

## PLANNING COMMISSION

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



## CITY MANAGER

Diane Schleicher

## INTERIM ZONING ADMINISTRATOR

Dianne Otto

## CITY ATTORNEY

Edward M. Hughes

## MINUTES

### Planning Commission Meeting

April 21, 2009 – 7:00 p.m.

Chair James Boyle called the April 21, 2009, Planning Commission meeting to order. Other Commissioners present were Randi Bryan, Jay Burke, George Dausey, Anne Miller, and Whitley Reynolds. Lisa McKenzie had an excused absence.

Chair James Boyle called for a motion on the Minutes of the March 16, 2009, Planning Commission meeting. Anne Miller moved to approve. Jay Burke seconded. The vote was unanimous.

Chair James Boyle asked if there were any Disclosures. Whitley Reynolds said that he had done some work for The Shades property some years ago. Randi Bryan motioned to appeal Reynolds' recusal. Anne Miller seconded. Bryan, Miller, Jay Burke, and George Dausey voted in favor of the appeal.

Chair James Boyle opened a Public Hearing for a Major Subdivision of Land (Section 5-130) and Zoning Variance (Section 5-090) from Section 10-080(E), Street Design and Construction Specifications, for **708 Butler Avenue**, PIN 4-0005-20-006, Zone R-2. The petitioner was Mark Boswell for owner Frank McNeal. Dianne Otto noted that the plan had gone through previously and in December 2008 City Council approved the conceptual design. Randi Bryan asked about the existing cottage. Boswell said that it was located on lot 4. Bryan asked if two cars could pass on a 20-foot road. Boswell responded yes. Whitley Reynolds asked the distance from the back of the curb to the front of the proposed houses. Boswell responded 20-feet. Reynolds said that the depth of the houses looked to be about 40-feet. Boswell agreed. Reynolds spoke of problems getting cars off of the street if there were more than two cars at a house. George Dausey asked how many times the property had been brought before the Commission. Boswell and Otto said that there had been a design by a potential buyer and then the conceptual plan by Boswell for McNeal. Dausey commented that the design had gotten better every time. Reynolds said that with a 60-foot right-of-way the buildings would be 100-feet apart, but with the easement they were 60-feet apart. He said that maybe that was not a problem on a short, private street. Bryan asked about the conservation easements. Boswell said that they would either be donated to a land trust, or a homeowners' association, or combined and sold with an adjoining lot with a deed restriction that it would have to remain in conservation. Boyle asked if construction, including infrastructure, was anticipated. McNeal said that it was up to the economy. Recovery of the economy was discussed. Boyle requested public input. Swan Seiler, 12 Eighth Street, asked if it was a subdivision. Otto responded that it was. Seiler spoke of concerns about overflow parking for cars and access for emergency vehicles. Otto explained that the requirement of two parking spaces per structure was met. Seiler spoke of the lane being narrow and of fires. Boswell said that the requirement for the width of a road for fire protection was 20-feet. Otto said that the Fire Chief's signoff for the subdivision was in the Commissioners' packets. Anne Miller asked the width of the pavement for the proposed subdivision. Otto stated 20-feet.

She said that it would be comparable to Tybee Straits. Dausey asked if there were problems there with parking, fire or deliveries. Otto said no. Katty Smith, Board Member of the Savannah Tree Foundation, commended the preservation of the trees within the proposed subdivision. Gary Levy, lot 4 Eighth Street, asked the width of Eighth Street. It was guessed to be 30-feet. Levy said that when cars were parked on both sides, trucks could get through, but 20-feet might be close. Boswell said that there would be no curbside parking on the lane. Boyle asked if it would be gated. Boswell said no. Bryan asked about a letter in the packet from an arborist. McNeal said that one major limb on one tree would be lost. Bryan asked if that was the reason for the shorter road. McNeal said that if it were wider it would impact the trees more. Jay Burke asked if there would be an owners' association. McNeal responded yes. He asked if they could stipulate that there would be no on-street parking. McNeal said that it would be in the covenants. Parking was discussed. Boyle closed the Public Hearing and called for a motion. Miller motioned to approve. Dausey seconded. The vote was unanimous; the **motion to approve passed** with a 5-0 vote. The request would be heard by City Council on May 14.

Chair James Boyle opened the Public Hearing for a Text Amendment (Section 5-110) for The Shades at South Beach, formerly known as Tybee Trees, located at **13 Fourteenth Street**, PIN 4-0007-06-001, Zone C-1-Conditional. The applicant was Erin Sheldon. The request was to amend the Agreement Regarding Conditions for the property, which was adopted in May of 2008. Dianne Otto stated that the Commissioners had in their packets a synopsis from Sheldon proposing her uses on the property. Otto said that as there were so many different components to it, the Commissioners may be comfortable with some but not others so they could weed it out as they see fit, they could deny it, or they could approve the entire proposal. Anne Miller asked who put the package together. Otto said that she did. Whitley Reynolds asked if approving it meant that the kitchen would be built and Health Department certified immediately. Sheldon said that when they add the kitchen they would have to do permits and get the Health Department involved. Sheldon, Reynolds and Otto discussed the permitting process. Miller asked if the catering kitchen was going to be where the garage was. Sheldon said it was the workshop. Sheldon, Miller and Otto discussed the kitchen. Miller asked the number of handicap restrooms and their locations. Sheldon named two handicap restroom locations. Sheldon said that she was owner, with Mike Dulac, of The Shades on South Beach. She gave a PowerPoint presentation regarding the location, their concept, and what they were asking for. Miller asked if there had been any complaints. Sheldon said that their neighbors had never complained to them directly. She said that they were made aware of alleged complaints; the police told them and Otto had mentioned that there were some issues. After Sheldon spoke further, Randi Bryan said that Sheldon agreed to provide notarized parking from Ocean Plaza but it looked like it had been substituted with St. Michael's. Sheldon said that was right. Bryan said that the St. Michael's one was not notarized. She asked how that was switched and if Sheldon ever had adequate parking that was supposed to be by the Agreement. Sheldon explained the parking requirements. Bryan asked if Sheldon had ever had more than 100 or more than 50 people. Sheldon said yes. Bryan asked if that was approved. Sheldon explained that she thought staff had given her a blanket approval for 100 people but it was made clear to her a few weeks ago that it was to have been a per event approval. Bryan said that there had been oyster roasts and she thought there was not to be any kind of onsite food preparation. Sheldon asked how oysters would be brought from offsite that were cooked. Bryan told Sheldon that it was what she agreed to. The two discussed indoor versus outdoor food preparation. Bryan said that on March 28 there was a band. Sheldon discussed amplified sound systems and that on March 28 the only violation was that they had a drummer. She said that they were not cited for having a live band or noise. She said that they intend to be in compliance. Miller asked if families that brought food and alcohol had licenses to do so. Sheldon said no. Miller asked if that would be in violation. Sheldon explained the catering and Otto explained that alcohol licensing would not be required for a private event where no one paid for admission or was charged for a drink. Miller asked about Sheldon's proposals for a café, gift shop, flower shop, art gallery, photo gallery, and others, and that those places

would close to the public during events. Sheldon said that their hope was to create a facility where a florist would be able to participate in events as well as be able to service someone that needed a bouquet of roses. Miller and Sheldon discussed the concept. Boyle asked how many bed and breakfast units Sheldon was considering. Sheldon said that they have five rooms they could do as bed and breakfast rooms. Miller asked if a bed and breakfast could have an alcohol license. Otto explained that because Sheldon was C-1-Conditional all conditions outlined in the Agreement that resulted from any approval would stand; it was specific to her property rather than to the general ordinances that the City follows. Sheldon said that it was their intention to phase the concept. She said that they could do a few bed and breakfast rooms within the next few months without a huge capital investment. She spoke of other potential phases. Boyle suggested that at some point when talking about being a convention center and starting to have rooms, it became a hotel. He and Sheldon discussed. Sheldon explained the concept further. Sheldon asked Otto to advise. Otto said that any proposals that were approved would have to be included in an amended Agreement and Sheldon would be bound by it just as she has been under her current Agreement. Otto said that all of these issues would need to be addressed; from a motion of specifics or blanket approval, an Agreement would be drawn. Otto emphasized that it needed to be as specific as possible. She said that, as had been demonstrated by the current Agreement, it was subject to interpretations and staff did not want that to happen again. Otto said that staff was looking for very specific guidance on what was proposed to be approved. Bryan spoke of being asked to consider many different functions. Sheldon said that tonight was really about capacity, clarifying parking, and noise. Dulac said that they wanted to let them know what their future vision was for expansion. He said that their main function was being able to host weddings of up to 300 people. He spoke of trying to stay in unison with the Master Plan and at the same time reaching out to destination weddings. He spoke of limitations of the current Agreement. Bryan, Dulac and Boyle discussed the noise ordinance. Dausey commented to Sheldon that she was trying to be all things to all people on the piece of property, and with that number of people with music and alcohol they would be out in the streets and would affect her neighborhood. Sheldon said that what they have to offer was exciting and their primary focus was on the destination weddings and events. She spoke of the phases of the concept. She said that as a respectful and good businessperson, she would put controls in, but Sting Ray's had people in the streets and they had house 5-feet from them. Sheldon said that no residences were affected by the streets that her groups would go out on. Dausey and Sheldon discussed responsibility. Miller asked about the photography. Sheldon confirmed that there would not be a photography lab. Reynolds said that it was a lot to grasp at one time. He said that a bigger thing was 300 people that close to residential. He said that it had been a buffer and it looked like the buffer was going away. Reynolds spoke further and Sheldon replied that the concept should be used as background information. She spoke of capacity and noise. Bryan asked about the capacity calculation. Otto said that she used the survey and the formula that the Fire Marshal provided, and 300 people did not exceed the capacity based on the square footage available outdoors. Bryan and Otto discussed the calculation. Boyle asked for public input. Shell Solomon, 4 Thirteenth Lane, stated that he was opposed to additional commercial use of the property and went on to explain why during which he stated that the C-1-Conditional zoning should be revoked. Sheldon said that she has been affected by the commercial district that is all around her. After further statements by Sheldon, Miller asked about reports that she had obtained from the police. The two discussed the reports. Relocated events were also discussed. Sheldon concluded. Boyle closed the Public Hearing and called for a motion. Miller motioned to deny. Dausey seconded. Reynolds asked for clarity on the motion. Miller said that it was for everything. Boyle called for the vote. The vote was unanimous. The **motion to deny passed** with a 5-0 vote. Otto said that City Council would consider it on May 14. Bryan asked if it was appropriate to make another motion. Discussion resulted in no additional motion.

Chair James Boyle opened the Public Hearing for a Text Amendment (Section 5-110) for a request to **allow special event structures in Zone R-T**. The applicant was Pat Valle for VBFLP. Boyle asked

what VBFLP stood for. Valle stated that it was Viola Buford Family Limited Partnership. Dianne Otto explained that the C-1 and C-2 zones currently have what was being proposed by the petitioner for the R-T zone. She said that Valle modeled the Text Amendment after the C-2 section that allows dwelling or structures to have special events after Special Review and Site Plan approval. Otto said that the request was for the entire R-T zone and there were seven of those sections on the island. She said that the petitioner's specific property was not being considered; what was being considered would allow the use in the R-T zone. Otto said that if the Text Amendment was adopted Valle would need to come back and ask for her specific property, under Special Review and Site Plan, to be allowed to have special events. Valle spoke of rental properties on Tybee, of peak season, of off-season, and of enhancing the off-season with special events. She said that weddings were a recession-free industry, and there were 2.5 million weddings in the United States every year and 16% of those were destination weddings. Valle said that most destination weddings are small, 20 to 30 people. She spoke of the lack of small venues on Tybee. Valle concluded her comments. Whitley Reynolds asked why Valle was asking for all of the R-T zone. Valle explained that the law had to be changed for everybody; it could not be changed for one person. Jay Burke asked if weddings would be done onsite. Valle said that most likely the weddings would still be on the beach but the reception would move to private property. She said that the biggest thing that she was looking for was enhancing everybody's bottom line. She discussed the more popular months for weddings. She said that the events would be structured to be compliant with noise and capacity. Boyle asked the location of Valle's residence. Valle said on Second Street on the oceanfront. She said there was a 100-foot patio. Boyle asked if that facility would be used as a reception location. Valle said that was right. Boyle said that all that Valle had heard tonight had to have been very interesting. Valle said that she was not talking anything on that scale. She said that it would be nice to be able to attract groups of people to her property in the off-season and that was her biggest motivation. George Dausey asked if this fell under the City's control. Otto said that it did; currently in the R-T zone it was not an allowed use. Dausey asked if other folks had made the same request for special event facilities in R-T. Otto responded yes. The requested Text Amendment was discussed. There was no response to Boyle's request for public input. He asked for a motion. Anne Miller motioned to deny. Randi Bryan seconded. Reynolds said that the request would encroach on the residential area. Miller said that was the main reason that she denied it; R-T was a buffer between residential and commercial. Boyle called for the vote. The vote was unanimous. The **motion to deny passed 5-0**. Boyle said that Valle could go before City Council on May 14.

Chair James Boyle opened the Public Hearing for a Zoning Variance (Section 5-090) from Section 3-090(B), Schedule of Development Regulations, at **2 Old Highway 80**, PIN 4-0024-01-007, Zone M-D. The applicant was the City of Tybee Island. The location was the Marine Rescue Squadron building and the request was for a height limit variance for a 50-foot flagpole. The location was discussed. Boyle asked for public input. There was none. Boyle called for a motion. Whitley Reynolds moved to approve and George Dausey seconded the motion. All voted in favor. The **motion to approve passed** with a 5-0 vote. City Council would hear the request on May 14.

Chair James Boyle read the dates of upcoming Planning Commission and City Council meetings. He then closed the meeting.