

PLANNING COMMISSION CHAIR

Lawanna Tsoulos

PLANNING COMMISSION

Barry Brown, Vice
Susan Hill, Vice Vice
Charlie Brewer
Sandy Chandler
Bill Garbett
Honor Hutton
Gene Kindrick
Chuck Powell



CITY MANAGER

Diane Schleicher

ZONING ADMINISTRATOR

Dee Anderson

CITY ATTORNEY

Edward M. Hughes

MINUTES

Planning Commission Meeting November 21, 2006 – 7:00 p.m.

Chair Lawanna Tsoulos called the November 21, 2006 Planning Commission to order. Commissioners Charlie Brewer, Barry Brown, Sandy Chandler, Bill Garbett, Susan Hill, Honor Hutton, Gene Kindrick, and Chuck Powell, were all present.

Chair Lawanna Tsoulos thanked Zoning Administrator Dee Anderson for his service to the City of Tybee Island and wished him good luck in his new position as City Manager for the City of Cornelia, Georgia.

Chuck Powell motioned to approve the Minutes from the October 9, 2006 agenda meeting. Gene Kindrick seconded the motion and the vote was unanimous. Susan Hill motioned to approve the Minutes from the October 17, 2006 Planning Commission meeting. Gene Kindrick seconded the motion and the vote was unanimous.

Harold Yellin presented petitions for Chris Chandler for a proposed Text Amendment to the Land Development Code Section 4-050 (F), District Use Regulations, to allow assembly halls in the C-2 district as well as Site Plan Approval for an assembly hall at **1126 Highway 80**, PIN 4-0026-11-023, Zone C-2. Sandy Chandler recused himself due to the petitioner being his relative. Yellin stated the property was purchased for the purpose of holding special events. He stated they have been in contact with some of the neighbors in an effort to address concerns like noise and hours of operation. He stated the building is 2,048 square feet and there are 23 parking spaces. Yellin stated that the proposed Text Amendment is modeled after the City of Savannah's ordinance for assembly halls. He stated the project will impact the neighborhood as would any other use for the property such as a restaurant, motel or grocery store which are allowed uses for the property. Yellin pointed out there already exists assembly halls on the island like churches, the American Legion and the Shrine Club. Gene Kindrick asked if the capacity of the building has been determined. Yellin answered they have not met with the Fire Marshal yet. Kindrick pointed out that Chandler's website shows they have future events booked for parties of 100 to 175 people and the building can not hold that many people. Barry Brown stated the Code says there must be 15 square feet per person and parking needs to be addressed. Yellin said there was not a guideline for this use. Brown asked how they plan to manage the hours of operation. Yellin said they could bring everyone inside at a certain time. Brown said the decibel levels of the noise ordinance need to be addressed as well. Yellin stated Chandler plans to begin turning the speakers away from the neighbors. Bill Garbett stated this requires more study and information. He asked Yellin if he could provide some information from Savannah as to how they handle situations like this. Yellin responded that the criteria may have to be site specific. City Attorney Bubba Hughes recommended that any Text Amendment adding assembly hall to allowed uses in C-2 be only after Special Review. He stated that the parking plan could be approved by Staff and that the capacity needs to be determined and maintained as well as noise control. Susan Hill stated she agreed with Hughes because the other uses Yellin cited require Special Review or Site Plan Approval. She said there are trees where several of the parking spaces are drawn. Yellin said they would

like for the Text Amendment to go to Council and then his client could come back for Special Review. Chuck Powell said the Commissioners need a definition for assembly hall and more information than what was being presented. Hill agreed. Brown said if the City was going to allow businesses to share parking then it should do away with parking requirements. Charlie Brewer stated that occupancy needs to be addressed. Powell stated that in C-2 there are a lot of residential uses but the buffer requirements do not apply. Brown asked if this property is C-2 or EC because it is further than 200 feet from the curb. Hughes stated it is TBR and that the zoning map overrules the ordinance because this is the map that was adopted by City Council. Bill Dowell, neighbor to the west of the Chandler property, said the City has an opportunity to get this right from the beginning and it needs to come back with all of the concerns addressed. He said they need to look at the allowed decibel levels on Tybee Island because 75 decibels is deafening. Dowell stated he does not know how this property became C-2 because it does not meet the intent of the Code; C-2 should be accessible from Highway 80. He asked if the building would be required to be wheelchair accessible. Chris Chandler stated his intent all along was to hold special events at this property and he has had 12 events so far and the Police have never been called. He said he will address the concerns but they need to address the fact that this type of use is needed on Tybee. Dowell said at least four of the events were extremely loud but he did not complain because he assumed the business license was legitimate and he did not want to call the Police until he obtained a decibel meter. At Brewer's request Chandler described a typical event. Chair Lawanna Tsoulos closed the Public Hearing. Garbett made a **motion to continue** in order for the petitioner to address a definition of an assembly hall and conditions of the possible use such as parking, noise, fire safety, capacity, hours of operation, bathrooms, handicap accessibility, cooking, and alcohol. Brewer seconded. The **vote was unanimous**. (Note that Sandy Chandler did not vote.)

David Kindred presented a Special Review petition to add 2 town homes to the existing 3 town homes located at **10 Naylor Avenue**, PIN 4-0019-01-010B, Zone R-T. Kindred stated the units would be 900 square feet and would be affordable. Barry Brown asked if drainage was required. Dee Anderson stated a drainage plan would be required prior to the issuance of a building permit. Brown questioned the existing stairs located in the setback. Kindred stated the stairs would be removed and replaced with stairs that meet the setback requirement. Chuck Powell asked about a significant tree. Kindred said the tree in the middle would have to be removed but all the other trees would remain. He stated that the trees are very important to the project. The tree to be removed was found on the plan. There was a long discussion as to whether or not the property met the square footage requirements. Anderson stated they have to take into account the square footage of the entire piece of property, not just the area where the new units will be built, and the project does meet the 8,000 square foot minimum size required. Chair Lawanna Tsoulos closed the Public Hearing. Gene Kindrick made a **motion to approve**. Bill Garbett seconded. The **motion passed** with seven voting in favor and Susan Hill voting in opposition.

Tom Mahoney III presented a petition for Turner and Weeks, LLC, for a Zoning Variance from the Land Development Code Section 3-030, Reduction in Lot Area, in order to build a duplex at **204 Miller Avenue**, PIN 4-0004-11-018, Zone R-2, a 6,591 square foot lot. The minimum lot size requirement for a duplex in Zone R-2 is 6,750 square feet. Mahoney stated the petitioner would like to build a duplex for their families to use and the building would be a LEED- (Leadership in Energy and Environmental Design) certified building. Josh Brooks of J.T. Turner Construction explained what a LEED-certified building entails. Susan Hill asked how they can request to increase the allowed density when they are talking about building a LEED-certified building. Mahoney stated that what they are requesting is the equivalent to about 5-1/2 inches around the perimeter of the property. Mahoney distributed a handout and explained that the lot would not be overbuilt and the request is consistent with the surrounding properties. Barry Brown questioned whether or not the surrounding, existing duplexes met the square footage requirements of the Code. Mahoney said it appears some of them do and some do not, but the issue is whether or not Turner and Weeks are introducing something that is inconsistent with the neighborhood. Brown asked what the hardship was. Mahoney stated that LEED-certified construction is more expensive. Bill Garbett asked if the property is for sale. Mahoney said it is but would be taken off the market if they are allowed to build a duplex. Chuck Powell gave the Code's definition of a hardship.

Brown stated that economic value is not considered a hardship. Mahoney pointed out that they meet the requirements of Section 3-030, Lot Reduction. Sandy Chandler said the property is near other duplexes but it is not surrounded by duplexes; no adjacent property has a duplex on it. Mahoney stated the properties across the street are duplexes. Brown said the lot was recently purchased with the knowledge that it was undersized for a duplex; it has not been in their families for years. When Charlie Brewer asked about the height, Mahoney answered that it would be 2 stories over parking and under the 35-foot height limit. Garbett asked if they would be willing to amend the deed stating that the footprint could not be expanded and that the building would be LEED-certified. Mahoney answered that they would be agreeable to the request. Chris Case, a neighbor to the south of the property, stated he is opposed to the project. He said the duplexes across the street were built in the 1960s, and they have not shown a legitimate hardship. He said they should find a lot that is big enough for a duplex. Mahoney pointed out that a single family house could be built on the lot with a larger footprint than what is being proposed. Chair Lawanna Tsoulos closed the Public Hearing. Chandler made a **motion to deny** the request and Hill seconded. The vote was unanimous so the motion to deny **passed**.

Stuart Sligh of Sligh Environmental Consultants, Inc., presented a petition for a Zoning Variance from Section 5-010 (J), Shore Protection with Variance Clause, at **1805, 1807 and 1809 Chatham Avenue**, PINs 4-0009-13-001, 4-0009-13-003 and 4-0009-13-004, Zone R-2. The petitioner was Courtney Flexon et al. Sligh said they propose to relocate approximately 1,400 cubic yards of sand dune which is consuming the properties in order to re-nourish the beach. Courtney Flexon, one of the property owners, stated they consulted Engineer Charlie George who said the sand will stay if it is placed between the existing groins. Barry Brown said the sand has consumed the back yards. Honor Hutton asked if the Corps of Engineers has been consulted. Flexon stated the Corps advised them to work with the DNR. Sligh said the Corps will issue a permit pending the DNR approval. Chuck Powell asked who would bear the expense. Flexon stated the homeowners would. Sandy Chandler stated the Code is not intended to destroy people's property which is exactly what is happening here; the dune is at the back of the houses and this is a manmade problem. Chair Lawanna Tsoulos closed the Public Hearing. Brown made a **motion to approve** provided they work with the DNR and other proper authorities. Chuck Powell seconded the motion. The vote was unanimous so the motion **passed**.

There was discussion as to whether or not the next meeting of the Buffer Committee should be moved to another date. Chair Lawanna Tsoulos said she would communicate the next meeting date via email.

As there was no other business the meeting was adjourned.