

PLANNING COMMISSION

James P. Boyle, Chair
Randi Bryan
Jay Burke
George Dausey
Lisa McKenzie
Anne Miller
Whitley Reynolds, Vice Chair



CITY MANAGER

Diane Schleicher

PLANNING AND ZONING MANAGER

Jonathan H. Lynn

CITY ATTORNEY

Edward M. Hughes

MINUTES

**Planning Commission Meeting
January 19, 2010 – 7:00 p.m.**

Chair James Boyle called the January 19, 2010, Planning Commission meeting to order. Other Commissioners present were: Randi Bryan, Jay Burke, George Dausey, Anne Miller, and Whitley Reynolds. Lisa McKenzie had resigned her position.

Chair James Boyle asked for a motion on the Minutes of the December 15, 2009, meeting. Whitley Reynolds motioned to approve and George Dausey seconded. The vote was unanimous.

Chair James Boyle asked if there were any Disclosures. Whitley Reynolds said that for item 1 he had done the survey for the owner of the building but had not worked for the petitioner. Jay Burke motioned to repeal Reynolds’ recusal. George Dausey seconded. The vote was unanimous.

Chair James Boyle opened a Public Hearing for Site Plan at **1207 Highway 80**, PIN 4-0026-02-009, Zone C-2. The petitioner was Susan Kelleher for Seaside Sisters. The request was for a tent at a retail business. Jonathan Lynn said that the tent would be a temporary structure. He said that during October, 2009, there were complaints to the Community Development Department concerning tents located at businesses without proper permitting or Site Plan approval. He said that they were advised to apply for Site Plan approval and that fees would be waived. Lynn said that according to Section 4-050(F) all uses within the C-2 district were required to have Site Plan approval. He said that the tent was 10- by 10-feet, 100 square feet, and was located on a deck. He said that Article 3 was going to City Council and as part of that there was to be a provision for tents as temporary structures in accordance with the International Building Code [IBC]. He stated that temporary structures would be allowed for no more than 180 days. Randi Bryan said that IBC Section 3-103.1.1, Temporary Structures, applied to areas in excess of 120 square feet but the tent was 100 square feet. Lynn said that the tent would not fall under that. Bryan said that tents were included in those structures. Lynn said that they would have to get a building permit for a structure that exceeded 120 square feet which would get into fire extinguishers and such. Bryan, Lynn and Boyle discussed. Kelleher said that the tent had been up for two years. She said that when they put it up Chuck [Barger] had no problem with what they were doing so there was never a question of getting a permit. She said that she was assuming that they were still under those rules; they have not changed so she was wondering why she had to get a permit. She described the tent and asked about the 180 days. Lynn said that the IBC was something that the City adopts and has to follow unless the City’s rules are more strict. He said that there was not anything in the City’s Code at the current time that referenced tents. He explained further. Boyle asked if a tent would require full Site Plan in the proposed Article 3 that would be going to City Council. Lynn said no, a tent would have to comply with the IBC. The two discussed. Bryan said that Kelleher’s looked more like a canopy than a tent. She said that a temporary structure tent would be more like a tent for a special event and would have lighting. She suggested a subparagraph for Kelleher’s type of structure. She asked if Ralph Douglas Jones’ structure was temporary. Lynn said that

was where the process started that got the other tents involved: the City went to that business to request that it remove its tents because they were not approved on a Site Plan. Lynn and Bryan discussed the subparagraph suggestion. Boyle and Lynn discussed tents for special events versus a tent such as Kelleher's. Boyle asked for public input. There was none. Kelleher requested that they call it a canopy and be done with the whole thing. She described the tent. Lynn said that there were no provisions for a canopy either. Kelleher asked for a summary. Boyle said that they were moving to a vote on the tent being permitted. He said that the tent may have to be taken down at 180 days unless Article 3 encompasses the right to have that in perpetuity. Boyle and Lynn discussed the amended Article 3 to be considered by City Council in the future. Boyle closed the Public Hearing. Bryan motioned to approve with a recommendation for City Council to consider adding a subset to Temporary Structures and have canopies not under tents. Whitley Reynolds seconded. Voting in favor were Bryan, Jay Burke, George Dausey, and Whitley Reynolds. Voting against was Anne Miller. The **motion to approve with a recommendation for City Council to consider adding a subset to Temporary Structures and have canopies not under tents passed** with a 4-1 vote. The request would be heard by City Council on February 11.

Chair James Boyle opened a Public Hearing for Site Plan/Subdivision at **4 Old Highway 80**, PIN 4-0024-01-005, Zone M-D. The petitioner was Paul Burns for Lazaretto Development. The request was for dry boat storage and parking on a proposed subdivided lot. Jonathan Lynn explained the request. He said that the applicant would subdivide the lot to have dry boat storage on one side. He said that currently there was over an acre. Lynn explained that the subdivision proposed one area of 0.8 acre and the other would be just under 0.4 of an acre. He said that the applicant had said that the reason they wanted to do this was to have two separate lots. Lynn reviewed the history of other Site Plans at the property. He discussed that there would need to be a legal conveyance because one lot would be served by a well located on the other lot. He concluded that there were engineering concerns that would be addressed by the City's consulting engineer, Downer Davis. Whitley Reynolds asked about the size of boats that would fit into some of the racks. Mark Boswell, engineer for the applicant, summarized the request. Paul Burns said that the racks were 12 feet wide, would be outside the 25-foot buffer, and the average boat was between 19- and 24-feet. Reynolds and Burns discussed the racks. Randi Bryan asked about boat trailers in the buffer. Burns said that they were existing. Reynolds and Burns discussed the trailers and parking. The City's engineer said that the general layout had no major problems. He discussed areas that would require permanent stabilization and additional permitting from the NRCS. He said that they were not proposing any new drainage features. After further discussion of drainage, Davis explained that terminology on the State waters labels needed to be worked out and the plan needed all buffers to be shown. He questioned maneuverability in the boat hoist area. Burns said that they would not allow anybody to pull there. Davis and Burns discussed. Davis recommended eliminating a parking space to alleviate congestion. He also recommended 2 or 3 parking spaces being converted to compact spaces to reduce congestion and allow greater ease in maneuvering. Davis expressed that he did not foresee anything major changing at permitting. Boyle asked for public input. There was none. Bryan asked about the legend on the plan for trees. Her question was answered to her satisfaction. George Dausey questioned maneuvering in some areas. He and Boswell discussed. The Public Hearing closed and Boyle called for a motion. Bryan motioned to deny. Anne Miller seconded. The vote was Bryan and Miller in favor and Jay Burke, Dausey and Reynolds opposed. The motion to deny failed. Reynolds moved to approve. Dausey seconded. Burke, Dausey and Reynolds voted in favor. Voting against were Bryan and Miller. The **motion to approve passed**, 3-2. The petitioner was advised that City Council would hear the item on February 11.

Chair James Boyle opened a Public Hearing for a Text Amendment to **Article 6, Sign Regulations**, of the Land Development Code. Jonathan Lynn presented photographs of existing signs. Banners, public safety signs, signs painted on canopies or awnings, and window signs were discussed. Lynn gave a timeline of opportunities for public input and how information has been disseminated regarding revisions to Article 6.

Lynn spoke about advertising benches. Illumination of signs, nonconforming signs, sign permitting, and conduction of an inventory of existing signs were all discussed. Boyle asked for public input. Pamela Lappin, President of Friends of the Tybee Theater, distributed a packet to the Commissioners and spoke about historic theater signage and about proposed signage at the theater on Van Horn. The group discussed. Cullen Chambers, Executive Director of the Tybee Historical Society and Chair of the Better Hometown Board, stated his support of the proposed ordinance. He commended City staff and members of the business community who provided input. Chambers spoke further about signage, the proposed ordinance, and tourism. Jimmy Kelleher, local merchant, spoke about the uniqueness of the island, that quirkiness was what brings people to Tybee, and that we needed to maintain that. Kelleher spoke about the current sign ordinance, the proposed, and the Master Plan. He clarified with Lynn various affects adoption of the proposed ordinance could have. Susan Kelleher, business owner, discussed billboards with Lynn. Randi Bryan asked about neon lights. Lynn discussed them, including that only the Neighborhood Marina district did not allow neon signs. The group discussed theater signage. Lynn suggested that the variance process be used to address it. Boyle, Lynn and Reynolds discussed external shielding of lighting as well as theater lighting. The Public Hearing closed and Boyle asked for a motion. Whitley Reynolds moved for approval. George Dausey seconded. The vote was unanimous. The **motion to approve passed** with a 5-0 vote. Boyle said that it would go to City Council on February 11.

Jonathan Lynn noted that a training session for those Planning Commissioners whose terms were not ending would be held on January 27. He expressed appreciation to those whose terms were ending.

Chair James Boyle gave dates of upcoming meetings and thanks for the opportunity of having served. He closed the meeting.