

PLANNING COMMISSION

Demery Bishop
Marianne Bramble
Randi Bryan
Jay Burke, Chair
Rob Callahan
John Major, Vice Chair
Monty Parks



CITY MANAGER

Diane Schleicher

PLANNING AND ZONING MANAGER

Jonathan H. Lynn

CITY ATTORNEY

Edward M. Hughes

MINUTES

**Planning Commission Meeting
February 16, 2010 – 7:00 p.m.**

Mayor Jason Buelterman called the February 16, 2010, Planning Commission meeting to order. He swore in as Planning Commissioners: Demery Bishop, Marianne Bramble, Rob Callahan, and Monty Parks. Each had been recently appointed to a 2-year term by City Council. Also present and continuing to serve their terms were Commissioners Randi Bryan and Jay Burke. John Major, who was recently appointed and would be serving a 1-year term, was absent.

Mayor Jason Buelterman asked for nominations for Chair of the Planning Commission. Jay Burke nominated Demery Bishop. Randi Bryan seconded the motion. Bishop stated that he would not be interested in nor accept the nomination. Burke withdrew the nomination and Bryan withdrew the second. Marianne Bramble nominated Jay Burke. Bryan Seconded. The vote was unanimous. Buelterman asked for a nomination for Vice Chair. Bishop nominated John Major. Monty Parks seconded. The vote was unanimous.

Chair Jay Burke asked for a motion on the Minutes of the January 19, 2010, meeting. Monty Parks moved to approve and Marianne Bramble seconded. The vote was unanimous.

Chair Jay Burke asked if there were any Disclosures. Demery Bishop said that on item 2 he had had a business dealing with Gerald Schantz. He said that he could be equitable in deliberations. Jonathan Lynn advised that if Bishop could be unbiased he should proceed. Bishop said that he could be unbiased.

Chair Jay Burke opened a Public Hearing for Zoning Variance at **66 Van Horn**, PIN 4-0021-04-006, Zone R-1. The petitioner was John-Paul White for property owner Renee Shamp. The request was for a porch addition and expansion at an existing single-family dwelling. Jonathan Lynn said that the reason for the variance was that it was currently a nonconforming use as there was a 3-1/2 foot setback. He said that the applicant was proposing to extend the porch 10 feet and down the side 5 feet. Lynn said that the additions would not encroach any further into any setback. White said that the homeowner inherited the property and that her grandmother had purchased it from the Army. Burke called for public input. There was none. He closed the Public Hearing and called for a motion. Monty Parks moved to accept as presented. Randi Bryan seconded. Demery Bishop asked the number of feet of the expansions. He and White discussed the plan. Bishop asked that the Minutes reflect that the drawing was not per the narrative. Lynn emphasized that it would not encroach into any required setback. Bishop and White discussed briefly. Rob Callahan clarified his understanding of the project with White and Lynn. Marianne Bramble asked how the project would affect a live oak tree. White said that it should not affect it at all. Bramble asked if limbs would be cut. White said no. Bramble and White discussed the plan. Bishop, Lynn, White, and Downer Davis, the City’s consulting engineer, discussed the proposed project. Burke restated that the motion was to approve and called for the vote. Voting in favor were Bramble, Bryan, Callahan, and Parks.

Bishop voted in opposition. The **motion to approve passed** with a 4-1 vote. Lynn said that it would go to City Council on March 11.

Chair Jay Burke opened a Public Hearing for Site Plan at **1115 Highway 80**, PIN 4-0026-03-021, Zone C-2. The petitioner was Gerald Schantz. The request was for additional buildings at an existing business. Jonathan Lynn said that the existing use was a mobile kitchen. He said that that anything that happened in a C-2 district comes before the Planning Commission and City Council as Site Plan Approval. He said that Schantz was seeking approval to add a modular unit, for food storage, food prep, and restrooms. Lynn said that Schantz was also requesting to construct a pole barn for a seating area. Lynn said that the Site Plan Approval for the mobile kitchen was granted June 11, 2009. He said that Schantz had adequate parking with an additional five spots. Lynn said that Schantz was proposing to include four new trees and wished to construct a 36-inch by 60-inch brick pad beside the mobile kitchen. Lynn discussed the location of bicycle parking on the plan. Lynn and Downer Davis, the City's consulting engineer, answered questions and discussed the proposed project with Randi Bryan and Demery Bishop. Bishop noted that a 20-inch pine tree shown on the plan was gone. Schantz said it was an oak instead of a pine; it was a mistake on the survey. Bishop and Schantz discussed. Bishop and Davis discussed drainage. Ingress and egress were clarified as not changing from what now exists. Rob Callahan and Schantz discussed that the commissary building would be for storage, food prep, cleanup, and restrooms. Callahan spoke about the tree inventory, the existing trees at the site, and the trees proposed for planting not being consistent. He, Schantz, and Davis discussed the existing and proposed pervious parking spaces. Monty Parks spoke about when he walked the property it was significantly different than the picture that had been included in the Commissioners' packet: it was missing the overturned hog and the For Sale sign. Schantz said that the overturned pig was caused by vandalism and had since been removed. Parks said that it was there quite awhile. Schantz said that it happened a little before Christmas. Parks said that in the area, as far as conformity to building, everything on both sides was block and mortar, across the street was going to be a wedding chapel, and the area was becoming truly mixed use. Parks recalled that at the meeting when the mobile kitchen was approved there was citizen concern over cooking. He asked if Schantz had spoken with the neighbors about the plan. Schantz said that he had spoken with three of them. Marianne Bramble and Schantz discussed the proposed outdoor cooking. Bramble asked Schantz if he would come out on a daily basis to check his property in the off season. Schantz said that with the commissary he hoped to not be closed for the season; he may close for a month in December. He said that it killed him to go back and forth to Savannah; he was putting 70 to 80 miles a day on his vehicle having to go in sometimes two or three times a day. Bramble said that maintaining the property was a big issue. Schantz said absolutely. Randi Bryan commented that all winter it was horrible: everything was overgrown, it was dirty. She said that she remembered Schantz coming before and saying that it was only for the chuck wagon, and he did have a cooker there which was not approved, and he was cooking. She said that her concern was that if he got this, what else was going to be on it that was not approved because there was not good faith before. Bryan said that the property had not been maintained, he had a cooker when he was not supposed to, and it was an eyesore all Winter. Schantz said that one of the advantages of what he was wanting to do was that most of it would be covered and would be maintained because there would be a building there. Schantz said that he had no water on the premises to water his plants so once he put them in they died. Bryan said that it was overgrown. Schantz said that there was a brief period of time when it was very cold in December and January that it was not cleaned and mowed but it was taken care of as soon as the weather warmed up and he was able to get out there and do it, and it was maintained up until then. He said that the pig was broken around Christmas. He said that it was 800 pounds of solid concrete and hauling it away took a little bit of planning. Callahan said that it appeared Schantz was defining the front as bordering McKenzie Street. Schantz said that the front faced Highway 80. He said that McKenzie was the entrance. Setbacks were discussed. Lynn said that according to the Land Development Code, as long as they meet the setbacks an owner could declare any side of the property as the front yard. Callahan said

that he had concerns about noise and light pollution potential. He said that the project was very close to the property line. He said that Schantz was making a pretty dramatic change in use from a drive-in operation part of the year to an almost year-round operation with people sitting in the outdoors under a pole barn. Callahan asked if Land Development Code Section 3-160, screening of adjacent residential property, applied and a buffer was needed. Lynn said that it would apply. Bishop said that with the change in the 6 foot side setback to the south and the bike rack with gravel access, there was a power pole with a guy wire coming down. He asked if that would pose an issue with cars in and out. Schantz said that the driveway would not be changing. Bishop, Lynn, Schantz, and Davis discussed. Callahan asked if Section 3-160(A) applied, did they need to consider a variance because there was not a buffer. Lynn said that he might have to defer to the City Attorney because it had never come up on a Site Plan for him. Lynn asked for a recess to confirm the zoning of the property to the north. The meeting resumed. Lynn said that the property was zoned C-2, and 3-160 referenced residential zoned districts, not use. He said that the buffer would not come into play on this. Burke asked for public input. Gregory Willets, 1111 Laurel Avenue, said that he was at the meeting in June when some of the issues were addressed. He said that most important was having barbecue cooked at the location. He said that they were told in June that the food would be prepared elsewhere and then brought to the site so that it would not be cooked because there were concerns about odor, and there had been somewhat of a compromise in that there would not be barbecue cooked there, it would be brought from Savannah. He said that was a compromise that worked for everybody. Willets said that it sounded strange to be talking about smell and odor alone. He said that he loves barbeque and Schantz's barbeque is excellent, however, if he were having barbeque day in and day out he would not like barbeque and he would very much not like the smell. He said that to have the air permeated a good part of the day would cast a smell over the area. He said that he disagreed that it was a small facility and therefore the output of smell would be less than other institutions on the island; on the contrary, he knew of no other place on the island where there was as much exhaust of odiferous fumes as this one. After speaking further about smell, he said that he could not see where there was room for four or five more parking spaces. He said that the property was not well maintained until about two weeks ago. Willets said there were four or five different signs and the pig and trash around the property and the grass was not mowed. He said that there has been some bad faith since the last meeting in terms of how this has panned out. Willets said that Bill Gillespie and he communicate fairly often and it was his impression that Gillespie opposed this extension. Parks asked if Willets' property abutted Schantz's. Willets explained the location of his property. Don Ernst, 5-A Lighthouse Lane, said that if Schantz complies with all of the regulations for C-2 business, let him go forward. He said that this was the economic development they were all talking about. Schantz read a letter dated February 10, from Travis Williams, 202 McKenzie Street, which stated no objections to the plans. Schantz said that another property owner stated that he did not receive notification of this meeting. Lynn said that letters go out for the Public Hearing before City Council. Schantz said that he was trying to work within the conforms of Tybee's zoning. Burke closed the Public Hearing and asked for a motion. Parks motioned to approve. Bishop seconded. Bramble spoke about concerns about the pole barn and smoke. Burke called for a vote. Voting in favor were Bishop, Callahan, and Parks. Voting against were Bramble and Bryan. The **motion to approve passed** with a 3-2 vote. Lynn said that the Public Hearing would be on March 11 with City Council.

Chair Jay Burke opened a Public Hearing for a Text Amendment to **Article 15, Soil Erosion and Sedimentation Control**. The petitioner was the City of Tybee Island. Jonathan Lynn said that the State was again requiring all local governments to adopt a new Soil Erosion and Sedimentation Control ordinance. He said that currently the one Tybee has in effect is the State's model ordinance that was adapted to Tybee's standards several years ago. Lynn concluded his remarks. Randi Bryan and Lynn discussed an email from City Attorney Bubba Hughes regarding dealing with buffer issues separately. Downer Davis, the City's consulting engineer, added to the discussion that he and Hughes and Lynn were all in agreement that the simplest thing and best thing to do was to leave the model ordinance alone. He

spoke further, emphasizing that Tybee was acting as a deputy as a licensed issuing authority for the EPD. Bryan, Davis, and Rob Callahan discussed. Burke asked for public input. There was none. He closed the Public Hearing and asked for a motion. Callahan moved to adopt as written. Monty Parks seconded. Bryan said that she needed more time to look at it. She said that it was confusing. When asked about the time allowed for adoption, Davis said that the ordinance had to be passed by the first of July. Lynn said that it would require two readings with City Council. The motion and second were withdrawn by Callahan and Parks. Parks motioned to continue until March 16. Bryan seconded. The vote was unanimous. The **motion to continue passed** with a 5-0 vote.

Chair Jay Burke opened a Public Hearing for a Text Amendment to create **Article 17, Shore Protection**. The petitioner was the City of Tybee Island. Jonathan Lynn said he said that the ordinance had been brought up in 2008 but never passed. Marianne Bramble asked if the ordinance was the one that was rescinded two years ago. Lynn said no, it was the one that was never finalized. Burke asked the changes and effects between this ordinance and the current ordinance. Lynn said that if there was conflict between the State ordinance and Tybee ordinance, the more stringent would be effective. He said that it established some no build zones, and referenced Section 5-070 several times. Lynn summarized the differences between the proposed and current ordinances. Monty Parks suggested a workshop. Rob Callahan agreed. Demery Bishop provided background information of the proposed and current ordinances. He supported the workshop suggestion. Following a lengthy discussion, which included Lynn saying that he would schedule a workshop and a compilation document, Parks motioned to continue. Rob Callahan seconded. The vote was unanimous. The **motion to continue passed** with a 5-0 vote.

Jonathan Lynn reminded the Commissioners of a joint City Council/Planning Commission meeting scheduled for March 16.

Chair Jay Burke adjourned the meeting.