by the Zoning Ordinance.**
- 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 site plan proposes a type "A" buffer along the eastern portion of the property where adjacent to residential zoning. The site plan is unclear as to the exact width of this landscape buffer. Therefore, prior to the issuance of any permits, the buffer width shall be increased to 12 ft. and consist of plantings and a landscaped wall in order to comply with code.**

- 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: The applicant will be required to meet this provision at all times.**
- 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 project is approved by the fire department. Utilities will be served by JWSC.**

Mr. Landon stated that staff recommends approval of application *SP2841* subject to meeting all requirements during the development process.

Following a brief review, a motion was made by Mr. Robert Ussery, seconded by Mr. Stan Humphries and unanimously adopted to approve site plan application *SP2841* subject to meeting all requirements during the development process.

At this time, Chairman Dow read the following two related applications into the record but advised that they require separate action. However, before proceeding with the agenda items, Chairman Dow publicly apologized for his aggressive comments directed toward staff at the March 18th IPC meeting relative to application ZM2782. He stressed that he has the utmost respect for Mr. Hainley and staff and he appreciates everything that they do for Glynn County.

ZM2782 IDAC Building: Consider a request to amend the 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. Parcel IDs: 04-04991, 04-04992, 04-13921, 04-13922. Jim Bishop, agent for Parkbrook Frederica Owners LLC, owner.

SP2783 Thrive: Consider site plan approval to convert a vacant office/retail building and expand the floor area to accommodate an assisting living facility, located at the corner of Frederica Road and Holly Street. The property is zoned Planned Development. Parcel IDs: 04-04991, 04-04992, 04-13921, 04-13922. Attorney Jim Bishop, agent for Parkbrook Frederica Owners LLC, owner.

Attorney Jim Bishop was present for discussion.

The following reports from staff were included in the packages for the Planning Commission's review:

ZM2782 IDAC Building

The intent of this rezoning application is to allow an additional permitted use, assisted living, for this Planned Development. The details of the request are defined in the amended PD Text as:

“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 a “rest home, nursing home, convalescent home or similar” into a single category. This is found as a Conditional Use in Highway Commercial (HC) and General Commercial (GC) Zoning.

There are generally three (3) 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 in between.

Proposed Parking:

The nearest comparison in the Zoning Ordinance for parking would be for a nursing home, which requires “one (1) space for each four (4) beds, plus one (1) space for each two (2) regular shift employees.” The applicant has agreed to this standard (p. 12).

Proposed Building Height:

The applicant is proposing additions to the IDAC building that would not exceed 35 ft. in height (p. 9).

Buffer Requirements:

“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 includes plans to expand the existing building and parking area. This expansion is shown as a separate application (***SP2783***).

History:

At the March 18, 2014 regular meeting, the Islands Planning Commission (IPC) recommended denial of application **ZM2782** to amend the Planned Development for the IDAC Building.

After the IPC recommendation, the applicant made substantial changes to the proposal. The substantial changes are found on page nine and page twelve of the proposed PD Text. The changes include lot size, setbacks, building height and parking requirements. Due to these changes, the County Commission remanded this application back to the IPC for further consideration. (Also, copies of changes in the PD Text previously approved by the County Commission that were not specifically noted on page 5, 1.2 & page 8, 3.2 were distributed to the IPC members for review.)

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 assisted living facility would be suitable in view of the use and development of adjacent and nearby properties, and it would have little impact on existing infrastructure. The applicant has also made provisions to limit the impact to surrounding property owners by providing a buffer, which would exceed 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 assisted living facility would be residential in nature and would not adversely affect the existing uses or usability of abutting or nearby 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 may remain as currently zoned; however, the building is currently unoccupied.

- 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

SP2783 Thrive

The owner intends to renovate the existing building and use it as an assisted living facility (91 beds). The site plan proposes a building addition, as well as more off-street parking spaces and landscaping/buffer areas. Approval of this application is contingent upon the approval of the accompanying rezoning application (*ZM2782*) to amend the Planned Development Text for the IDAC building to allow assisted living as a permitted use.

Under Section 619.4 (a) of the Zoning Ordinance the Planning Commission 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. Parking and loading spaces are provided on site.**
- 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. The applicant may be required to make off-site drainage improvements to address stormwater requirements.**
- 5) Adequate provisions are made to protect trees that are selected to remain as depicted on the site plan. **Staff comment: This project is subject to the proposed PD Text for tree preservation. The proposed plan also exceeds the requirements for tree canopy preservation as required by the Zoning Ordinance.**

- 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 applicant is providing a combination of walls, landscaping and fences to provide buffers to adjacent properties.**
- 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: The applicant will be required to meet this provision at all times.**
- 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 project is approved by the Fire Department. Utilities will be served by JWSC.**

Mr. Landon stated that staff recommends approval of application **ZM2782** to amend the Planned Development for the IDAC Building. Staff also recommends approval of application **SP2783** subject to meeting all requirements during the development process and with the condition that approval of this site plan is contingent upon the approval of the Planned Development amendment to allow an assisted living facility as a permitted use.

Regarding the proposed changes, Mr. Humphries wanted to know what the square footage is now in comparison to what was previously proposed. Mr. Hainley stated that the square footage is the same. The applicants compressed the back tower area to get the 35 ft. level. Mr. Hainley stated that the site coverage is 63%, well below the coverage level. Mr. Humphries had additional questions about parking, but Mr. Hainley stated that the applicants would have to address the parking concerns.

As an observation, Chairman Dow pointed out that in the staff's "Findings of Fact" as to whether this proposal would cause an increase in traffic, staff's comment "**none**" is misleading. He stated that the proposed use would in fact increase traffic in the area, and although the building is not in use now, the former use is not as intense as this proposal. He also expressed concerns about *open storage space, pumps and pump houses* and stated that there should not be any open areas.

At this time, Attorney Jim Bishop introduced the following people affiliated with this project: Messrs. Kyle Jinks, representing the owners; Reed Freeman, proposed owner; Bill Edenfield, Chief Planner; Johnathan Roberts, Engineer; and Bobby Shupe, Surveyor. Before turning the presentation over to Mr. Edenfield, Mr. Bishop stated that Mr. Jeremy Ragsdale is also in attendance to answer questions with respect to the proposed facility, "**Thrive.**" Mr. Edenfield then gave a brief overview of the issues discussed at the March 18th IPC Meeting and the proposed changes concerning the

building height, setbacks, parking and site coverage; all of which are currently compliant. Regarding the concerns about open storage, Mr. Edenfield stated that storage, pumps and pump houses will be enclosed and architecturally consistent.

Chairman Dow pointed out that at the last meeting a comment was made that the owner or operator would prohibit parking for the residents/patients. However, he is still concerned about enforcement. Mr. Edenfield stated that there is a public commitment to regulate parking through lease agreements with the residents. Mr. Humphries wanted to know if this plan includes additional parking. Mr. Edenfield stated that there are 51 parking spaces and this is the same amount reported with the previous plan. Mr. Humphries had questions about the parking spaces that are not directly located on the applicant's property. However, Mr. Edenfield explained that those parking spaces are not intended to be counted against the parking requirement for the applicant's property. The applicant's site plan represents 51 parking spaces which would apply to the assisted living use.

Mr. Lawrence asked for additional clarification on the parking standard. Mr. Edenfield explained that the parking standard is based on the standards for nursing homes; 1 space for every 4 beds and 1 space for every 2 employees. Mr. Lawrence asked if this includes part-time and/or temporary employees. Mr. Edenfield stated that there is a barrier between 51 and 36 spaces and he doesn't feel that it would become an issue in this case. Mr. Lawrence asked if they had considered visitors and handicap parking. Mr. Edenfield replied yes, these are accounted for in the parking standard.

Chairman Dow stated that there are still two issues that he is concerned about: 1) can the road or alleyway that's located behind the applicant's property be used to help mitigate traffic; and 2) is there an enforcement avenue. Attorney Jim Bishop explained that the applicant does not own the property that goes over to Atlantic, which is First Avenue. That particular area is actually closed off and cannot be easily accessed. Mr. Bishop stated that John Laws and Tom Mitchell own a portion of the property that's contiguous to First Avenue and they would be in favor of opening the area as part of an additional outlet.

Chairman Dow wanted to know if the county unilaterally controls whether a road is opened or not. Mr. Bobby Shupe stated that Mr. Laws and Mr. Mitchell are in possession of the deed to First Avenue but they have never gone through a formal abandonment process. Currently, there is an existing right-of-way but in order to build a road on the site there is a process that must be adhered to when designing a road. Mr. Shupe stated that the abandonment would be to create a roadway and facilitate the parking for Mr. Laws' and Mr. Mitchell's development, and ultimately anticipate use by the proposed development on tonight's agenda.

Mr. Jeremy Ragsdale, owner of Thrive Senior Living, gave a brief presentation on the operation of the facility. He pointed out that they have approximately 16 other facilities throughout the southeast and all of the buildings have been constructed from the ground-up. He stated that the parking ratio of tonight's proposal is approximately the

same as all of the other facilities, and “the parking lots at these facilities are never full.” He stated that the employee structure is primarily shift-employees consisting of 12-hour shift certified nursing assistant caregivers.

Mr. Ragsdale explained that at some of the facilities, the residents are restricted from parking in the parking lots. However, there is nothing that they can do to restrict a resident from driving a vehicle. The only thing that they have any control over is listed in the resident agreement or the lease, which restricts the residents from parking a vehicle full-time in the parking lot. The bulk of the residents are over 90 years of age with the average resident being 89 years of age. He also noted that the residents are prescribed by a doctor to live at the facility.

Mr. Robert Ussery wanted to know how many employees there are per shift. Mr. Ragsdale stated that the number of employees depend on two variables; the occupancy of the building and the acuity level in the building. However, there would be an average of 18 to 20 employees during a 12-hour shift, from 7am to 7pm. Mr. Ussery stated that the parking ratio seems to be reasonable in his opinion.

Mr. Humphries stated that he is having a tough time adding up the 51 spaces. For clarification, Mr. Johnathan Roberts with Roberts Civil Engineering pointed out the location of the 51 spaces on the site plan. Mr. Humphries stated that according to the definition for nursing homes, this request meets the requirements, not including the shared spaces with the Frederica House. Mr. Roberts replied yes, that is correct. Twelve spaces are shared with the Frederica House which makes the 51 spaces.

At the end of this portion of discussion, Chairman Dow opened the floor for public comments beginning with Ms. Nancy Thomason who is opposed to this request. Ms. Thomason stated that “this is the most convoluted and confusing plan that she has ever seen.” She still doesn’t see the 51 parking spaces. She also stated that the parking requirement is probably what led to the closing of the IDAC Building. This proposed development would compound the problems in the area. Ms. Thomason stated that the Islands Planning Commission had better be very sure of the 51 spaces if they’re considering approving this request.

Mr. & Mrs. Paul Jackson of 101 Holly Street were present to speak in opposition to this request. Mr. Jackson stated that according to the proposal, a 35 ft. three-story building will be erected within 15 ft. along the east and the back side of the property. He stated that his house is currently being utilized for residential rental. If the proposed building is approved it would significantly reduce or completely eliminate his ability to rent his house. Mr. Jackson stated that his current tenants will not renew their lease if these proposed changes are approved. Additionally, this proposal would hinder his ability to sell the house as residential property. For these reasons, he stated that he and his wife are opposed to this request.

Ms. Joann Cook reiterated Ms. Thomason's comments about this proposed plan being the most convoluted package that she has ever seen, and she added that it is very difficult for the public to understand. Staff has indicated that parking will not have an impact on traffic, but the residents in Sea Palms and local business owners are very concerned about the impact on traffic. Ms. Cook stated that she has visited several assisted living facilities and none of them are on property as small as the property in question. There are so many other locations better suited to accommodate this type of facility. She also stated that no one has really addressed the height issue. At the last meeting, the owners stated that if they did not get the requested height increase it would kill the project. Now all of a sudden the 35 ft. is ok. She feels that the commission members need to take these comments into consideration because this makes everyone uncomfortable.

Mr. Trent Williams wanted to know the acreage of two other assisted living facilities; Fairhaven and Benton House. He also wanted to know the location of the courtyard and he expressed concerns about the possibility of removing the live oak trees that are located in the area. Mr. Williams stated that he just doesn't think that we need an assisted living facility in this particular area. The property would be better suited for other commercial uses.

Mr. Hainley stated that staff does not know the acreage of the Fairhaven or Benton House facilities, but they both have additional acreage that allows for expansion. Also, because they are located on the mainland, they tend to have more land attached to them and they have a lower density. However, he stated that they are both held to the same parking standard as the proposed facility. For clarification, Mr. Edenfield pointed out the courtyard shown on the site plan and stated that the live oak trees referenced by Mr. Williams are not scheduled to be removed. Mr. Williams also wanted to know if the handicap parking is already in place. Mr. Edenfield replied yes.

Regarding the statement from the owners at the last meeting that "it would be a deal breaker if they did not get the height increase," Mr. Reed Freeman explained that the deal at the time was negotiated on certain economics that were in place. However, when they revisited the plans and discussed this issue with the seller, the seller agreed to concessions that could make this development work within the 35 ft. limitation, and by putting in an additional elevator stop. He reiterated that the deal at that time was based on economics.

Chairman Dow was still concerned about the shared parking being enforceable by the county. Mr. Bishop stated that he has not discussed the enforcement proceedings, but it is his understanding that there is an agreement with the residents which states what they can and cannot do and it includes parking. He stated that he believes that they are compliant with the parking requirements of Glynn County for nursing homes.

Ms. Nancy Thomason had additional comments about parking. She stated that there were parking problems in the past when the IDAC owners had parties and events at the building. She complained about cars being parked in her driveway and in her yard

and she expressed concerns about the possibility of there being Christmas parties and other events at the proposed facility which she stated would cause the same parking problems.

Mr. Hainley explained that there is no practical means to enforce the parking restriction. Other facilities at this same ratio have not had a parking issue and he does not know if there are any restrictions on their use.

There being no further public comments, the Public Hearing portion was closed. Discussion continued among staff and the IPC members.

Mr. Kirkendall stated that the applicants have followed the parking requirements in accordance with the Ordinance. They have met all setback requirements and all other requirements. He pointed out that if there is insufficient parking, this facility like any other establishment will go out of business. Mr. Sanders agreed with Mr. Kirkendall. He then asked if there is anything else that the applicants need to do to meet the Ordinance requirements. Mr. Hainley replied no. Mr. Humphries pointed out that he still feels that the proposed facility is too big for such a small lot. Mr. Ussery reiterated his feelings about the parking ratio being ok. Mr. Lawrence asked if any consideration had been given to the Comprehensive Plan as it relates to this proposal. Mr. Hainley replied yes and pointed out the area along Frederica Road that is shown as residential; however, he stated that there are a large number of institutional and commercial uses within the fringe area of the plan as it transitions from Frederica Road into the residential area. He further stated that the Comprehensive Plan is a generalized plan; it is not lot specific.

There being no further questions or discussion, a motion was made by Mr. Robert Ussery to recommend approval of **ZM2782** to amend the Planned Development for the IDAC Building with the additional stipulation that storage, pumps and pump houses will be enclosed and architecturally consistent with the building. The motion was seconded by Mr. Paul Sanders and unanimously adopted.

A motion was then made by Mr. Preston Kirkendall to approve application **SP2783, Thrive**, subject to meeting all requirements during the development process and contingent upon the Board of Commissioners approval of the Planned Development amendment to allow an assisted living facility as a permitted use. The motion was seconded by Mr. Paul Sanders and unanimously adopted.

At this time, Chairman Dow called for a 5 minute recess. The meeting resumed at 7:35 p.m.

ZM2830 Marshall Building: Consider a request to rezone from Village Residential (VR) to Village Mixed Use (VMU) property located in the Island Preservation District. The property consists of 5 lots fronting on Lord Avenue west of its intersection with Mallery Street. Parcel IDs: 04-04921, 04-13640, 04-04922, 04-04923, 04-04924. Vassa Cate, applicant for Atlas Georgia IV, LLC, owner.

Mr. Vassa Cate and Mr. Bill Edenfield were present for discussion

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

The applicant proposes to rezone the above referenced parcels and redevelop the property using other adjacent parcels already zoned VMU. If rezoned, the allowable uses would expand to allow limited commercial and office space along with residential uses. Prior to any development on this site the applicant will be required to submit a site plan application and obtain Village Preservation approval from the Islands Planning Commission.

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 subject lots are located in an Existing Activity Center and Village Center, based on the Comprehensive Plan and the Future Land Use Map respectively. A mixture of possible uses is therefore an appropriate request.

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

The proposed change will allow for a mixture of possible uses, but will be consistent with the adjacent parcels if adequate measures are taken to address access, lighting, and buffers at the time of site plan review.

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

Yes, the use of the property may remain as currently zoned; however, the existing buildings are vacant and buildings on adjacent parcels have already been demolished.

- 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, the proposed request is consistent with this location being identified as an Existing Activity Center and Village Center.

- 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 application *ZM2830* to rezone from Village Residential to Village Mixed Use.

Mr. Humphries wanted to know if the surrounding property is already zoned Village Mixed Use. Mr. Landon replied yes, the property to the north and to the east as well as the property that fronts on Ocean Boulevard and Mallery Street are all zoned the same. However, the property to the left of this site is zoned for Single-Family Use and is not owned by the applicant.

Mr. Edenfield gave a brief presentation explaining that this request is preparation for a plan that will be developed and brought back to the IPC at a later date. He stated that it matches the surrounding existing zoning and provides the ability for the applicant to pursue detailed plans.

Mr. Ussery asked Mr. Edenfield if there are any ideas that he can share with them as to what is being considered for the property. Mr. Edenfield stated that based on discussions with Mr. Cate, they are possibly considering a mixed use development - a combination of residential and retail/office. Although they don't have a definite plan at this time, they thought that it would be prudent to be sure that they could actually do this to avoid losing money after the fact. Chairman Dow stated that in essence, the applicant will come back to the Planning Commission after deciding on a particular use allowed under the VMU District.

Mr. Kirkendall asked if this proposal meets the requirements of the Comprehensive Plan. Mr. Hainley replied yes.

Mr. Humphries asked Mr. Cate if he and Steve Been were Atlas Georgia, to which Mr. Cate replied yes.

At this time, Chairman Dow opened the floor for public comments beginning with Mr. Tate Simpson, adjacent property owner. Mr. Simpson stated that it concerns him that no clear plans have been submitted with this application but decisions are being made. He is also disturbed by the amount of litter that continues to accumulate in the Village and the fact that the applicant's proposed plans may or may not improve the situation, especially if those plans include a bar or shops. However, he feels that a residential development similar to what's in the area now would be an improvement.

Mr. Haven Paxton stated that he owns property within 221 ft. of the applicant's property and he would like for there to be a buffer between the two properties. Mr. Hainley explained to Mr. Paxton that buffers are on the list of items that they will address during the site plan approval process.

Mr. Gray Stowers, adjacent property owner, stated that when he purchased his property roughly 15 years ago he decided that he wanted to enlarge his house. The developer at that time advised him that a detailed plan would have to be submitted to the Planning Commission outlining everything that he wanted to do, and it all had to be in-keeping with the Village concept. Mr. Stowers stated that he did everything that he was told to do. However, the applicant for this request has purchased and torn down all of the surrounding dilapidated houses in the area. He is also in the process of removing the trees, and he is doing all of this without showing a plan. Mr. Stowers stressed that this is wrong; the applicant needs to submit a plan before receiving any action from the Planning Commission.

For clarification, Chairman Dow explained the process of the VMU submittal and stated that nothing will be approved until the applicant comes back with a definite plan. He advised the residents that they could go on-line to find out about all of the permitted uses under the VMU Zoning District. He further stated to the residents that they would have another chance to review the plans and ask questions at the Planning Commission level before this request is submitted to the Board of Commissioners for final action.

During a brief presentation, Mr. Vassa Cate pointed out that he is not planning to have any commercial use on the property with the exception of what's there now and has been there since the 1940's. He stated that he would like to make the area along Lord Avenue a one-way road, get rid of the dumpsters and circle back out through Ocean Boulevard. Mr. Cate stated that he is planning to have more living space above the commercial. The parking would be on the backside of the property because as the grade slopes, there will be two levels of residential above parking on the Lord Avenue side. On the front side there would be commercial with two levels of above residential and no commercial on the backside of the property. All existing commercial is being considered to be utilized as office space. He stressed that there would be no bars or restaurants planned for the property. Mr. Cate explained that the houses that were torn down were not very habitable for the Village and what he is planning to do would be a vast improvement for the area.

Mr. Paul Sanders commented that demolishing the dilapidated houses has already improved the area.

At the end of discussion, a motion was made by Mr. Robert Ussery to recommend approval of application **ZM2830** to rezone the property from Village Residential to Village Mixed Use. The motion was seconded by Mr. Paul Sanders and unanimously adopted.

PP2831 Seaside Cottages - Consider preliminary plat approval for a three (3) lot subdivision. Parcel ID: 04-10501. Seaside Cottages, LLC, owner.

Mr. Teeple Hill with Shupe Surveying was present for discussion.

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

This site is located in the Islands Future Development Area and is shown as Medium Density Residential on the adopted Future Land Use Map. The property is currently vacant and was originally approved as part of the Residence at Coast Cottage Condominium Development.

The applicant is proposing a three lot subdivision with frontage on Olive Way. The proposed use is permitted within the RR zoning district. The intensity of the proposed development will be limited by the minimum yard area requirements (6,000 sq. ft. for a one and two-family dwelling and 9,000 sq. ft. for a multi-family dwelling) and other applicable regulations.

The following are preliminary plat requirements (and staff's comments) in accordance with Section 703 of the Glynn County Subdivision Regulations - The preliminary plat shall consist of a map or maps, drawn at a scale of not less than one inch, two hundred feet depicting the following:

1. The proposed name of the subdivision and proposed street names shall not duplicate or too closely approximate phonetically the name of other subdivisions or streets in Glynn County. If shown to the contrary, the Planning Commission or Geographic Information System (GIS) office may refuse to accept such subdivision and street names; must indicate whether the streets are to be public or private.

Staff Comment: Provided by applicant on plat.

2. Name, address and telephone number of the owner of record.
Staff Comment: Provided by applicant on plat.
3. Name, address and telephone number of the subdivider.
Staff Comment: Provided by applicant on plat.
4. Date of survey, north point and graphic scale, source of data, date of plat drawing, and space for revision dates.
Staff Comment: Provided by applicant on plat.
5. Preliminary Plat Certificates and Statements.
Staff Comment: Provided by applicant on plat.
6. A vicinity map locating the subdivision in relation to the surrounding area with regard to well-known landmarks such as major streets and thoroughfares, railroad rights-of-way, rivers, streams and other named bodies of water. Vicinity maps may be drawn in freehand and at a scale sufficient to show clearly the information required, but not smaller than one inch to one mile.
Staff Comment: Provided by applicant on plat.
7. Name of former subdivision(s), if any.
Staff Comment: Not Applicable.
8. Exact boundary lines of the tract or parcel to be subdivided, indicated by a heavy line giving length and bearings, and total subdivision land area in acres. The boundary lines shall apply to the entire tract to be subdivided.
Staff Comment: Provided by applicant on plat.
9. Natural features within the proposed subdivision, including drainage channels, bodies of water, flood plain, wetlands and other significant features.
Staff Comment: Provided by applicant on plat.
10. Cultural features within the proposed subdivision, including rights-of-way widths, and names of existing and proposed streets and alleys, existing structures, existing easements, buildings, city and county lines, zoning districts and boundaries, and other significant information.
Staff Comment: Provided by applicant on plat.
11. Proposed layout including lot lines with rough dimensions, lot numbers, block letters, street and alley lines, sites reserved through covenants, dedication or otherwise for public uses.
Staff Comment: Provided by applicant on plat.
12. Location of existing water and sewer utilities, if a connection to these public systems is proposed.
Staff Comment: Provided by applicant on plat.

13. Proposed unit division or stage of development, if any, by the subdivider.

Staff Comment: Provided by applicant on plat.

14. The names of owners of record and zoning of land adjacent to the tract to be subdivided.

Staff Comment: Provided by applicant on plat.

15. FIRM Panel Number and flood zone designation.

Staff Comment: Provided by applicant on plat.

16. Building setback information per Zoning Ordinance including setback lines on odd shaped lot.

Staff Comment: Provided by applicant on plat.

Ms. Dagenhart stated that staff recommends approval of preliminary plat application **PP2831**, Seaside Cottages, subject to meeting all requirements during the development process and subject to the Board of Commissioners approving the abandonment of Beach Drive (abandonment application **AB2747**).

Chairman Dow asked that if the county does not approve the abandonment is this still a viable request. Mr. Hainley replied yes, it would go down to four dwelling units. Lot 1 would get reduced in size to where it would only contain a single-family dwelling. Chairman Dow stated that the three lots would still stand but the number of units would be dictated by whether the abandonment takes place.

Mr. Kirkendall wanted to know the current zoning for this particular piece of property. Mr. Hainley stated that the property is currently zoned RR Resort Residential. Mr. Kirkendall stated that he doesn't see anything in the documents that references the number of houses allowed on the property. He then asked if the Planning Commission is only approving the lot size. Ms. Dagenhart replied yes. Mr. Hainley clarified that the applicant would not have to come back for site plan approval for single-family duplexes.

Mr. Teeple Hill with Shupe Surveying Company explained that they prepared the preliminary plat. He stated that he's here to answer questions and to solicit the Planning Commission's approval of this request.

Mr. Humphries wanted to know the owners of Seaside Cottages; however, Mr. Hill did not know and stated that his point of contact is Hal Sigman. Mr. Sigman stated that he is not at liberty to disclose the names of the owners at this time, but he noted that they are all out-of-town investors.

There being no further discussion, a motion was made by Mr. Robert Ussery to approve preliminary plat application **PP2831**, Seaside Cottages, subject to meeting all requirements during the development process and subject to the Board of Commissioners approving the abandonment of Beach Drive (abandonment application **AB2747**). The motion was seconded by Mr. Paul Sanders. Voting Aye: Mr. John Dow, Mr. Preston Kirkendall, Mr. William Lawrence, Mr. Paul Sanders and Mr. Robert Ussery. Voting Nay: Mr. Stan Humphries. The motion carried for approval.

PP2842 Brailsford Landing - Consider preliminary plat approval for an eight (8) lot subdivision, and approval of an exception to the maximum number of vehicle trips permitted on a minor street (Kings Marsh Way). The property is located at the northwest corner of Longview Road and Kings Marsh Way. Parcel ID: 04-07913. Property owned by Vassa Cate.

Mr. Vassa Cate was present for discussion. Mr. Bobby Shupe of Shupe Surveying Company and Mr. Johnathan Roberts of Roberts Civil Engineering were also on hand to answer questions.

According to the staff's report, which was presented by Ms. Dagenhart, this proposed subdivision would create a total of eight lots; five with frontage on Longview Road and the remaining three with frontage on Kings Marsh Way. There will be two common areas which would be used for the recreation and enjoyment of the homeowners. The proposed use is permitted within this PD zoning, which is consistent with the regulations set forth in the GR General Residential District. The intensity of the proposed development is limited by the minimum standards of the PD Text (e.g., lot size, lot width, building setbacks, maximum allowable density, etc.) and other applicable regulations.

The request for the approval of this preliminary plat involves a second request for an exception to the maximum number of vehicle trips allowed on a minor street (Kings Marsh Way). The current maximum number of Average Daily Trips (ADT) on a minor street is 250. There are already 28 condominium units in the Kings Marsh Subdivision, which use Kings Marsh Way for access. According to the *Subdivision Regulations Section 501* these 28 units create 280 ADT (ten trips per day per unit).

The Brailsford Landing development has three proposed units accessed through Kings Marsh Way. These three proposed units would bring the ordinance calculated traffic flow to 310 ADT. In reality, the Kings Marsh Subdivision has a large number of part-time residents and the ADT on Kings Marsh Way is significantly less than 280. The Institute of Traffic Engineers traffic projection for this street would be 5.86 trips per unit. With this calculation, the ADT comes to 182 (28 units in Kings Marsh Subdivision plus the three proposed units for Brailsford Landing).

The County Engineer does not have an issue with the approval of an exception based upon this information.

The following are preliminary plat requirements (and staff's comments) in accordance with Section 703 of the Glynn County Subdivision Regulations - The preliminary plat shall consist of a map or maps, drawn at a scale of not less than one inch, two hundred feet depicting the following:

1. The proposed name of the subdivision and proposed street names shall not duplicate or too closely approximate phonetically the name of other subdivisions or streets in Glynn County. If shown to the contrary, the Planning Commission or Geographic Information System (GIS) office may refuse to accept such subdivision and street names; must indicate whether the streets are to be public or private.

Staff Comment: Provided by applicant on plat.

2. Name, address and telephone number of the owner of record.

Staff Comment: Provided by applicant on plat.

3. Name, address and telephone number of the subdivider.

Staff Comment: Provided by applicant on plat.

4. Date of survey, north point and graphic scale, source of data, date of plat drawing, and space for revision dates.

Staff Comment: Provided by applicant on plat.

5. Preliminary Plat Certificates and Statements.

Staff Comment: Provided by applicant on plat.

6. A vicinity map locating the subdivision in relation to the surrounding area with regard to well-known landmarks such as major streets and thoroughfares, railroad rights-of-way, rivers, streams and other named bodies of water. Vicinity maps may be drawn in freehand and at a scale sufficient to show clearly the information required, but not smaller than one inch to one mile.

Staff Comment: Provided by applicant on plat.

7. Name of former subdivision(s), if any.

Staff Comment: Not Applicable.

8. Exact boundary lines of the tract or parcel to be subdivided, indicated by a heavy line giving length and bearings, and total subdivision land area in acres. The boundary lines shall apply to the entire tract to be subdivided.

Staff Comment: Provided by applicant on plat.

9. Natural features within the proposed subdivision, including drainage channels, bodies of water, flood plain, wetlands and other significant features.

Staff Comment: Provided by applicant on plat.

10. Cultural features within the proposed subdivision, including rights-of-way widths, and names of existing and proposed streets and alleys, existing structures, existing easements, buildings, city and county lines, zoning districts and boundaries, and other significant information.

Staff Comment: Provided by applicant on plat.

11. Proposed layout including lot lines with rough dimensions, lot numbers, block letters, street and alley lines, sites reserved through covenants, dedication or otherwise for public uses.

Staff Comment: Provided by applicant on plat.

12. Location of existing water and sewer utilities, if a connection to these public systems is proposed.

Staff Comment: Provided by applicant on plat.

13. Proposed unit division or stage of development, if any, by the subdivider.

Staff Comment: Provided by applicant on plat.

14. The names of owners of record and zoning of land adjacent to the tract to be subdivided.

Staff Comment: Provided by applicant on plat.

15. FIRM Panel Number and flood zone designation.

Staff Comment: Provided by applicant on plat.

16. Building setback information per Zoning Ordinance including setback lines on odd shaped lot.

Staff Comment: Provided by applicant on plat.

Ms. Dagenhart stated that staff recommends approval of preliminary plat application **PP2842**, Brailsford Landing, subject to meeting all requirements during the development process with an exception to the number of units allowed on a minor street.

Mr. Kirkendall asked staff for the zoning of this particular property. Mr. Hainley stated that the property is zoned PD Planned Development and the request is by the standards of the PD Text. Mr. Kirkendall had a number of questions regarding the traffic count and how it was calculated, especially in this particular area, and suggested that a traffic study be conducted before granting approval. Mr. Hainley pointed out that the calculations were done strictly by the Institute of Transportation Engineers Trip Generation Rates which is used in all development of traffic studies for Glynn County.

Chairman Dow wanted to know if the property was part of the original development in the PD. Mr. Hainley replied that it is part of a larger portion of the zoning text but not part of the original project, as echoed by a number of attendants.

For additional clarification, Mr. Bobby Shupe of Shupe Surveying stated that his office prepared the preliminary plat, and the zoning is for a larger area; it is not in the original PD of the Longview Shopping Center. Also, according to the PD, they used the GR Zoning District as their guide and although the PD references commercial, they used the General Residential criteria which allows for 10 units per acre. This particular property is a little over eight-tenths of an acre with 8 units being all that could be allowed as single-family, condominium or a townhome development. Mr. Shupe stated that they respectfully request approval of this preliminary plat project and the variance. For the record, he pointed out that Vassa Cate does not own this particular property. It is actually owned by SunTrust Bank. Mr. Cate has a contract to purchase the property but it is subject to the zoning.

Chairman Dow stated that although this is not a public hearing item, the Planning Commission would welcome public comments. Attorney Todd Brooks stated that he is the spokesperson for Kings Marsh Villas residents who are opposed to this request. He presented pictures of the foliage and the scenic view of the wooded area which he stated would be destroyed if this request is approved. Mr. Brooks stated that this is not the most appropriate use of the land. If approved, there would be a loss of privacy and a loss of the integrity of the neighborhood, which would lead to the loss of property value. He feels that this request does not follow the guidelines of the Ordinances for Glynn County. He further stated that there may be historical issues that need to be addressed and he agreed with Mr. Kirkendall's suggestion of a traffic study being conducted. On behalf of the Kings Marsh Villas residents, Mr. Brooks encouraged the Planning Commission to deny this request.

Mr. Robert Ussery wanted to know the density of Kings Marsh Villas. Mr. Brooks stated that there are 28 units but he does not know the density. Mr. Cates stated that Kings Marsh Villas consists of approximately 3 acres; 10 units per acre.

The following residents were also present to speak in opposition to this request: Mr. Gary Schuariz, Ms. Marie Coughenour, Ms. Mary Boyd, Mr. Larry Threlkeld, Mr. Steven Smith, Ms. Mimi Waite and Mr. Johnathan Hendry. They expressed concerns about increased traffic and the safety of their children, loss of vegetation, loss of privacy, buffers and drainage issues.

Attorney Joey Strength, representing SunTrust Bank, pointed out that the issues raised by the residents are all zoning issues and do not pertain to this preliminary plat, which meets all of the requirements for approval. He stated that this property will be sold to someone and it will be developed. The zoning that is applicable to the property has been in place for decades and was there prior to Kings Marsh Villas. He also pointed out that the property could be developed right now as a condominium with no subdivision plat approval. Finally, Mr. Strength stated that the title to the area is fairly complicated and the condominium declaration does not in itself grant an easement over Kings Marsh Way. He stated that it would be inequitable for the county to not approve this project based on the traffic count when SunTrust Bank does in fact have an easement over Kings Marsh Way and the condominium association does not have a clear conveyance of that

right. It would also be inequitable to refuse the three units based on traffic especially when Kings Marsh Villas already exceeds the maximum daily trips. On behalf of SunTrust Bank, Mr. Strength stated that he would appreciate the Planning Commission's approval of this preliminary plat request.

Mr. Kirkendall stated that according to the drawing, Kings Marsh Way is a 40 ft. private access easement. Mr. Shupe stated that it is actually a non-exclusive easement. It is not a public road and it is not maintained by the public.

In addressing the drainage issues Mr. Johnathan Roberts of Roberts Civil Engineering stated that he met with county staff on site to look at the drainage. He stated that this plan, relative to the building permit application, would accommodate a drainage design that would have on-site retention and manage the water run-off. He then pointed out the detention area locations as proposed by the County Engineer which he stated would connect into the ditch behind the Post Office. Mr. Roberts assured the members that everything will be in place and approved by the County Engineer before they receive the building permit.

Mr. Ussery asked if there are any improvements required to the streets in the area beyond what's currently in place. Mr. Roberts replied no, according to the County Engineer, he is comfortable with the streets. Mr. Ussery asked if Longview Road is acceptable for additional development relative to the pavement. Mr. Hainley stated that staff's main concern was Kings Marsh Way; he is not sure about Longview.

Mr. Humphries commented that Mr. Strength may be correct when he stated that somebody will buy the property and it will be developed, but he is very concerned about removal of the trees and vegetation, and for this reason he is opposed to this request. He did state however that he would be in favor of it if some of the trees and the vegetation could be preserved.

At the end of discussion, a motion was made by Mr. Robert Ussery to approve preliminary plat application **PP2842**, Brailsford Landing, subject to meeting all requirements during the development process with an exception to the number of units allowed on a minor street. The motion was seconded by Mr. Preston Kirkendall. Voting Aye: Mr. John Dow, Mr. Preston Kirkendall, Mr. Paul Sanders and Mr. Robert Ussery. Voting Nay: Mr. Stan Humphries and Mr. William Lawrence. The motion carried for approval.

There being no further business to discuss, the meeting was adjourned at 9:00 p.m.