

**PLANNING COMMISSION**

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



**CITY MANAGER**

Diane Schleicher

**PLANNING AND ZONING MANAGER**

Jonathan H. Lynn

**CITY ATTORNEY**

Edward M. Hughes

**MINUTES**

**Planning Commission Meeting  
December 15, 2009 – 7:00 p.m.**

Chair James Boyle called the December 15, 2009, Planning Commission meeting to order. Other Commissioners present were: Randi Bryan, Jay Burke, George Dausey, Lisa McKenzie, Anne Miller, and Whitley Reynolds. This meeting was held at the Guard House, 31 Van Horn, due to maintenance at the City Hall auditorium.

Chair James Boyle asked for a motion on the Minutes of the November 17, 2009, meeting. Anne Miller motioned to approve and Lisa McKenzie seconded. The vote was unanimous. Boyle asked for a motion on the Minutes of the November 24, 2009, meeting. George Dausey motioned to approve. Miller seconded the motion. The vote was unanimous.

Chair James Boyle asked if there were any Disclosures. Whitley Reynolds said that he would step out for item 3. He also disclosed that for item 1, his mother-in-law owned a unit down the street. George Dausey motioned to appeal Reynolds’ recusal. Anne Miller seconded. The vote was unanimous. Lisa McKenzie stated that she would recuse for item 2 as it bordered her best friend’s property.

Chair James Boyle opened a Public Hearing for a Zoning Variance at **26 Atlantic Avenue**, PINs 4-0008-03-140 through 4-0008-03-158, Zone C-1/SE. The petitioner was Natasha Wilhite. The request was for a side setback variance for condominiums. Jonathan Lynn said that there were 18 condominium units. He said that the Community Character area was The Strand Historic Downtown Business District. He explained that the applicant was seeking to subdivide a commercial building from a condominium building. He stated that the builders of the condominiums were not the current owners. Lynn discussed the current setbacks and the setbacks approval of the subdivision would provide. Lisa McKenzie asked the width of the setback between the condominiums and the commercial building. Lynn said that it was 5-feet now, and the proposed line would run along the commercial building. Randi Bryan said that the condominiums were allowed there with the expressed condition of having the commercial building attached to the property. Lynn agreed and said that the applicant would address that. J. V. Blackburn, Jr., representative of the petitioner, distributed a plat of the property. He said that the developers went belly up and the bank foreclosed on the condos and the commercial building. He said that the commercial building was built thirty or forty years ago. Blackburn said that when the new owners bought the property from the bank they discovered that the condominium documents, the plats and the elevations had not been done properly. He said that when they began to try to sell the condominium units they ran into a problem with financing. He said that lenders look at any condominium complex that includes a commercial unit as being a condotel. He said that makes financing more difficult for the units. Blackburn discussed the situation. He said that because they needed to not include the commercial building in the condominium documents to make financing the condos easier, it seemed the best way to accomplish that was to put the commercial building on a separate lot. He said that it would still be owned by the same owners until they

started conveying out the condominiums which they hoped to do soon. Blackburn summarized the request. McKenzie asked if the bank would not finance an individual to buy one of the condominiums because the commercial building was attached to it. Blackburn said that banks look at any condominium complex that includes commercial property as being more of a condo-hotel-type of outfit where condos are rented out more as a hotel instead of selling condos for people to live in, and it makes it more difficult to obtain financing. Lin Walsh said that a condominium building with a commercial use at the base of it or within it was called mixed use. She said that Fannie Mae or Freddie Mac would not let them do mixed use. She said that if there was a rental office onsite, it was called a condotel. Walsh referred to a 2-page guideline that listed what it took to make a condo project approvable. She said that condos were very, very difficult to finance. Walsh and McKenzie discussed. Blackburn said that if the property was split the commercial building and the condos could be sold. He said that as long as that commercial building was shown on the plat, it would be mixed use. Bryan asked if the commercial part could be used as an amenity such as a workout place. Blackburn said that it would be difficult, partially because it was not part of the main building. Bryan asked if it could become part of the condo building. Blackburn said that it would require substantial renovation to do that. Anne Miller asked if it could be a community room for the owners. Blackburn said that it could, but lenders would question it. Whitley Reynolds, Blackburn and Boyle discussed the proposed subdivision and the current and proposed setbacks. Boyle asked if there was any public input. Keith Gay said that he thought the setback on commercial was 6 feet. Lynn said that it was zero unless it abutted a residential district, not a residential building. Gay said this should never have happened in the first place, and that it did create a lot of problems. He encouraged that they be separated. Walsh said that they were not going to get any financing for a vacant condo building unless something was done with the commercial piece. She encouraged them to do it. George Dausey asked what plan B would be if they did not get the variance. Blackburn said that they have got to get the documents filed so they can begin selling condominiums. Dausey said that if they knocked the building down it would solve the problem. Blackburn agreed and commented about putting a swimming pool in that space but he did not think they wanted a swimming pool on Butler Avenue. Boyle closed the Public Hearing. Miller motioned to deny. Bryan seconded. Miller said that when you buy a piece of property you should do your due diligence; they should have known this going into it. She said that there should be other ways to get around it like using it as a community room or exercise room; an amenity for the condos. Dausey said that it was a small building that was affecting a big building with a lot of potential sales and revenue, and that was what they had to settle. Reynolds said that nothing was going to change. He said that the original developer did not know that it was going to be a problem. McKenzie said that she agreed with Reynolds. She said that in this economy they needed to do as much as they could to stimulate this to let people buy properties. She said that it was silly to let this not go. Boyle called for a vote on the motion to deny. Voting in favor were Bryan and Miller. Voting against the motion were Burke, Dausey, McKenzie, and Reynolds. The motion to deny failed with a 2-4 vote. Boyle asked for another motion. Reynolds motioned to approve. McKenzie seconded. Voting in favor were Burke, Dausey, McKenzie, and Reynolds. Voting against the motion were Bryan and Miller. The **motion to approve passed** with a 4-2 vote. Boyle told the petitioner that the date before City Council would be January 14.

Chair James Boyle opened a Public Hearing for Site Plan at **1112 and 1114 Highway 80**, PIN 4-0026-11-010, Zone C-2. The petitioner was Mark Boswell for Stayce Jarrell. The request was for a special event facility. Lisa McKenzie recused. Jonathan Lynn explained the request. He said that it was currently a vacant lot and the Character Area was the Arts, Eats, Eco Business Corridor, and the general area surrounding the property was commercial uses and behind the property was a residence. Lynn said that the building that was being proposed to be moved to the location was a temporary structure built to be part of a movie set. He said that the applicant would raise the structure, bring it up to current building codes and utilize it as a special event location. He said that there would be adequate parking. He commented that several trees would be removed but that they were saving as many as they could. Lynn

explained that previously a carwash was approved for an adjacent lot but there would no longer be a carwash put there. Randi Bryan asked if the capacity was 131. Lynn said that it was and it was based on the dimensions of the building. Bryan asked about the addition on the back and if an elevator was planned. Lynn said there would not be an elevator; there would be an ADA ramp. George Dausey asked if there was parking under the building. Lynn said that they were proposing triple-stacked parking under the building which would require a parking attendant. Jarrell spoke about economic problems, budgeting, customers, opportunities the special event facility presented, and the costs of the project. Dausey asked the cost of moving the building. Boswell estimated \$10,000 to \$12,000. Dausey estimated that it would be more. Lannie Jarrell said that the Historical Society had a bid of \$10,000 to \$12,000. He and Dausey discussed the moving of the building. Randi Bryan asked if any trees would have to be cut down to move the building to the lot. Boswell indicated the trees with X's that would be removed. Bryan asked the elevation. Boswell said that the building would be raised 9- or 10-feet for parking underneath. Whitley Reynolds said that he was initially concerned about the stacked parking but they were going to have a staff person there. Bryan asked if they approved it would they have to put that in there. Lynn said that he would recommend that. Bryan asked how far they would be from the marsh buffer. Boswell said about 8-feet. Boyle called for public input. Cullen Chambers, Executive Director of the Tybee Island Historical Society, said that the building was not an ordinary special event facility; it was a remarkable opportunity to bring scores of visitors to the island just through the preservation of the building. He said that as a wedding facility it would bring hundreds of people for the weddings and then return visits as they bring their children back to show them where they were married. He said that the Historical Society crunched the numbers and were willing to spend hundreds of thousands of dollars to keep the facility on the island. Chambers said that they were going to relocate it to their property but then had an opportunity to relocate an historic 1920s Tybee cottage. He said that they could do one project, or no project, but they could not do both projects. He commended the Jarrells for their courage and vision. Chambers said it would be a vast improvement to the gateway to the community. He encouraged the Commissioners to support the applicant. Stephen Palmer, Tybee Island Weddings, spoke about the potential economic impact of weddings. He said that he and his wife have consistently done 300 weddings per year. He said that the number of people attending the weddings has gone down but the money spent on the wedding still came. Palmer said that the wedding industry does not just profit his business; it profits every restaurant, hotel, vacation rental, and retail stores. Keith Gay spoke in favor of the proposal. Dausey asked about security for a large wedding. Jarrell said that her goal was to keep it within the building. She said she would like to try to limit the number of participants to 80 or 85 people. She said that she would be glad to hire off-duty police officers because she does not want to deal with it. Jarrell explained further her vision of events at the facility. Bryan asked the hours of operation. Jarrell said that it would have to close at 10:00 p.m. She said that they needed to secure a separate reception facility so that it does not tie up the chapel so much. Bryan asked if they were going to do any receptions. Jarrell said small ones. She spoke further about the land and project. Boyle asked the occupancy. Lynn said that it would be a maximum of 131 persons. Boyle closed the Public Hearing. Bryan motioned to approve. Reynolds seconded. Reynolds said that they talked about a lot of things other than the Site Plan. He said that they needed to concentrate on the Site Plan and City Hall would take care of the business operation. Voting in favor of the motion to approve were Bryan, Burke, Dausey, and Reynolds. Miller voted against the motion. McKenzie had recused. The **motion to approve passed** with a 4-1 vote. Boyle said that the request would be before City Council on January 14.

Chair James Boyle opened a Public Hearing for a Major Revision to a Recorded Plat at the **200 block of Fifth Avenue**, PINs 4-0004-13-004, -005, -012, and -013, Zone R-2. The petitioner was Wyman Sharpe. The request was for revision to a subdivision plat. Whitley Reynolds recused. Jonathan Lynn said that the Community Character Area was Marshfront Neighborhood. He explained the history of the subdivision. He said that Lot 6 was single-family and the others were duplex lots. Randi Bryan asked what the

variance was for Lot 6. Lynn said that it was a front setback variance from 20-feet to 10-feet. Lisa McKenzie asked if they were approving the road. Lynn said yes, and that would essentially approve the subdivision as well. McKenzie verified with Lynn that the DNR had approved it. McKenzie asked what type of material would be used for the road. Mark Boswell said that it would be white rock. Jay Burke asked the width of the road. Boswell said that it varied to save trees; it was 20-feet at the beginning and 15-feet at the end. The widths were discussed. Downer Davis, the City's consulting engineer, confirmed that the Fire Chief had approved the proposed road. Boyle asked for public input. There was none. Boyle closed the Public Hearing. Bryan motioned to deny. Anne Miller seconded. Bryan said that she did not approve the original variance, and part of it was because the lot was encroaching into the marsh and now the road was doing pretty much the same thing. Voting in favor of the motion to deny were Bryan and Miller. Voting against the motion to deny were Burke, Dausey and McKenzie. Reynolds had recused. With a vote of 2-3, the motion to deny failed. Boyle asked if there was another motion. Dausey motioned to approve. Burke seconded the motion. Dausey said that the petitioner had done everything the State and the City had asked him to do. Burke said that the DNR had held Sharpe to the fire to make sure everything was done properly and he was doing everything by the book working with the City. Voting in favor of the motion to approve were Burke, Dausey and McKenzie. Voting against the motion were Bryan and Miller. The **motion to approve passed** with a 3-2 vote. City Council would hear the request on January 14.

Jonathan Lynn stated that the deadline for Planning Commission applications was December 31 at 4:30 p.m.

Chair James Boyle closed the meeting.