

PLANNING COMMISSION

Libby Bacon
Demery Bishop
James P. Boyle
George Dausey
John Major, Vice Chair
Anne Miller
David Postle
Chuck Powell, Chair
Whitley Reynolds



CITY MANAGER

Diane Schleicher

PLANNING & ECONOMIC DEVELOPMENT DIRECTOR

Brannyn G. Allen

CITY ATTORNEY

Edward M. Hughes

MINUTES

Planning Commission Meeting

January 20, 2009 – 7:00 p.m.

Chuck Powell called the January 20, 2009, Planning Commission meeting to order. Other Commissioners present were: Libby Bacon, Demery Bishop, James Boyle, George Dausey, John Major, David Postle, and Whitley Reynolds. Powell said that Anne Miller had an excused absence due to illness.

George Dausey moved to approve the Minutes of the December 16, 2008, Planning Commission meeting. Whitley Reynolds seconded. The vote in favor of the motion to approve was unanimous.

Chuck Powell asked if there were any Disclosures. Whitley Reynolds disclosed that he had surveyed the 211 Butler Avenue property and would recuse himself for that petition.

The first agenda item was a Zoning Variance (Section 5-090) from Section 3-020, Continuance of Nonconforming Uses/Structures, at **3 Tenth Court**, PIN 4-0006-16-015, Zone R-2. The petitioner was Jeff Cramer who was representing property owner Bruce Remler. Chuck Powell opened the Public Hearing. Brannyn Allen explained that the owner was requesting a horizontal addition which would extend the footprint of the structure. The project included a third story addition and reconstruction of a deck in front of the structure. The existing structure was non-conforming to the required setbacks in R-2, therefore any expansion required a variance from Section 3-020. Libby Bacon asked if the request would have been handled administratively if the footprint was not being changed. Allen said no; an increase in the footprint would obviously be an expansion of a nonconforming use, but adding new living space was also considered expansion of a nonconforming use. John Major asked when the deck was built and if a variance was required. Allen said there was no record of a variance having been granted and she did not know when it was built. Cramer, architect of the project, said that the request was in keeping with the development patterns in the Tenth Court area. He gave examples of other houses near the site. Cramer said that Remler cannot see the beach because the dunes have grown, and that Remler was planning to move to the home permanently, and the home did not have enough living area and needed an elevator. Cramer discussed that the "200-foot rule" calculation of the setback was 14.7-feet which he attributed to a vacant lot west of the Remler lot. Major asked when the deck was built. Remler said that the house was about 43 years old and the deck was not built at that time but he could not put a date on it. Bacon said that she understood increasing the square footage and going up a story, and increasing the footprint in order to get the garage space for the elevator. She said that a 14.7-foot setback for the deck would about compensate for the additional footprint, and the deck would still be almost 12-feet by 20-feet. She asked Remler if he would consider bringing it back a little bit. Referring to the plan, Remler said that was the way they would like to have it. Bacon and Remler discussed the plan. With respect to hardship,

Major asked Cramer why he checked “irregularity” on the variance application form. Cramer said that it was the development pattern around the site with the other houses being closer to the property lines. Demery Bishop asked if there were any emergency exit requirements under the code for third floor egress/ingress. Allen said no. Cramer and Allen discussed the history of Section 3-020, Continuance of Nonconforming Uses/Structures. Powell said that the Tenth Court neighborhood was very congested and it was an old, built-out neighborhood. After speaking further about the area, Powell said that what Remler was asking for was reasonable. Remler said that Tenth Court was a narrow, private street. Powell asked if anyone from the public wished to speak for or against the petition. George Dausey moved to approve. Whitley Reynolds seconded. The vote in favor of the motion was unanimous. **The motion to approve passed.** Powell said that it would go before City Council on February 12.

Chuck Powell opened the Public Hearing for Site Plan Approval (Section 5-080) for a proposed mixed-use building at **211 Butler Avenue**, PIN 4-0004-08-004, Zone C-1. The petitioner was Jeff Cramer who was representing 211 Butler, LLC, the property owner. The proposal was to build a mixed-use center with 4,000 square feet of retail/commercial at ground level and two residential dwelling units above. The two residential units would be built using a relocated house. Whitley Reynolds recused himself. Brannyn Allen explained the request. She noted that the residential portion was already onsite under a temporary agreement with the property owners, and should the Site Plan not be approved by City Council the owners would have 30 days to either move the structure off the site or demolish it. David Postle asked if the parking area was pervious material. Allen said that it was not. Postle discussed flooding in the neighborhood, parking, core sampling, and construction material dumped on the site. Allen said that structure stability and whether or not fill was brought in would be worked out with the petitioner’s engineer as part of the construction plans. She said that the testing that was done at City expense was only on the City right-of-way and was only for potential contamination; it was not in any way to test for the structural integrity of the lot. Postle and Allen discussed the testing. Postle asked if the owners would be requested or encouraged to do testing. Allen said encouraged. Cramer said that the intent of the project was two-fold: to save a classic cottage and to provide a beachy shopping center. He described attributes of the project. Cramer said that he thought the parking lot was pervious. Allen said that the plans from the engineer were for impervious. She and Cramer discussed the surface of the parking lot and drainage. Libby Bacon confirmed with Cramer that dirt would be removed from the site. The City’s engineer, Downer Davis, discussed the storm water management plan. George Dausey asked if the parking spaces would be opened for paid parking. Cramer and Allen answered that parking would be free. Powell asked if anyone from the public wished to speak for or against the petition. Mary Anne Bramble, 215 Lovell Avenue, asked where the trash container was located. Cramer pointed out the dumpster near the retention area. Bramble asked if any trees would be removed. Cramer said no. Bramble and Cramer discussed a 20-foot buffer on the north side. Bramble told Cramer that he did a good job. She and Cramer discussed flooding and dirt removal. Bramble asked if someone could get a license to sell parking on the site. Allen said that would be another principal use on the parcel and would not be allowed. Bramble asked if the owner could place billboards. Allen said no. Bramble said that the big issues were drainage and the paving. Powell commended Cramer and the owners for working with the neighbors. He appealed to the builders that lighting be such that it not impact the residential neighborhood. Powell closed the Public Hearing. Postle moved to approve. Dausey seconded. The vote in favor of the motion to approve was unanimous. Reynolds had recused. **The motion to approve passed.** Powell stated that the petition would go before City Council on February 12.

Chuck Powell opened the Public Hearing for the final agenda item which was review and consideration of adoption of the City of Savannah’s **Storm Water Management Ordinance** to replace the City of Tybee Island’s Land Development Code Article 16, Stormwater Management. The proposed Text Amendment was at City Staff’s request. Brannyn Allen said that while Staff was recommending

adoption of Savannah's ordinance, some changes were made to customize it for Tybee. Allen stated that there would be some changes coming for storm water management from the EPD and the MPC. She said that the ordinance was written for engineers and design professionals; not as a guide for the general public. David Postle said that it appeared that the Director of Storm Water Management for Savannah had authority to approve or deny variances. Allen said that references to the City of Savannah had been changed to the City of Tybee Island. She said that administration of the ordinance would come through the Planning Department. She said that the Director of Public Works would have a huge role in reviewing projects. She and Postle discussed that the variances referred to in the ordinance were not the same kind of variances that come before the Planning Commission for land use decisions. Powell verified that it was a Text Amendment. John Major asked if it was Staff's recommendation that it be adopted. Allen said yes, with the changes that Public Works, the City's engineer and herself had worked out. Allen discussed the proposed Ordinance further. She said that Savannah exempted single-family homes built by the homeowner, and that made her, Downer Davis and Joe Wilson very uncomfortable. She said that she did not think that any development project that was adding impervious surface should be exempted from some sort of drainage review. Major asked if the proposed ordinance impacted or integrated with other ordinances such as Erosion and Sedimentation. Allen said it would not cause any changes to the E&S ordinance. Powell summarized the changes that had been discussed. He asked for public comment. Hearing none, Powell closed the Public Hearing. Postle motioned to approve. Whitley Reynolds seconded. The vote on the motion to approve was unanimous. **The motion to approve passed.**

This being his final meeting, Chuck Powell thanked the other Planning Commissioners for their efforts. On behalf of all of the Planning Commissioners, Powell recognized Brannyn Allen for her service.

Chuck Powell adjourned the meeting.