

**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**

**May 19, 2009 – 7:00 p.m.**

Chair James Boyle called the May 19, 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 April 21, 2009, Planning Commission meeting. Whitley Reynolds motioned to approve. Anne Miller seconded. The vote was unanimous.

Chair James Boyle asked if there were any Disclosures. Whitley Reynolds disclosed that he had done survey work for items 2, 3 and 4. James Boyle disclosed that he lived within 200 yards of request 2.

Chair James Boyle opened the Public Hearing for Site Plan (Section 5-080) at **1115 Highway 80**, PIN 4-0026-03-021, Zone C-2. The petitioner was Gerald Schantz and the request was for a mobile kitchen for retail sale of food on a lot which formerly was the site of a temporary bank. Dianne Otto explained that the proposal did not fit well into either the building codes or FEMA regulations. She said that there were questions that should be asked of the petitioner to determine exactly his intentions. Otto encouraged that what would be recommended for Council action be with the understanding that any changes would require Schantz to return for additional Site Plan approval; for example, should the petitioner desire not to connect to water and sewer at this time, should that later become his desire he would need to return for Site Plan approval. She said that the plans reviewed by the City’s engineer as submitted by Schantz’s engineer did depict connection to water/sewer; conversations indicated that was not the intention of the petitioner. Otto said that the petitioner was requesting a takeout only; no eating on the premises. She said that future tables or chairs would trigger Site Plan approval. Otto said that the request was a trailer that would be available at times and there may be times when it would not be there while it was at another location in Savannah or elsewhere. Schantz said that he wished Otto would not take such a slanderous view; he understood the rules and he knew that if he made a change he does need to apply, and he was told by his engineers that on the notes the only reason that the water and sewer were there was because they were existing. Downer Davis, the City’s consulting engineer, said that on the plans the water and sewer were shown to come from mains to the limits of the parking lot where the bank building had sat and at that point the sewer and water were shown extended to the mobile kitchen. He said that the note for the sewer read, “Owner to coordinate with Health Department and extend sanitary sewer service.” Davis then read an identical note related to water service. Davis said that when Schantz explained to him that he was misreading the plans, Davis called Schantz’s engineer who told him that it was supposed to say, “if necessary.” Davis said that he could only review what was submitted. He then commented on a letter from the Health Department that said that it was a self-contained, standalone unit, so it could operate without connecting. Boyle summarized and Schantz agreed that water/sewer

connection was not included and would require additional Site Plan approval if necessary. Otto said that the electrical connection as proposed used the abandoned power from the temporary bank; it was to be elevated above base flood elevation, underground wires run, with a quick-disconnect that Schantz would use for his unit. Schantz said that it was agreed that that was what was to be done. He said that the pole was not abandoned. Boyle and Schantz discussed the electrical. Davis clarified that the bank was under the old Flood Maps and the old Flood Damage Prevention Ordinance; if they had not changed, Schantz would not have had to raise the electrical. Schantz said that he understood that and had no problem with it. Otto said that there were no restrooms onsite and if a change was proposed that would require Site Plan approval. Schantz said absolutely. He asked about no eating on the premises and how he was to stop somebody from sitting in their car to eat. Otto said that she was referring to tables or chairs. Boyle told Schantz that if there was any appearance of starting to look like a restaurant, Schantz would have to become a restaurant. Schantz said that he hoped to. Following a brief discussion between Boyle and Schantz about parking, Otto said that the plan called for site improvements and those would be required. Davis said that was because Schantz was refurbishing the existing parking lot and that Schantz could go ahead and do the maintenance repairs. Schantz asked about replacing some of the existing rock. He spoke of water disappearing when he poured a bucket of water on it and that the soil was sandy. Davis explained that since the bank was temporary all of the improvements were to be taken out and the site restored to its natural condition. He spoke of the bank's plans having shown eco-stone and, after City Council approval, the bank wanted to put in white rock and it was driven on, crushed and pounded down, and beneath it developed a cementitious, mortared surface. Davis said that he mentioned this to Schantz's engineer who then prepared the drainage report. He said that he had approved the drainage calculations. Davis spoke about white rock qualities. He said that Schantz's engineer compensated for the compacted drive by calling for granite stone to go in parking spaces to the east end. George Dausey asked Schantz how he would handle waste. Schantz explained that he had a licensed building to work out of in Savannah. He said that everything they would be serving would be disposable: a plastic basket with either tin foil or waxed paper, or a bag. He said that most of the trash would be taken with the people. He said the things brought from Savannah would be in aluminum, disposable containers; all food prep and dishes and utensils would be washed in Savannah. Schantz said that he took a little bit of offense when Otto said it was a trailer. He said it was much more than a trailer; it was a state of the art manufactured kitchen: aluminum inside from top to bottom, a generator, a black water tank, a water tank, a hand washing facility, a three-compartment sink, full-size refrigerator, full-size freezer, full-size stove, two fryers, full-size griddle and working area. Dausey asked again about trash. Schantz said that the kitchen would basically be in Savannah and they would bring foods out and heat them on the stove. Dausey asked how the tanks would be emptied. Schantz said that he would hook it up to his truck and take it to a site and discharge it like any other mobile unit would. Dausey asked if the mobile kitchen could be pulled off the property within a couple of hours. Schantz said no, it could be pulled off in five minutes. Whitley Reynolds asked how long it could function without having to take it to refill the water or empty the waste water. Schantz said that it would depend on how busy they were. He said that he thought it had an 80 gallon holding tank at both ends, and they just washed their hands in there. He said they rinse a few utensils and take everything back. Schantz said that as far as grease and stuff like that, it all goes in the trash. When Reynolds asked about levelers, Schantz said it had jacks to balance it. Randi Bryan asked about a bathroom. Schantz said that it was to-go only, and if he needed to go he would shut the window and go use the public restroom down front. Bryan and Schantz discussed beautification of the site. Boyle asked about outside lighting. Schantz said that the trailer had lights on it that could be directed. He said that when he bought the property there was a pole with a light and he would have no problem doing that again if they wanted him to. Boyle and Schantz discussed lighting. Boyle asked the hours of operation. Schantz said he did not see going past 10:00 or 11:00 p.m. Jay Burke asked about the trash. Schantz said that he was assuming that he would get roll-outs from Tybee and he would pay Tybee to pick up the trash like any other business. Burke asked if that would need to be buffered. Otto

said that the plan was very simplified and did not depict the roll-out carts, nor if they were enclosed. Burke said that Schantz mentioned he was taking all the trash to town and now there were roll-outs. Schantz said that when he said trash he was talking about the aluminum containers and stuff like that; the customers were going to be taking what trash they had. Otto said that typically we would see those on the Site Plan, enclosed and buffered. Boyle began asking about the baskets. Schantz said that he made a mistake when he spoke of those; food would be served in to-go containers. Boyle asked about the food and Schantz replied fried shrimp, barbeque, weekend orders, hamburgers, hot dogs. He said that it would have been much nicer to have been standing there four months ago. He spoke of the last set of plans that had been submitted having been turned down because he did not have a ramp into the kitchen. He spoke further of ADA rules and that he did not need a ramp. He also spoke of having been told in November that Tybee does not allow vending. Schantz said he wasted six months of his time, and he had numerous Site Plans prepared because he was also told that he had to have a building that he could then attach his mobile unit to. He said he spent \$7,500 on a Site Plan that he no longer needed, and then another \$1,500 on a Site Plan that they were now looking at. He said that he had been through six months, an attorney, and two Site Plans because he was given inaccurate information. Davis said that he thought he had gotten three sets of plans; it may have been two. He said that he still does not have a set of plans to review that do not connect to water and sewer. He spoke of an earlier plan that had restrooms and was dine-in. He said the restrooms were elevated almost to FEMA standards and they would have had to have been brought up a little more. He said there was 48 feet of ramp plus landings and that took up quite a bit of space, in addition to the dining area. Davis spoke of the kitchen at that time being as elevated and there were no stairs to get into it or ramp. Davis explained further that there were questions and it was deadline for April packets to go out. He said that Schantz was the most unsatisfied customer he had dealt with since he worked for this department. Boyle requested that the discussion move on. He asked for public input. Bill Gillespie, 1110 Laurel Avenue, described his home's location in relation to the Schantz lot. He said that he did not think sanitation and hygiene had been properly addressed; he was very uncomfortable with trash versus roll-out versus dumpster, but he thought that could be fixed. Gillespie said that as for bathrooms, to drive to the pier, two miles for employees, he did not think that was a plan. He said he was very concerned about public urination and garbage. He pointed to an area of bushes on the plan. He said that his biggest concern was smoke mitigation efforts for the residents. He asked for a picture of the trailer. Schantz said that he would not put anything more or less into the air than any other restaurant. He said that in the trailer were vents with scrubbers or filters. He said that his other unit puts out no more than anybody's personal backyard barbecue. Otto offered to Gillespie a picture of Schantz's unit that had been included in the Commissioner's packets but not in the PowerPoint presentation. Boyle said that people who do take-out tend to drop things if they do not have a waste disposal nearby as they walk away. Schantz said that he would personally police the grounds or make sure that it was done, and if he saw anybody doing anything in the bushes that they were not supposed to be doing, if he could take a picture of them and give it to the Police, he would. He said that it was his property and he wanted it maintained. Boyle asked if there would be a normal trash can. Schantz said if that was what they wanted, no problem at all; he would certainly have one setting next to the window. The Public Hearing closed. Boyle asked for a motion. Anne Miller motioned to approve. Dausey seconded. After discussion, Miller amended and Dausey seconded the motion to approve with conditions that the petitioner provide a revised site plan showing a location of a trash receptacle and the elimination of the water and sewer connections, and correction of the paving. Voting in favor of the motion were Dausey, Miller and Reynolds. Bryan and Burke voted in opposition. The **motion to approve with conditions that the petitioner provides a revised site plan showing a location of a trash receptacle and the elimination of the water and sewer connections, and that the paving be corrected passed** with a 3-2 vote. Otto said that the item would be heard by City Council on June 11.

Acting Chair Anne Miller opened a Public Hearing for Site Plan (Section 5-080) at **Lot 36 Highway 80**, PIN 4-0003-02-019, Zone C-2. The petitioner was Keith Gay and the request was for an ice vending machine on a vacant lot. Chair James Boyle and Whitley Reynolds recused. Dianne Otto discussed the separate entrances for entering and exiting the site, and that the frontage on Highway 80 was too narrow for on-street parking. She noted that it was a mobile unit that would be quick-disconnect and therefore it was not elevated to flood standards. She said that it was ADA accessible and did not need ramping. Keith Gay said that the reason for the quick-disconnect was removal in case of a hurricane or major storm. He said that the presentation of the property would be as a permanent site: landscaping and parking. George Dausey asked if the billboard would come out. Gay said no, it was on a separate lot. Dausey said that the entrance would be mostly driven by people coming onto the island so that meant a left turn, and it also meant a left turn coming off the property. He said he did not think the property was big enough to do what Gay wanted to do. He asked if a truck with a boat could make a U-turn on the property. Gay responded yes. Gay and Dausey discussed the lot, the location of the billboard, and parking. Gay said that many businesses are located on that side of the street. He said that many people would be going out to the boat ramps and marinas. Dausey said that the left turn would backup the left lane. He and Gay discussed. Randi Bryan referred to a document in the packet that read, "The building was not designed to be located in a flood hazard area," and "the building had been designed for placement on a permanent foundation and was not designed to be moved once so erected or installed." Gay said that engineering changes had been made and the plans submitted to Downer Davis. Davis said that Gay had brought them by that day. He told Gay that the date needed to be changed since the plans had been revised, and the engineer's seal was needed on the first page. Gay agreed and spoke of the plans being available before the Council meeting. Jay Burke asked about buffering. Gay spoke of an agreement with Mr. Clark, owner of the two lots behind, to put an 8-foot cedar fence. Miller asked if anyone from the public wished to speak for or against. There was not input from the public. Miller closed the Hearing and called for a motion. Burke motioned to approved. Bryan seconded. After discussion, Burke amended and Bryan seconded the motion to approve with condition that revised ice machine/building specifications be accepted and approved by the City of Tybee prior to the City Council meeting. Voting in favor of the motion to approve were Bryan, Burke and Miller. Dausey voted in opposition. Boyle and Reynolds had recused. The **motion to approve with condition that revised ice machine/building specifications be accepted and approved by the City of Tybee prior to the City Council meeting passed** with a 3-1 vote. Otto said that Council would hear it on June 11.

Chair James Boyle opened the Public Hearing for a Zoning Variance (Section 5-090) from Section 3-020, Continuance of Nonconforming Uses/Structures at **1310 Venetian Drive**, PIN 4-0011-03-017, Zone R-2. The petitioner was Richard Schley, III, and the request was for the addition of a single-family residence to an existing garage and carport. Whitley Reynolds recused. Dianne Otto said that Schley was represented by Anthony Sapone of Catskill Builders. She said that a demolition permit was issued in December of 2008, and the single-family home was demolished except for a garage and carport. She explained that the setback of the remaining portion was nonconforming and because the plan was to expand that, a variance was required. Anne Miller asked about it setting on three pieces of property. Otto said that it was being investigated and that a recombination may be required. She spoke of there being one PIN assigned. Randi Bryan asked if the property was recombined would there not be a variance. Otto said no, it would still be expansion of a nonconforming structure because the nonconformity was the existing garage setback. Sapone said that Schley wanted to leave his garage and carport because he used it for boats and cars. He said they tore down the living structure except for the chimney; Schley has an attachment to that. Sapone said that the new house would meet all setback and height requirements. He said the carport and garage were there and they were not going to do anything to that. He explained

the plans for the new house. George Dausey asked how Schley would get to the garage. Sapone said that Schley owns the rear lot and the garage doors were there. He explained that the existing drive would be to the new garage. Sapone discussed the existing setbacks. Otto said that because it would be a substantial improvement to a structure that was not FEMA compliant, what remained would have to be brought into compliance as far as venting/flood openings and any existing plumbing or electrical would need to be removed. Sapone said that they did not have a problem with that. Boyle asked about combining the properties. Schley said that he did not want to build out back. He said that he did not want to tear down his house; someone seemed to make them have to do that. Otto said that it appeared that the structure straddled the lot lines and it would be a requirement that the lots be combined into one lot. Schley gave history of the house and the lots. He said that he wanted one day to be able to sell his back lot. Otto suggested to Schley addressing that prior to permitting; because the proposed structure would straddle two lots it would be a requirement that they be combined. Boyle summarized. Schley said that everything he was building was out front. Davis spoke about firewall separations being required by the International Building Code from property lines, and about firewall separations for duplexes. The property line and minimum lot size were discussed. Sapone said they would approach moving the rear line with the surveyor and have him do the square footage. Boyle said that rather than combining, it would be separated. He asked for public input. There was none. Boyle closed the Public Hearing and asked for a motion. Dausey motioned to approve. Jay Burke seconded. Voting in favor were Bryan, Burke, Dausey and Miller. Reynolds had recused. The **motion to approve passed** with a 4-0 vote. The petition would go before City Council on June 11.

Chair James Boyle opened the Public Hearing for a Zoning Variance (Section 5-090) from Section 3-090, Schedule of Development Regulations, and for a Major Subdivision Plat Procedure [Section 5-130(J)(1)], Major Revisions to Recorded Plat, at the **200 block of Fifth Avenue**, PIN 4-0004-13-013, Zone R-2. The petitioner was Wyman Sharpe and the request was a front setback variance and for revisions to the recorded plat. Whitley Reynolds recused. Dianne Otto said that the Major Subdivision Plat Procedure would not be considered; they would be considering the Zoning Variance only. She said that the variance was for lot 6 and was for a 10-foot front setback as opposed to the required 20-foot. She said that it was a single-family lot adjacent to a duplex lot. Sharpe showed a plat and pointed out the property lines. He said that the hardship was the marsh. He showed the building space without and with the front setback variance. George Dausey asked what the variance would do to lots 7, 8 and 9. Sharpe explained the lot numbers and existing buildings. The lot numbers shown on an earlier plat that had been included in the packet were clarified. Mark Boswell, engineer for Sharpe, pointed out the lot for which the variance was being requested. Randi Bryan asked how big a house Sharpe could build without the variance. Sharpe said it would be very small. Bryan asked how big a house Sharpe could build with the variance. Sharpe said probably a 2,000 square foot house. Bryan commented that she could see marsh in front of the property, on the side and the back. Sharpe said that there was no marsh encroachment except on the west end. Recent flagging by the Department of the Natural Resources was discussed. Boyle asked for public input. There was none. He closed the Public Hearing and called for a motion. Dausey motioned to deny. Anne Miller seconded. Voting in favor of the motion to deny were Bryan, Burke, Dausey, and Miller. Reynolds had recused. The **motion to deny passed** with a 4-0 vote. Otto said that Council would hear the petition on June 11.

Chair James Boyle read the dates of upcoming City Council and Planning Commission meetings.

The meeting adjourned.