

PLANNING COMMISSION

Libby Bacon
Demery Bishop
Charlie Brewer
Barry Brown, Chairperson
Sandy Chandler
Bill Garbett
John Major
David Postle
Chuck Powell, Vice Chairperson



CITY MANAGER

Diane Schleicher

PLANNING, ZONING & ECONOMIC DEVELOPMENT DIRECTOR

Brannyn G. Allen

CITY ATTORNEY

Edward M. Hughes

MINUTES

Planning Commission Agenda Meeting November 12, 2007 – 7:00 p.m.

Chair Barry Brown called the November 12, 2007 Planning Commission agenda meeting to order. Other Commissioners present were: Libby Bacon, Charlie Brewer, Sandy Chandler, David Postle, and Chuck Powell. Absent were Demery Bishop, Bill Garbett and John Major.

Chair Barry Brown said that the Minutes of the August 13, 2007, Planning Commission agenda meeting and the August 21, 2007, Planning Commission regular meeting would be voted on at the Planning Commission meeting on Tuesday, November 20, 2007.

Paul Theron represented a Site Plan Approval petition for Ziv Navon at **25 Tybrisa Street**, PINs 4-0008-04-001 and 04-0008-04-011A, Zone C-1. The request was for a commercial addition to an existing commercial building. Theron said that the project was between the Aloha Gifts and the Waves stores. He said the addition would tie the two stores together with an entrance into the addition from the Aloha store. Chair Barry Brown asked if the existing deck that separates the two stores would be covered. Theron said yes. He said that a lot recombination would take place to combine the two into one property. He said that both lots have the same owner. Chuck Powell requested a drainage plan and an engineering review. Brown said that if the drainage and engineering information was provided by Friday, the petition would be on the agenda for the following Tuesday.

Sam Liberti represented Frank and Kim Nelson for two Zoning Variances from the Land Development Code at **1409 Chatham Avenue**, PIN 4-0011-09-005, Zone R-2. The requests were a variance for two driveway openings and a side setback variance for stairs. The first variance was from Section 3-080(B)(2), Off-street Parking Requirements, and the second was from Section 3-090, Schedule of Development Regulations. Chair Barry Brown recused himself. Vice Chair Chuck Powell asked Liberti to explain the petition. Liberti said that when he brought a plan before the Commission last year the steps were planned for the rear of the house. He said that on the original house the steps were off to the side. He said they are asking to move the stairs to the original location. Liberti said that they are trying to save the backyard. He said they are also asking to create an elliptical driveway with two tire runners into each garage to lessen the impact of the driveway. He said that the driveways would be 12 feet wide with 22 feet, 11 inches between, with pavers running into the garages on both sides. Libby Bacon asked for a drawing of how the stairs were to be originally configured. Liberti agreed to provide it by Friday. Powell requested a full explanation of why this was a hardship be given at the next meeting. It was agreed to put the petition on the agenda for November 20th.

Gary Sanders represented a conceptual Site Plan Approval petition for Brian Malins at **406 First Street**, PIN 4-0003-13-020, Zone C-2. The request was for a commercial addition to an existing commercial building. Sanders said that it was for the High Tide building and he emphasized that it was conceptual. Chuck Powell asked what was expected of them under conceptual plan review. Brannyn Allen said that the Land Development Code does not make provisions for conceptual plan review. Sanders said that they wanted feedback before they commit to the engineering. Chair Barry Brown asked if it required a 25-foot buffer because it was adjacent to residential. Sanders said they used the option of 10-feet and a fence. Sandy Chandler asked about trees that would be removed and how they would be mitigated. Sanders said that they tried to move parking spots and that the driveway would be gravel so they would try to save as many trees as they could. He said they hoped they could

ask to save trees by having less parking spaces. Chandler asked if there was a way to reconfigure the building to require less parking. Sanders said they could not do that without giving up use of the land. He said they would have to either take the trees down or get some relief on the parking. David Postle spoke of an expansion by the City of Savannah along the river and a company bringing in adult oak trees. He asked if the oak tree from Sanders' site could be moved. Sanders said he would hope they would only be held to mitigating the trees. He asked that if there was a tree that could be saved could they ask for a parking variance. Brown suggested they cross that bridge when they got to it. Brown asked if it was a retail store, top and bottom. Sanders said it was commercial; it could be offices. Brown asked if it was going to turn into a condotel. Sanders said he was not sure. Libby Bacon asked about trees and parking which the group discussed further. Charlie Brewer asked what was located behind the parking area. Sanders said it was another commercial building. Brown discussed with Sanders an upper floor breezeway between the two new buildings. Brown said it needed to be shown on the site plan. Bacon asked about the breezeway between the existing building and one of the new buildings. Sanders said they would show it also. It was agreed to put it on the agenda for the following Tuesday.

Kimberly Doyle represented Doyle Landscape Design and Management, Inc., for a Site Plan Approval petition for **1207 Highway 80, Lot 8**, PIN 4-0026-02-009, Zone C-2. The request was for a temporary commercial building with porch. Doyle said it would be a temporary 16-foot by 16-foot structure for storage. The location of the structure on the site was discussed. Sandy Chandler asked if lots 7 and 8 were on the same PIN number. Doyle said yes. Chandler said that the lot line went down the middle of the building. Doyle spoke of an agreement with the landlord that they split that lot with the next door renter. Chuck Powell said they would need drainage and comments from the engineer. Chair Barry Brown referred to a prior Site Plan petition for a temporary structure when a drainage plan was not required. Brannyn Allen said that the Code does not make provision for temporary structures. Libby Bacon requested a copy of the letter from the property owner authorizing the structure. Brown said that the letter was on file. He requested that Staff copy it for each Commissioner. It was agreed to put the item on the agenda for November 20th.

Anthony Sapone of Catskill Builders, Inc., represented Jamee Barnard for a Special Review petition and a Site Plan Approval petition for **801 First Street**, PIN 4-0019-01-003, Zone C-2. The request was for a residential addition to an existing commercial building. Sapone said that it was for the Bowie Seafood site. He said that the request was for an apartment and an employee break room. He said that it would be residential over commercial like Pizza on Wheels, Sugar Shack, Waves, and Sea Strands. He said that more than likely it would be owner-occupied. Chair Barry Brown asked if it stayed within the existing footprint. Sapone said that was correct. Chuck Powell asked for a drainage plan, an engineering review and a parking plan. Brannyn Allen said that they were being reviewed by Downer Davis. It was agreed to place the petition on the November 20th agenda.

Harold Yellin represented Cathy and Lloyd Kilday for two **Text Amendments** related to two Sections of the Land Development Code: 3-060 **Bed and Breakfast Regulations**, and 4-050(A)(2) **Uses Permitted After Special Review**, Zone R-1. Yellin said that the Kilday's own The Tybee Island Inn. He said that the current ordinance limits the number of units to five in a bed and breakfast. He said they would like to increase that number. Chair Barry Brown suggested the requests be pulled until after the Master Plan has been adopted. Brannyn Allen said that the Master Plan should be adopted at the December 13th City Council meeting. She said that they would then begin addressing the Land Development Code in January. Charlie Brewer spoke of the City's bed and breakfast owners forming a committee and establishing criteria for their industry. The group discussed rental property, bed and breakfasts, and the Master Plan. Brannyn Allen said the Master Plan recommends a review and possibly a rewrite of the Land Development Code. David Postle asked if the inn had five rooms now. Yellin said that there are five rooms and the owners would like ten. Yellin and Postle discussed the number of rooms and parking. Chuck Powell said that they are not considering a specific site; they are considering a Text Amendment. Brewer spoke of the owners of some bed and breakfasts losing their Stephens-Day tax exemptions. He asked for research of where the number of rooms in the current ordinance came from. Yellin said that if you do not live there, it is hard to make a living with five rooms. He asked Brown if the request would be continued. Brown said it would be tabled until the December meeting. It was agreed that the item would not be placed on the November 20th Planning Commission agenda.

Gary Sanders represented Rocker Developments, LLC, for a Site Plan Approval petition at **502, 504 and 506 First Street**, PINs 4-0003-12-013, -014, -015, -016, and -017, Zone C-2. The request was for a commercial building and a swimming pool. Sanders said the front of the site had originally been approved for three duplexes. Chair Barry Brown asked if it was retail/office space. Sanders said yes. Chuck Powell asked for an engineering

review. Brannyn Allen said that the comments would be issued by Friday. Chair Barry Brown asked if the swimming pool was on common ground. Walt Rocker said it was in access and utility easements. Brown asked if the pool was for the commercial use or for the neighborhood use. Rocker said it was for the neighborhood use. Brown asked about the bathrooms. Sanders said the bathrooms were for use by the pool. Brown asked if the bathrooms were on ground level. Sanders said they were above the floodplain of 12 feet. He said they would like to eliminate two parking spots to plant trees. Brown asked if they could back up the building and put some greenery there. Sanders said they do not have an extra foot. Sandy Chandler asked if the pool and bathrooms were part of the residential neighborhood. Sanders said yes. Brown asked what type of easement the pool was in. Brannyn Allen explained that she, Sanders and Rocker discussed this and that Rocker was going to talk with his attorney to see what the options might be. She said that conveying it as common area to the POA is an option though there were concerns with having the bathrooms in one project and the pool in another so there would need to be a long-term agreement. Allen said that it was an unusual situation. Chandler asked if it was a motel. Sanders said no, it was for retail/commercial. Charlie Brewer asked about the site plan. Sanders said they are hoping to develop parking spots for the nature trail. Brewer asked if it was a contiguous roadway to Keith Gay's property. Sanders said yes. Brown asked how many units were being proposed. Sanders said that the sizes of units were flexible. Brown asked if the retail space did not work, if the buildings could be converted to condos. Sanders said that they would have to come back to the Planning Commission. Brown said the design leaves that impression. Sanders said there were no intentions for that. It was agreed to put the petition on the agenda.

The next item was **Final Plat Approval – Major Subdivision** for Clyde Johnson of Ocean Inlet Development Company. This would not be a Public Hearing at the Planning Commission regular meeting or at the City Council meeting. It was for Battery Row Subdivision, PIN 4-0024-02-003, Zone R-2. Chair Barry Brown said that the item had been pulled at the recommendation of Staff.

A **Text Amendment** related to Section 4-050(A)(2), **Uses Permitted After Special Review**, was discussed. This was Ordinance 13-2007, and it proposed adding science and marine educational centers, lighthouses, and related historical facilities to uses permitted after Special Review in the R-1 Zone. Chair Barry Brown suggested it be tabled as the previous proposed Text Amendment had been so that it would correspond with the Master Plan. Chuck Powell said that the uses are already allowed in R-1. Brannyn Allen said that, like many things in the Land Development Code, it was up for interpretation and they were trying to clarify it with the proposed Amendment. Charlie Brewer said that the real issue is the location of the Marine Science Center with respect to the Shore Protection Line. The group discussed the proposed Text Amendment, the upcoming adoption of the Master Plan and the future rewriting of the Land Development Code. It was agreed that the item would not be on the agenda.

Ordinance 17-2007 was discussed next. This was a **Text Amendment** to the Land Development Code for Section 5-010(J), **Shore Protection with Variance Clause**. It was written to clarify provisions and provide an effective date. The group discussed the Coastal Protection Subcommittee and the research it had been preparing. It was agreed that the proposed Text Amendment would not be put on the agenda.

Staff explained that because the Planning Commission had not been active since August due to five Commissioners filing for election to City Council, the current City Council decided to hold Public Hearings on November 29th rather than December 13th. To meet the legal requirement that Public Hearings be advertised 15 to 45 days prior, the notices for the Public Hearings on November 29th would be printed in the *Savannah Morning News* on November 13th. Therefore, all of the items discussed at this Planning Commission agenda meeting that required Public Hearings must be heard at the Planning Commission's regular meeting on November 20th and at the City Council meeting on November 29th.

Brannyn Allen explained the next item to the Commissioners which was **Technical Specifications**. This would not be a Public Hearing at the Planning Commission regular meeting or at the City Council meeting. Allen said that adopting Technical Specifications would solidify the standards that the City of Tybee Island has been holding developers and contractors to. She said that the City of Savannah has an excellent framework already in place. She said they are development guidelines, policies and procedures to help clarify and level the playing field for Staff and for developers and contractors. She said it would set up an opportunity for consistency and accountability, not only in the Planning office but also through engineering review. Allen said that the Specifications come with certain exemptions and amendments that are specific to Tybee and those were attached to the Commissioners' packets. She said there would be revisions from time to time and that was the nice part about adopting the City of Savannah's Technical Specifications as a blanket statement; as the City of Savannah

makes amendments they would automatically be updated into Tybee's Specifications as well. She said that would help Tybee keep pace with developments and emerging technology. Allen said that Staff was pleased with how environmentally friendly the Specifications were, in some cases more so than what was required on Tybee. She said the Technical Specifications would be a tool that Tybee could use to begin to establish a baseline for development review, on paper and in the field. Charlie Brewer asked about language related to tree protection and if that would include City projects. Allen said that it would. Brewer and Allen discussed various aspects of the Technical Specifications.

The final item to be discussed was **Development Review Procedures and Manual**. This would not be a Public Hearing at the Planning Commission regular meeting or at the City Council meeting. Brannyn Allen said she wanted to postpone the item pending the adoption of the Technical Specifications.

Libby Bacon asked if Shore Protection reports could be presented at the November 20th Planning Commission meeting. After discussion it was decided to put the Coastal Protection Subcommittee reports on the agenda for the Planning Commission's meeting in December. Charlie Brewer asked if Clay Stevens could speak to the Planning Commission about Shore Protection. Brannyn Allen said they could explore that. Bacon asked if that would delay the Subcommittee's reports. Chair Barry Brown said no.

Chair Barry Brown said that he and Charlie Brewer would step down from the Planning Commission before the December meetings due to their election to City Council.

The meeting adjourned.