

**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**  
**April 20, 2010 – 7:00 p.m.**

Chair Jay Burke called the April 20, 2010, Planning Commission meeting to order. Other Planning Commission members present were Demery Bishop, Randi Bryan, Rob Callahan, John Major, and Monty Parks. Absent was Marianne Bramble.

Chair Jay Burke asked for a motion on the Minutes of the March 16, 2010, meeting. Rob Callahan said that on page 2, the second paragraph, the third line, it looked like the word “he” was left out. Monty Parks moved to accept the Minutes. John Major seconded the motion. The vote in favor was unanimous.

Chair Jay Burke asked if there were any Disclosures. There were none.

Chair Jay Burke opened a Public Hearing for Site Plan at **1513 Butler Avenue**, PIN 4-0008-07-004, Zone C-1/SE. The petitioner was Nick Alexander. The request was for a non-retractable awning. Jonathan Lynn said that the proposed use was a bar and grill. He referenced a prior request from The Rockhouse for a similar awning. Lynn said that Alexander’s awning was proposed to extend over the sidewalk 4-feet and the height clearance would be 7-feet, 10 inches. He said that water would drain onto the sidewalk. Monty Parks asked if it was an aluminum frame. Dean Morrison replied yes. Demery Bishop commented about a note on the plan that the canvas was to be removed before 74 mile per hour or higher wind events. He asked if there were specific standards that determine the resisting wind forces for awnings. Lynn explained that anything built on the island was required to meet 130 mile per hour wind standards. He said that the applicant supplied engineered drawings stating that the frame would sustain those winds. Lynn said that in terms of removing the material, it would be at their discretion. Morrison said that if the wind gets that high, he is gone. John Major asked about some of the information on the Site Plan application. Lynn said that proof of ownership was not needed, the campaign disclosure form was in the file, and the list of adjacent property owners was normally done at the Staff level. Rob Callahan commented that the awnings of the adjacent buildings appeared to extend 2-feet, at most. He asked if there was an incompatibility issue. Lynn said that the reason was that the buildings do not line up. Parks said that this area sorely needed a facelift; it was an excellent package, and a significant step forward. Morrison said that the wood façade was the way the building looked in 1981 and there was an awning there then. Burke called for public input. There was none. He closed the Public Hearing and called for a motion. Parks moved to accept. Major seconded. The vote was unanimous. The **motion to approve passed** with a 5-0 vote.

Chair Jay Burke opened a Public Hearing for Special Review at **21 Officers Row**, PIN 4-0002-20-014, Zone R-1. The petitioners were Ann and Jurgen Last. The request was for special events of up to 20 people at a residential bed and breakfast. Jonathan Lynn said that what was provided in terms of parking met the requirements: there were 8 spots on the rear of the inn and 6 spots on the hill next to the bed and

breakfast. John Major asked what exactly was a “special event.” Lynn said it would be wedding receptions, smaller events. Major asked if alcohol was normally allowed at special events. Lynn said that as long as it was not being sold. Randi Bryan said that she came up with 8 total parking spaces, 6 for the bedrooms plus 2 for the owner. She said that the special events would require 5 spaces. She asked why 14 were shown and would they be allowed on a hill. Lynn said that the applicant chose to show 14 which were more than what was required. He said that it would be allowed on private property for them to park on the hill. He said that Downer Davis, the City’s consulting engineer, looked at the spots and seemed to be alright with it as long as the spot closest to the building was a compact-only spot and/or was a specified owner spot. Rob Callahan said that he did not interpret things the way Lynn was describing. He described the parking locations. Callahan said that his other comment was Mr. Beeson’s letter. He asked how often the special events were going to occur and what were the hours of operation. He said that a fully occupied bed and breakfast plus a full guest list for a special event would be a lot of people in a very small space. Callahan said that he did not see how it would not interfere with the neighborhood. Bryan said that there could only be 20 people total so that would include the guests. Lynn agreed. Major said that the ordinance requires that it include standards and restrictions of hours of operation, lighting, parking, signage, and buffering. Lynn said that he had not received that plan. He said that he was told that there would be no additional signage. Bishop said that it appeared there would have to be some trees and/or shrubbery removed, and that the grade off of Cedarwood Drive appeared to be extremely hazardous simply walking it. He spoke further about safety, traffic control, and the requirements of the special events ordinance. Lynn said that he had not been approached about removing trees. Bishop asked Davis about the steepness of the parking on the hill. Davis said that without a topographic survey he could not tell what the grades were. He said that the 3 spaces perpendicular to the building and the 2 at the rear were adequate. He said that the northeast space would need to be for owner-only or a compact space because it was challenging to get in and out of. Davis said that it was not a standard parking lot for what they were doing. He said that there were 2 spaces shown to the north of the site and he was not sure if that was on the property or not. After additional comments on the parking, Davis said that it was a sketch and was not the type of drawing he was used to reviewing but for Special Review purposes, as he understood it, it was all that was required. Callahan said that the Land Development Code addressed two types of bed and breakfasts. He said that what was now a bed and breakfast could easily be changed into a bed and breakfast inn. He read from the Land Development Code that, “any slight diversion from the bed and breakfast parameters will change a residential use to a commercial use.” He asked when a bed and breakfast becomes a bed and breakfast inn. Lynn said that if it has more than 7 units and if the owner does not live at that bed and breakfast, it cannot be a residential bed and breakfast. Callahan said that if they give approval, they could have a special event every day. Lynn said that the ordinance did not restrict the number of special events. Major said that was why the approval should include standards and hours of operation. Lynn said that the owner would be required to provide the hours of operation, almost an operational plan, to the City to go along with their approval. He said that in terms of the number of events they were allowed to have, he did not believe they can control that. Major said that according to the ordinance those things were supposed to be part of this Special Review. Lynn agreed. Bryan asked if they did not know where the property lines were, should they table. Lynn said that with the concerns that he heard and needing further information, it would only be fair to the applicant to allow them to get their packet the way the Planning Commission wants it. He said that he would still encourage them to ask the applicant questions. Major asked how many licensed bed and breakfasts in R-1 have been approved for special events. Lynn replied one. Major asked if Last’s property was part of and subject to the Seashore Colony Homeowners Association. Lynn said that in terms of homeowner associations, the City does not keep a record of them. Callahan said that he did not think the applicant was part of the private subdivision. Major asked Last if she had seen the letter by Walker Beeson. Last replied yes. Major asked if she was the owner when functions referred to in the letter took place. Last said that she was. Major asked if her intent was for the special events to be indoors or outdoors. Last said probably more indoors.

She said that she would probably use it more as just a rain backup for their little weddings on the beach. Bryan asked the hours of operation. Last replied probably just like their normal inn hours. She said that everything was very quiet by 10:00 o'clock at night. Bishop asked if Last had any concerns offered by residents where they felt that activities would unreasonably interfere with the residential uses of other abutting property; were there any complaints over noise or issues. Last said no, she never had any complaint about noise. Burke called for public input. Peter Bannon, 19 Officers Row, said that when the previous owner converted it to a bed and breakfast they were required to add parking spaces on the hill. He said that cars and SUVs cannot get up there; they bottom out on the driveway and cannot make that grade. Bannon spoke further about the parking on the hill. He said that presently there are 6 regular spaces facing the house in the back. He said that they have problems with blocking of their driveway. He spoke of concern with emergency vehicles. He said it was supposed to be owner-occupied and he did not think that was the case. He said that they have 6 rooms and now have 7 parking spaces. He said that as far as noise, that has not been a problem, but it was a very, very compact, crowded, dark area at night. Steven Hines, a resident of the downstairs part of 19 Officers Row, referred to the parking on the hill and said that he helped 3 cars dig out. He said that the ordinance says that it needed to be owner-occupied and they do not live there. Hines said that previously they advertised that they had more rooms. Hines said that he has been in there and every room is a room where people sleep, other than the kitchen area, so where on the inside would you do events. He said that there was not a great room or a foyer or anything. He said that they have done events in the past and they have not all been a problem but there have been problems. He said that there were several complaints filed. Hines said that the parties went sometimes late into the night with bands on the porch and noisy and spillover of the partygoers onto their property. He gave an example of kids playing on his playground equipment. Hines said that this was not a conducive site for events. Hines asked if he could turn his house into a bar; where does this stop. He said that this was a residential area, Cedarwood was very narrow, and he spoke further about the traffic and neighborhood. Hines said that he has a business on Tybee and was all about bringing people to Tybee but there are residents that live here year round. Hines concluded his remarks. Harold Yellin, speaking for Last, said that some points were expressed that were very well taken and he had expressed to her that perhaps better information could have been presented. He asked that the matter be continued and spoke further about the situation. Burke called for a motion. Callahan moved to continue the matter until their next meeting. Bishop seconded. Major said that he believed it had already been advertised for a Public Hearing at the next Council meeting. Lynn said that it had not. Voting in favor of the motion to continue were Bishop, Bryan, Callahan, and Monty Parks. Major voted in opposition. The **motion to continue passed** with a 4-1 vote. Lynn said that the Planning Commission meeting would be May 18. Parks asked who verifies that the owner lives there. Jonathan Lynn said if someone tells us they are living somewhere we believe them until we can see otherwise. Major commented that the special events ordinance was passed but did not change the definition of an R-1 which still was to provide for quiet, livable, low-density, single-family living with limited provisions for bed and breakfasts. He confirmed with Lynn that had not changed.

Chair Jay Burke opened a Public Hearing for a Text Amendment to Land Development Code **Section 4-050(K), PUD, planned unit development district**. Jonathan Lynn said that the request was from Staff at the request of the City Attorney. He listed the PUDs included in the current ordinance. He said that in light of a recent lawsuit that involved the City, the judge ruled that the Gulick Row was a Planned Unit Development. Lynn concluded his comments. Burke called for public input. Judy Miller, 23 Gulick, asked which properties were included. Lynn said that it was everything from Meddin to the beach. Miller spoke about a dedicated greenspace area and asked if that piece of land was included. Lynn and Miller discussed and Lynn offered to get answers to her questions from the City Attorney. Rob Callahan asked if Miller was suggesting that the greenspace should be public space. Miller said no, it was private space. She explained some of the history of the area. She and Lynn concluded their conversation. Burke closed the

Public Hearing and called for a motion. John Major moved to approve. Monty Parks seconded. The vote was unanimous. The **motion to approve passed** with a 5-0 vote.

Monty Parks moved to adjourn. John Major seconded. The vote was unanimous and the meeting adjourned.