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**MINUTES
Planning Commission Meeting
April 15, 2014 – 7:00 p.m.**

Chair Tyler Marion called the April 15, 2014, Tybee Island Planning Commission meeting to order. Commissioners present were Marianne Bramble, John Major, Tyler Marion, Demery Bishop, and Julie Livingston.

Mr. Marion – The first order of business is the minutes of the March 18, 2014, meeting. Do I have any discussion? [There was none.] Do I have a motion? [Mr. Major made a motion to approve as written; Ms. Bramble seconded.] All those in favor please signify. [The vote was unanimous.]

Mr. Marion – Do we have any recusals or disclosures?

Mr. Bishop - On item 3, 1207 Highway 80 #D, I feel incumbent that I must disclose that I have a financial and proprietary relationship with the property owner, not the applicant. My question is, should I recuse myself?

Ms. Otto – Do you feel you can consider this item without any bias?

Mr. Bishop – I can.

Ms. Otto – Then it would be a disclosure, not recusal.

Mr. Bishop – It is a disclosure, thank you.

Site Plan Approval & Special Review – City of Tybee Island – 402 Jones Avenue

Ms. Otto – This is Site Plan Approval and Special Review for a project in Memorial Park. The restroom facility at Memorial Park is being considered for expansion. The current square footage of the structure is approximately 418 square feet. The addition would be on the north side of the building and would add approximately 165 square feet. Joe Wilson, Director of the Public Works Department, is here this evening to answer any questions you may have.

Mr. Marion – Are there any questions for staff? [There were none.] Would the applicant please step forward.

Joe Wilson came forward and introduced himself. We are trying to retrofit all the bathrooms. This bathroom is an old block structure and is ADA accessible but it is not ADA compliant. That is one of the reasons I want to fix this. In the future I have plans for the old skateboard slab and want to put a pavilion on it. You can't do that without making sure there are plenty of bathroom facilities for everybody. What I'm planning on doing is adding two stalls to each side and making it ADA compliant.

Mr. Marion – With the skateboard area, the flat cement, how soon after this upgrade will you be improving that slab?

Mr. Wilson – I'll put it in the budget for next year. It will take about \$17,000 in materials but the first thing I need to do is upgrade the facilities.

Mr. Bishop – Looking at your proposed addition in blue, it did not indicate exactly what the addition was other than the additional public restroom facility. Does that include actual facilities for both male and female so the whole building is being retrofitted?

Mr. Wilson – I'm extending the building out towards the basketball court and there will be two extra stalls for men and two extra stalls for women along with handrails for ADA compliance.

Mr. Bishop – Will the room that is currently designated for pesticide storage only, will that go away?

Mr. Wilson – No. All we are doing is extending the north end, going out 10-foot, and adding two stalls. I will do it like the Marine Science Center. I will put vinyl in there, redo the floors, new infrastructure inside it, and new plumbing. I need to make it ADA compliant. I would like to make all the facilities ADA compliant just like I did with the crossovers. We found that once we put the new vinyl in and retrofitted these bathrooms, we have less maintenance as far as cleanup. Also there is less problems with graffiti. Block walls are very porous and they tend to hold urine inside them and it smells and we have to use more chemicals in there.

Mr. Major – Assuming Council approves this, when would the land disturbance begin, how long do you think it will take, and what impact might that have assuming you have to shut down the facility while you are working on it?

Mr. Wilson – It will probably be done in the fall. I'm already going into a maintenance mode now. I like to stop my projects at the end of April. If I do this in October it lessens the problems with interference from anybody. We will put a couple of port-a-johns out there so there will be accessibility for that. The timeline is looking at about 8 weeks to build it. It will be done in-house so there will be significant savings on that. I plan to retrofit the Jaycee Park and the North Beach bathrooms eventually.

Mr. Marion – Dianne, with Joe's comment about the port-a-lets being situated out there, is there anything we need to consider or that governs the placement of those or where they are?

Ms. Otto – I trust Joe's good judgment. It is not uncommon at a work site to have restrooms available for crew. In this situation they will be available for public use as well.

Mr. Marion – Will they be close by?

Mr. Wilson – Yes. They will be maintained and serviced.

Ms. Livingston – When you do this retrofit, is it going to be ADA compliant sinks that they can roll under?

Mr. Wilson – Yes, everything will be ADA compliant. It will be stainless steel, at the right height, and will have handrails to get in and out.

Mr. Marion – Thank you Joe. Is there anyone from the public that would like to speak to this? [There was none.] At this time I will close the public hearing. Do I have a motion or discussion?

Mr. Bishop – Motion to approve.

Mr. Major – Second.

Mr. Marion – I have a motion to approve and a second. All those in favor please signify. [Vote was unanimous.]

Variance – Mark Waller – 17 Shirley Road

Ms. Otto – This is a Variance request at a single-family residence located at 17 Shirley Road and is on the corner of Butler Avenue. The applicant is the owner and is requesting to install a porch roof where there has currently been an awning on the property. Removal of that awning frame and construction of a porch roof is shown here [referring to PowerPoint]. The reason it is before you for a Variance is that this home does not currently meet the required setbacks in the R-2 zone which for a side is 10 feet. This would be considered an expansion of a non-conforming structure. It will encroach into the required 10-foot setback by 6.3 feet. It will match the existing side wall of the structure which is at 3.7 feet off of the property line.

Mr. Marion – Are there any questions for staff? [There were none.] Is the applicant present?

Mark Waller came forward and introduced himself.

Mr. Major – I think I understand what we are doing here but would you walk us through what you want to do?

Mr. Waller – There is an existing brick paver patio with an awning above it which I have to replace every 3 or 4 years. All I want to do is build a roof that matches the awning frame in the same size and same dimensions.

Mr. Major – Will it extend any further out?

Mr. Waller – No. It will be the same dimensions.

Mr. Major – There won't be a deck or handrails.

Mr. Waller – No. Just replace what is there. The brick pavers are at grade level so there won't be anything done there. I may redo the planter a little but as far as the deck, there won't be anything.

Mr. Major – How much higher will that be than what is there now?

Mr. Waller – The roof is going to be at the same level. The pitch may change a little where it attaches to the house. At the street side it will be at the same level.

Ms. Bramble – Did you say you had the awning replaced?

Mr. Waller – Not the frame, just the canvas part. I actually haven't replaced it lately, it's been sitting like that for about a year. I've had to replace it twice since it has been up there in probably ten years. A lot of water comes off the front of that house onto the top of that awning and it just won't hold up.

Mr. Marion – What is the cost associated with the replacement of the canvas?

Mr. Waller – It runs about \$1,500.

Mr. Marion – You've spent around \$3,000 so far.

Mr. Waller – Yes.

Mr. Bishop – There are no plans now, or potentially in the future, to come back for any other Variances once this, if approved, for a permanent awning is given.

Mr. Waller – No, this will be it. I'm going to take a piece of the planter out and make a level planter because it holds water and redo the railings like it is shown on the drawings. After that I'm done with it.

Mr. Marion – Are there any other questions for the applicant? [There were none.]

Mr. Bishop – Dianne, referring to the section of the Land Development Code where it says, "*a non-conforming residentially used structure....without a Variance as long as no further encroachments into any setbacks are to be created.*" Since there was an awning there and it actually went into what would have been the 10-foot setback, is it because it becomes a permanent structure versus the awning it is considered a new or further encroachment?

Ms. Otto – Yes, that is correct. If Mr. Waller had been able to request something on the opposite side of the house where he has adequate room to expand without encroaching into a 10-foot side setback, over in this area [referring to PowerPoint], we wouldn't be here. Even though the house is non-conforming to required setbacks over here [referring to PowerPoint], because he is wanting to add a structure to the house, the awning doesn't count as a permanent part of the house, he does need a Variance because it is a further expansion into the 10-foot side setback.

Mr. Bishop – And it is a permanent structure versus a temporary that the awning did not create the true encroachment, is that correct?

Ms. Otto – Yes, that is correct.

Mr. Major – You are not considering this a vertical expansion in this case or are you?

Ms. Otto – No, this is a lateral extension of the home into the side setback.

Mr. Marion – Is there anybody from the public that would like to speak to this? [There were none.] At this time I will close the public hearing. Do I have discussion or a motion?

Mr. Bishop – I make a motion to approve the Variance as designed.

Mr. Major – Second.

Mr. Marion – I have a motion to approve with a second. All those in favor please signify. [Vote was unanimous.]

Site Plan Approval – Susan Kelleher – 1207 Hwy. 80 #D

Ms. Otto – This is a commercial Site Plan Approval project located at 1207 Highway 80, unit D. This property was recently vacated by Doyle Landscaping. Susan Kelleher is the applicant and seeks your approval to install a temporary trailer for walkup ice cream service. If you visited the site, you saw the vintage trailer sitting there. The plan is to convert it to a walk up service counter. The current structure is a temporary structure that will remain but it would only be used for storage. There are restrooms provided on the northwest corner of the existing building that would be available for the customers of the ice cream stand. This is in C-2 and any commercial development in that zoning district does require Site Plan Approval.

Mr. Major – For a structure like this, for this use, are there any special tie downs or anything like that or is it just pull it away when it gets windy?

Ms. Otto – We do require tie downs given the potential wind gusting. This will be considered a temporary structure. It will have quick disconnects for electric and plumbing services if they are connected to the building. It does need to be, at all times, properly licensed to be pulled off the island within 90 minutes.

Mr. Marion – The structure will not be permanently affixed to the ground or slab at any point in time?

Ms. Otto – It will be strapped and anchored but those are removable. Those are simply for gusts or gales that may come. As far as evacuation of the island, this temporary structure needs to be removed within 90 minutes.

Mr. Major – Is the owner of the property aware of this and okay with it?

Ms. Otto – Yes. The landlord did provide a letter, an affidavit, allowing this action to move forward.

Mr. Marion – In Savannah, I know they have prohibitions against food trucks and various items like this. I know we're looking at something that would not necessarily violate anything by being there but do we have any prohibitions against food trucks with ice cream or dairy products being facilitated out of it?

Ms. Otto – We have a couple of other temporary structures that fall in this category. The trailer used at Gerald's Pig and Shrimp is an example and the ice vending machine.

Mr. Marion – Those are permanent fixed structures.

Ms. Otto – No, those are both temporary structures under the same guidelines that they need to be removed within 90 minutes.

Mr. Major – Was the after photo we saw, is that the same trailer that somebody else did or was that photo shopped?

Ms. Otto – The applicant is here to answer that better than I. I believe this is just a sample.

Ms. Livingston – Looking at the power lines, are they going to be buried or will it be a drop?

Ms. Otto – I would expect a drop.

Ms. Livingston – Is it going up to the top of the building and then drops down?

Ms. Otto – If it is treated as we have handled other temporary structures, it stays on a service pole and that is where the quick disconnect is located.

Ms. Livingston – The quick disconnect is on a power pole, right? It is hard to see where it goes or if it is going to be hanging or a drop or is it going to attach to the building.

Mr. Marion – In other words, where is the power source derived from and where does it go?

Ms. Livingston – I have a question on the paved walk that is shown on here. Currently there is not a paved walk there, is this going to be done under this site plan?

Ms. Otto – Yes.

Ms. Livingston – Is the refurb of the trailer, so it looks similar to the after picture, where is that going to be done?

Ms. Otto – Again, the applicant can probably answer better but since the trailer is already here I assume it is to be done on site.

Ms. Livingston – It says there won't be any customer seating but yet there are picnic tables there, at least one, that doesn't count as customer seating?

Ms. Otto – I had conversations with the applicant about the outdoor seating as that would trigger additional parking requirements. It was my understanding that she is not proposing outdoor seating for the customers. We will talk with her about the table that we saw.

Ms. Livingston – Is there going to be water provided to this site?

Ms. Otto – I believe so and again it would be a quick disconnect. We have had some initial conversations with the building official about how to accomplish these plumbing and electrical things but nothing has been finalized yet.

Ms. Livingston – Does it require Health Department certification?

Ms. Otto – It actually falls under the Agriculture Department. She is seeking the required food service permit or agricultural permit that she will need in order to get her business license.

Mr. Bishop – On the paved walk as indicated on the plan that we have, we have had a lot of discussion and we are continuing to have discussion on permeability and those types of things for driveways. Does that permeability issue and those types of things, would that be applicable on this paved walk?

Ms. Otto – No. The Council voted many months back to remove any material standards for patios and walkways.

Mr. Bishop – Even in a commercial environment versus residential?

Ms. Otto – Yes. Section 3-200, Decks, walkways, and patios. *“Decks and patios, as defined in Article 2, and walkways no higher than one foot above the nearest adjacent grade may be placed anywhere within the property boundaries. Decks and patios, as defined in Article 2, and walkways that extend beyond one-foot of the nearest adjacent grade shall be required to meet all front, side and rear setback requirements.”* There had been, prior to December of 2012, a mention of these things being required to be pervious; that is no longer in that code.

Mr. Bishop – When was that amended?

Ms. Otto – December 13, 2012.

Mr. Major – The Site Plan application that we have is for a walk up ice cream trailer and the walkway isn't identified on here. The drawing we have shows an ADA compliant ramp and I didn't see one. Is that part of the Site Plan Approval application and if so are there other things that they are going to do such as utility hookup that would be part of this? Are we missing anything else we should be addressing?

Ms. Otto – For this level of project I think we've got all that needs to be accomplished at this time pending approval. Prior to permitting she will be required to meet the commercial plans including drainage, electrical, plumbing plans; those things we will get at permitting.

Mr. Major – I don't have a problem with that. I think something that is proposed, like a walkway or a ramp, it is easy just to state 'proposed'.

Ms. Livingston – I notice the trailer has been sitting there. In the event that someone is starting the process to get Site Plan Approval, is it permissible for them to have the trailer and their equipment there?

Ms. Otto – Because it is currently an RV trailer and not a food service trailer, yes, those can be stored on the island on people's properties. It could not begin operation as a food service but we don't have an ordinance that prohibits RVs from being stored on properties.

Ms. Bramble – The parking for the other businesses, they are all sharing parking, is that correct?

Ms. Otto – Yes. They all share that parking lot. It is one complex with one property owner but multiple uses on the property.

Mr. Marion – The intent is obviously to capture walkup traffic that is passing between shops. Any other questions for staff? [There were none.] Would the applicant please step forward?

Susan Kelleher stepped forward and introduced herself. I live at 53 Captain's View. I have two businesses on Tybee, one is Seaside Sisters which is right next to this lot and the other is Seaside Sweets which is currently a gelato store on Tybrisa. Seaside Sweets is licensed under the Agriculture Department and it has to do with the square footage of what you serve versus what is already considered like a convenience store. A convenience store would usually be under the Agriculture Department where restaurants usually come under the Health Department. I've had the Agriculture Department and the Health Department there and they both scratched their head because neither one of them is quite sure. I've decided to go with the Health Department because the requirements are a little stricter and that way I know all my bases are covered. There is an outdoor restroom on the side of that building. I'm going to make sure it is ADA required and we are going to build a ramp up to there. I've also asked to have a parking space installed for ADA. The picnic tables that you see are mostly the Seaside Sisters business and they are for sale. They are not permanent benches and can be sold and carried away at any time. Along the fence that runs in front of the property, there will be at least 20 or 25 bike spaces there. The concept is mainly for people to ride their bikes or walk. There is plenty more parking plus the bike parking as well. As far as the paved walkways, I really hadn't intended to pave them. I was going to do a mulch type paver through there so there wouldn't be any cement or anything like that. We might do some bricks if that is what you would require but I would mostly do just a designated walkway that would be mulched so a chair could easily get over to the handicap ramp into the bathroom.

Mr. Marion – Looking at the trailer and understanding what type of business will be facilitated out of the trailer, where is your storage for all of the products?

Ms. Kelleher – That is what the little house behind is for. The freezers and a lot of other things will be in there. Surprisingly enough, that little trailer holds the scoop cabinets that I have and some other things; it holds quite a bit.

Mr. Marion – If I'm setting up for the day and need to get products, is there a walkway from the trailer to the storage area?

Ms. Kelleher – Yes. Unfortunately on this drawing it doesn't have it but actually there is a path that goes out to the left that would go to the existing building and there are steps that go up and I'm noticing that was not put in there. Yes, there is a path that would go out there. On the back of the trailer is where the hookups will be. The utilities, including the plumbing, will all be underground. On the outside of Seaside Sisters are plumbing hookups and to the left is an electrical pole that I can use and it can be expanded if I need to. All of that will go underground so customers won't trip on anything and there will be no overhead wires.

Mr. Marion – If we could roll back to the plan that shows McKenzie Street [PowerPoint], show me from the trailer back to where the actual product is stored; in other words that walkway that is not shown.

Ms. Kelleher – It is right there [referring to PowerPoint] but I just now noticed that was not added in there.

Mr. Major – Is the retrofit of this going to be done there?

Ms. Kelleher – Yes, it will be.

Mr. Major – What kind of equipment will that require?

Ms. Kelleher – I have someone who has started on it already. He is an aircraft technician so he knows all about the outside. It has been gutted down to the 2 x 4's and will then be rebuilt according to Health Department standards. Everything will be sealed and locked and there is an air conditioner that sits on top. There is a service window in front that will be cut out and have screens on it. I will not get a CO until the Health Department comes out and inspects and knows that all surfaces are completely wiped down, the 3 compartment sink is there, the hand wash sink, mop, and everything that I need.

Mr. Marion – Can you elaborate on the safety, the precautionary aspect, in case it catches on fire. If I am an employee how do I escape?

Ms. Kelleher – There is a door that is right there on the front.

Ms. Bramble – When you are talking about fire safety, in your retrofit, will you have overhead sprinklers?

Ms. Kelleher – I don't think that is required. There will be a fire extinguisher in there. The Health Department does require those but not overhead sprinklers as far as I know. They didn't mention anything to me about that but I'll be talking to them all through retrofitting so if they say I need a sprinkler then we can easily do it.

Ms. Bramble – A personal comment, the mulching you are talking about using is not easily maneuvered by a wheelchair.

Ms. Kelleher – I do have a friend and he is a quad so I use him and he makes sure I have what is needed. Mike comes down and tests everything out for me and lets me know if it is not working. Yes, whatever is the best thing to use, whether it is brick pavers, tire mulch or the same thing they use on the beach, that is what I'll use.

Ms. Livingston – I know it is a temporary structure but it is going to be there year round even if it is not open, it is ultimately permanent.

Ms. Kelleher – It is permanent but it is not. It still has the tires on it and will be strapped down just like you would strap down a camper at the campground. It has to be secured so just like those campers, they all carry jacks to put on their four corners, it will be the same thing but a little more secure. In the event of an emergency, it is on a 2-inch ball jack that I could pull my car right up to it, take those things off, unhook everything, and out we go.

Ms. Livingston – I love this idea. I think it fits Tybee, it's quirky, I love these old vintage trailers and I think this is a really good idea.

Ms. Kelleher – Thank you. I hope eventually to have 2 more on the property.

Mr. Marion – Do we have anyone from the public that would like to speak to this? [There were none.] At this time I will close the public hearing. Do I have discussion or a motion?

Mr. Major – I move to approve with the stipulation that the drawing be corrected. If it says paved and it is not going to be paved or where it says ADA and we would put that in there. We want to ensure that what is existing was proposed and clear.

Ms. Livingston – Second.

Mr. Marion – I have a motion and a second to approve. All those in favor please signify. [Vote was unanimous.]

Site Plan Approval – Barry Brown – 1105 Hwy. 80

Ms. Otto – This is a commercial Site Plan Approval project for 1105 Highway 80. It is near the area we were just at but to the east. The request is for construction of a storage building in the rear of the existing Vicki’s restaurant. It would be a standalone structure not attached to the primary business. In your packet is the site plan showing the proposed location.

Ms. Livingston – On your analysis of the proposal you state that the Site Plan Approval with Variance was granted on February 19th. I can’t find that in the records online. There was no Council meeting that day; it was the 14th and the 28th. There was a Planning Commission meeting but I could not find this proposal in the minutes. Is this date incorrect?

Ms. Otto – Yes. I have the file here with us. It was the 14th day of February 2013.

Ms. Livingston – That was the Council meeting?

Ms. Otto – Yes.

Ms. Livingston – I didn’t see that on the Council agenda either. I went to the 14th and 28th and still couldn’t find it.

Ms. Otto – It was under the name of Rich Hammons. Tonight’s petitioner is Barry Brown.

Ms. Livingston – This is showing that this is a Site Plan Approval for an amended site plan so we are amending the original?

Ms. Otto – That is correct.

Ms. Livingston - We can amend this even if Rich Hammons had done the original and it is in a different person’s name at this point?

Ms. Otto – Yes.

Ms. Livingston – The original site plan from the 14th was completed December 20, 2013?

Ms. Otto – Yes. The permitting that resulted from the Site Plan Approval was closed out in December. After the site plan was approved there were permits issued for the work and then those files were closed in December.

Ms. Livingston – Is it normal to have a site plan amendment be submitted that has no relation to the original site plan? The original site plan appears to be just for a deck, am I correct in that?

Ms. Otto – The original plan back in 2013 was related to expansion of the deck, change of a handicap ramp, and the parking that was affected by that expansion.

Ms. Livingston – Here we are looking at putting a new building in a completely different location. Is it customary that would fall as an amendment when it is so out of the scope of the original site plan?

Ms. Otto – The primary reason for allowing the amendment is so that applicants who are phasing in development of their site are not charged \$500 each time they come back for Site Plan Approval. In the fee schedule adopted by City Council, if a site has had Site Plan Approval and needs an amendment within three years, they are allowed to go through that process at a \$250 fee rather than as a new plan at \$500.

Ms. Livingston – The site plan itself only lasts for 18 months without extensions, correct?

Ms. Otto – Approval of a Site Plan has a life of 18 months that permits need to be secured. If permits have not been issued that Site Plan Approval expires.

Ms. Livingston – Is this policy written somewhere, this 3 year policy, because I didn't have access to that either?

Ms. Otto – It is on the fee schedule.

Ms. Livingston – Is this also done with residential or just commercial?

Ms. Otto – Site Plan Approval is only a commercial requirement so you will only see it on commercial endeavors.

Ms. Livingston – In your analysis, you talked about an existing metal shed for a well is to be retrofitted as part of this project. What does that mean? I understand what retrofit means. In this particular case, what is being proposed?

Ms. Otto – The contractor can best answer that when he comes forward. As you will see on the site plan, the existing structure for the well pump that is inside there will be incorporated into this new structure. The well will still be protected rather than being open to the elements.

Ms. Livingston – Site Plan Approval is only for residential properties if they are doing new construction?

Ms. Otto – No. Site Plan Approval is strictly used for commercial projects.

Mr. Bishop – On the plat, with the exception of what would be the northwest corner, I'm assuming that also meets the 5-foot setback requirement. I didn't measure it but I'm assuming it is in compliance.

Ms. Otto – It will be required to be 5-foot from the property line.

Mr. Bishop – We don't know if it is or isn't at this point but it would be required.

Ms. Otto – It is required. I believe they have attempted to draw that parallel to the property line. We will certainly verify that.

Mr. Bishop – In storage facilities that are external to the main facility as we have seen at Vicki's, are there requirements of what can or cannot be stored in a storage facility by code? I know this is a Site Plan Approval but that is a question I thought was germane with an external storage facility. We can't have flammables, combustibles, or that type of thing and I presume in this environment there wouldn't be. Is that something that is not even germane to our discussion?

Ms. Otto – There are restrictions on the quantities of hazardous or flammable materials to be stored in any facility.

Mr. Bishop – Is that by our code or other codes?

Ms. Otto – State codes.

Mr. Bishop – You mentioned that the drainage plan will not be required for Site Plan Approval but it is required along with an erosion control plan prior to the issuance of the permit for construction.

Ms. Otto – That is correct.

Mr. Bishop – Neither of those would come to us as a Planning Commission entity. That would be based on staff's approval?

Ms. Otto – That is correct.

Mr. Major – That giant tree, the pine tree, is that the only tree that is going to have to be removed?

Ms. Otto – That is my understanding.

Mr. Major – Is Mr. Brown the owner?

Ms. Otto – Barry Brown is the president of Barry Brown Construction. RLH Holdings is owned by Rich Hammons.

Mr. Marion – Any other questions for staff? [There were none.] Would the applicant please step forward?

Barry Brown came forward and introduced himself. What we want to do is build a storage building because they are using storage off the island for tables and chairs. If one breaks they have to go to Wilmington Island to get another. That is all this building would be for is basically to store tables, chairs, and some kitchen equipment. There will be no gas, no bottles, nothing is going to blow up and go boom in the night. The 8-foot fence is already behind the building. For the setbacks, if you look at the right hand corner of the building [referring to PowerPoint], it shows a 5-foot dimension and on the west side the building is 5 feet off of the property line. There are a lot of code requirements we have to meet in order to make it fireproof on the side between the existing building and the shed.

Mr. Major – Is that pump house functional now?

Mr. Brown – No.

Mr. Major – Are you going to cap it?

Mr. Brown – I haven't addressed that with the owners. It's basically no more than a yard type well for watering grass.

Mr. Major – Will this have hydrostatic vents?

Mr. Brown – It has got to have hydrostatic vents. One end is about 6 inches off the ground and the other end has about a 4-foot drop off.

Mr. Major – I thought you were going to level that.

Mr. Brown – No. It will be built up on piers.

Mr. Marion – Where is the door?

Mr. Brown – The door will be on the east side of the building where they will be able to walk across and get the chairs and tables as they need them. There may be a garage door with a one man door next to that. We may even have a few windows in it.

Ms. Bramble – In the photos from Mr. Hammons, all the excess furniture in the photos will go in that storeroom. The only things that are going to be outside are those gas tanks, correct?

Mr. Brown – There will be a lot of stuff cleaned up and put into storage but the gas tanks can't go in the building.

Mr. Major – Is this going to have power or water?

Mr. Brown – It won't have any water but it will have electricity for lights because they have to go in there at night. They don't want to be there in the dark trying to get things out.

Mr. Major – Are you going to tap into an existing panel and run a line?

Mr. Brown – Yes.

Mr. Bishop – On the plan that we have the propane tanks that are there now, the proximity is actually a little closer from where the shed is going to be and the existing propane tanks. You can see the propane shown in one location but I think they are actually adjacent to the other metal shed that is there. I guess that is not a hazardous problem.

Mr. Brown – They are next to the dumpster. That is about 5-foot from the other building where the shed is going to be. You can figure that is about 15 or 20 feet or better from that building.

Mr. Bishop – I concur with that. I walked that whole area a couple of days ago. I think when you build this and clean the other area that is going to be a remarkable improvement.

Mr. Marion – Tell me about lighting.

Mr. Brown – If there is any lighting on the outside of the building it will be between the two buildings just so somebody can see to walk through there. We are not putting any flood or neon lights out there.

Ms. Livingston – On the site plan it says the metal shed, well, and tank are to be relocated. Where are those going?

Mr. Brown – They are not being relocated. They are being combined into that one building. They used the word 'relocated' because it is going to be combined.

Ms. Livingston – Combined with the actual building you are building?

Mr. Brown – Right. That area footprint will be combined into the new building but part of it has got to be removed because it is in the setback.

Mr. Marion – Are there any more questions? [There were none.] Is there anyone from the public that would like to speak to this matter? [There were none.] At this time I will close the public hearing. Do I have discussion or a motion?

Mr. Bishop – Motion to approve.

Mr. Major – Second.

Mr. Marion – I have a motion and a second to approve. All those in favor please signify. [Vote was unanimous.]

Site Plan Approval & Minor Subdivision of Land – Keith Gay – 715 First St.

Ms. Otto – This location is 715 First Street. Currently at the property are an ice machine and a billboard. The request is to install an ATM at the property as well. In your packet are a number of surveys and photographs. This proposed plan shows the new property line which will keep the billboard on its own lot. In order to retain the billboard it has to be on a vacant property. The current ice machine is located to the west and the proposed location of the ATM is centered here [referring to PowerPoint] towards the rear of the property. The packet contains some renderings of what this location may look like if this item is approved and installed.

Mr. Major – What is our ordinance that says a billboard has to be on its own lot?

Ms. Otto – The billboard ordinance as it used to exist no longer does. It was struck from Article 6 Sign Regulations that didn't allow any new billboards. The billboards that existed on Tybee at the time that was adopted were grandfathered and they are required to continue to be on vacant lots.

Mr. Major – Where is the ordinance that makes that requirement?

Ms. Otto – It is not an ordinance; it is a condition of the grandfathering of those billboards.

Mr. Major – Where would I find that?

Ms. Otto – There is a reference at 6-090(E) in the Sign Regulations which is Article 6, Section 6-090. It reads, *“Notwithstanding the provisions of this section in conflict, as pertains to nonconforming off-premises free-standing signs on commercial use lots, subsection 06-080(E)(2), and signs on vacant lots in commercial zoning districts..”* which is the billboards.

Mr. Major – Where does it say it has to be on its own lot?

Ms. Otto – The only billboards prior to the striking of the ordinance were only allowed on vacant lots, ever.

Mr. Major – I don't have any problem moving the lot line. Keith owns both lots I assume. I don't see where the requirement is.

Ms. Otto – The former billboard ordinance was 6-080(F). A portion of it is still there. It says, *“Signs on vacant property in commercial zoning districts. Signs shall not be permitted on lots in commercial zoning districts with no primary structure.”* The prior language that was struck allowed additional billboards. When they removed that language it now only leaves billboards on vacant lots as being able to continue to exist. That eliminated the right to install a billboard on a vacant lot.

Mr. Major – What we are doing now is putting the billboard on a lot that, other than the billboard, is vacant, right?

Ms. Otto – Yes, as it currently exists.

Ms. Bramble – If this is subdivided, if the bank machine doesn't work or is taken out, could they ask for another billboard on that lot?

Ms. Otto – No. It already has an existing billboard so they couldn't ask for another and no new billboards are allowed.

Ms. Livingston – It is still not clear to me in this code where the billboard is only allowed on a vacant property.

Ms. Otto – Let's look at 6-080(F). This is under the code section that reads Design Standards. It reads, *“Signs on vacant property in commercial zoning districts. Signs shall not be permitted on lots in commercial zoning districts with no primary structure.”*

Ms. Livingston – I understand that. You can't just put a sign on a vacant lot. This isn't talking about specifically billboards, correct?

Ms. Otto – No, it is. That is exactly what it is talking about.

Ms. Livingston – Where is that clarified?

Ms. Otto – It probably lost some of its clarity when it was modified to eliminate new billboards.

Ms. Livingston – I don't think that the way it is written and the way it is there is saying that he can't put his structure on with that billboard. That billboard has to be on a vacant lot. When I jump over to 6-090 under non-conforming signs, Section E, this is clearly talking about billboards, off-premise signs. Nowhere in this that I'm reading does it require that a billboard be on a vacant lot. I fully understand that there can be no new billboards and that at one time the billboards had to be on a vacant lot. That ordinance was vacated and this is what we have to work with. I think we are looking at requiring Mr. Gay to do a subdivision of land that I don't think we have the legal status to require from what I'm reading.

Ms. Otto – Section 6-090(F) says they are not permitted on lots without a structure. If you turn them around what it says is if you want a sign you have got to have a structure. That means you cannot have a sign without a structure.

Ms. Livingston – I understand that but he is not asking to put in a sign. This sign is grandfathered in from the past. Why does he have to subdivide it so that the lot remains vacant? I'm not getting that from any of this.

Ms. Otto – It is a non-conforming sign to current code because the regulation that allowed billboards was struck.

Ms. Livingston – I understand that.

Ms. Otto – In order to continue to be a billboard on Tybee, it has to continue to be on a vacant lot.

Mr. Marion – Let's go ahead and move forward and have the applicant tell us what he has going on and take a look at his input.

Keith Gay came forward and introduced himself. I live on Tybee Island on 16A Twelfth Place. Mark Boswell is with me and he may be better to respond to questions about the specifics of the intent. We were approached by Savannah Bank who formerly had a banking facility on the island. They have a lot of clients who still live on Tybee. They are looking for a location where they could put a teller machine in that would be non-intrusive, safe, and well lit. They came to us because we have this location that seems to fit that dynamic pretty well. It is well lit and has good access in and out. One of the things that Mark recommended was that we change the exit and entrance and reverse them. After watching the machine for several years now, that is what we probably should have done in the beginning. It's more of a safety benefit for the exit to be on this second access instead of the first because you come up on the access very quickly and coming out of it the same way. The intent here was to take that section of ground, towards the back of the lot, which is open and allow it to be a teller machine. The nature of our traffic is one or two at a time and they leave. The billboard is not an issue. When we purchased the lot the marsh setback to the right makes that lot pretty much unbuildable. The only thing that it is fitted for is the billboard that is there. We rebuilt that billboard some years ago when we purchased the ground so it would look good. A lot of people don't like billboards but as billboards go I think it is a respectable billboard and I think it serves a good purpose. That is the essence of it in that we would like to support the request of Savannah Bank to have a teller machine on the island to support their customers and we think this is a good option.

Mr. Major – You used the term 'teller machine', not ATM.

Mr. Gay – It is an ATM.

Mr. Major – Will I be able to make a deposit?

Mr. Gay – Yes. That is the intention. They are getting requests from customers to be able to make deposits as opposed to going off the island. They have been looking for a place.

Mr. Major – I think it is needed since the bank is gone.

Mr. Gay – They are trying to service their customers. Let me address the lot situation. When we made the application for this commercial site originally, Dianne is correct, there was a law on the books at that time that said you could have a billboard but you could have no other structure on it. I think the language that took place after the change of the billboard code, which outlawed billboards, I think is a little messy. If we have to do a subdivision to make that happen, we are not opposed to it, but if we didn't have to it is not going to change how that property is used one way or another.

Mr. Major – Other than for this teller machine, you would not be doing the subdivision?

Mr. Gay – No.

Ms. Bramble – What about parking for people using the bank machine?

Mr. Gay – They don't park, basically they pull up, use the machine, and pull out. That is at the back of the lot if you notice how it is designed. The picture that was used as a mockup really isn't a very good representation because it is going to be more centered in the lot and they will be able to make that turnaround. They are not going to be parking. I'm not saying somebody wouldn't come in and park and do that but right now I have folks who come in and park and go to Stacy's place to check in which we don't make a big deal about. There is not a lot of traffic. The traffic is mostly one or two cars at a time.

Mr. Major – Is this a prefabricated kiosk or is there any construction required?

Mr. Gay – I can't answer that but I would suspect that this is prefabricated. I think it is standardized. The gentleman who does this is out of South Carolina and that picture right there is what it is going to look like.

Mr. Major – It will all be tied down or locked in?

Mr. Gay – Yes, it will be permanent. The only build on the site is the foundation, everything else is built off-site and they come and install it.

Ms. Otto – One of the reasons for the change of the property line is that this is two lots of record. The plan that was received shows the ATM straddling the lot line and we would not allow installation of a structure on a property line. It is going to have to be relocated off the property line to one lot or the other or that lot line has to move.

Mr. Gay – There is an option that we could recombine the lots and make them one lot and it wouldn't make any difference. I don't know if it would change the code requirements.

Ms. Otto – I think that would make the billboard have to be removed because it wouldn't be on a vacant lot.

Mr. Gay – One of the reasons that Dianne is correct is if the billboard has to be on a separate lot, we have to do a minor subdivision.

Mr. Major – I thought what we read said that billboards could not be on vacant lots, could not be on a lot without a structure.

Ms. Otto – It says signs shall not be permitted on lots with no primary structure.

Mr. Major – This is a sign and we are forcing it to be on a lot with no permanent structure.

Ms. Otto – Because it was a grandfathered billboard. The City's engineer is here to respond to some statements that Mr. Gay just made about maneuverability on this property that I would like for him to speak to you.

Mr. Marion – Are there other questions for staff? [There were none.]

Mark Boswell came forward and introduced himself. I think the confusion may be that one of the ordinances is for commercial signs for a business and the other ordinance is for billboards. The one that says you must have the sign on the property with a primary structure is like the sign in front of City Hall; the sign goes with the business.

Mr. Marion – Mr. Davis if you would come up.

Downer Davis came forward and introduced himself. I just wanted to make a clarification. This is an unusual project both from a review standpoint and a citizen's standpoint of observing over the last few years. The ice machine doesn't have a lot of peak traffic. I don't remember seeing instances of people waiting on Highway 80 to get onto the site. I haven't noticed the parking spaces being used. As far as the drive-through that is being proposed, a drive-through in the conventional sense is strictly that you drive through. The engineer and I have had correspondence back and forth. You can't drive through and make the turns without backing up. I wanted to point that out because I'm not opposed to that. The ATM is far enough from the road I don't see it getting congested or blocking the driveways. I would imagine a lot of people are going to have trouble maneuvering in there but simply get out of their cars and use the ATM. Leaving the driveways where they are would be more functional but if they want to change them, I'm not opposed to it. I just want to mention that you need to be careful that we acknowledge this is not a drive-through as most drive throughs don't have parking requirements. I don't see the need for additional parking but I don't want you to approve this and think that people will be driving through it unless you drive a Smart car and won't be maneuvering on this site. I'm not opposed to it.

Mr. Major – Does the site plan we have indicate that it is a drive-through?

Mr. Gay – No.

Mr. Davis – The engineer provided me a traffic pattern showing how people could maneuver to loop through and by reversing it they are showing the travel path. One thing the overhead doesn't clarify is that this is the actual teller machine [referring to PowerPoint] and this is the overhang. If the facility is not a drive-through then I'm not sure why I'm looking at the travel paths they have shown. The engineer indicated that they would not be able to drive through without maneuvering and the bank was not concerned with that. Actually, if it is not approved as a drive-through but as a walk up that simplifies everything.

Mr. Major – There is nothing in here that says that. I don't know if we should specify that.

Mr. Gay – The reason they requested the change in the traffic pattern is they felt it was safer for people to drive through and be on the driver's side when they get out of their car to access the ATM as opposed to walking around the car if there are other cars going in and out. It is much, much safer to access on the furthest west entry as opposed to the furthest east entry because the marsh is right in front of you and it is a quick stop. If you can access it from the second entry and come out the east entry, you actually have more traffic line to be able to get back on the highway. It's just my opinion and I've been going in and out of there for years now.

Mr. Major – There will be signs that say "Enter Only" and "Exit Only"?

Mr. Gay – Yes. They are there now but we would need to reverse them.

Mr. Boswell – To clarify what Downer was talking about, he is right. This small rectangle here [referring to PowerPoint] is the actual mechanism of the ATM. The whole thing is basically a cover like you would pull under at a gas station. From this dashed line to here is the actual mechanism of the ATM. Everything from here to here is just shelter.

Mr. Marion – Are there other questions for staff? [There were none.] Is there anyone else from the public that would like to speak to this? [There was none.] At this time I will close the public hearing. Do we have discussion or a motion?

Ms. Bramble – From what is being presented, I asked where you are going to park to use the ATM. I thought I heard that you are going to drive around and roll your window down. Do you park or open your window?

Mr. Marion – At one point or another a vehicle will have to stop depending on if it is a Smart car and you have a long arm. I don't necessarily think you are going to see 15 cars lined up to get to the ATM. It's going to be like the ATM I go to at Chu's across from the Post office; it's just me pulling up. It might be a tighter squeeze so my inclination is that they will probably pull in as close as they can and get out for a quick transaction and be gone.

Ms. Bramble – What I'm seeing is that people might block the handicap ramp if they got out of their car to walk up to the ATM and if there were two or three cars waiting plus a couple of people wanting to get ice. You don't see people there but you can't say that we're not going to have some big rush on the beach and you've got 3 people wanting to get ice and a couple of people might want to get a couple of twenties. I just think there is a lot of maneuvering to get to it.

Mr. Marion – In front of the property on Highway 80, do we have lanes that are marked off for cars that could pull over?

Ms. Otto – No. Through that section the yellow line is too narrow for cars to park along the curb.

Ms. Livingston – I'm not sure what to do with the property line running right through the building. How do we deal with that issue?

Mr. Marion – Having the property line moved is the most optimum scenario.

Ms. Otto – Yes that accomplishes two things. It gets that property line from the middle of the ATM structure and it keeps the billboard on its own vacant property.

Mr. Major – I move to approve as submitted.

Mr. Bishop – Second.

Mr. Marion – I have a motion to approve and a second. All those in favor please signify. [Vote was unanimous.]

Site Plan Approval – William Campbell – 404 Butler Ave.

Ms. Otto – This is for the property at 404 Butler Avenue. The applicant is Billy Campbell. He is seeking approval for a moped/scooter rental area to be located in the parking garage at Beachside Colony. In your packet I provided some photographs to guide you through the area where this business is proposed. When you enter the property and head toward the parking garage, off to the left side are the three parking spaces set aside for this business. On the right side under the covered parking garage would be the location of the area where the scooter/mopeds would be stored. This complex has a number of other businesses including a restaurant/bar and hotel/vacation rental condominiums.

Mr. Marion – What kind of tanks are those? Are they tanks that are pressurized that could explode?

Ms. Otto – I'm unsure what they contain. I did show this photograph to our building official and explained what the request was and he did not have concerns about the amount of fuel in the moped.

Mr. Marion – Who is the building official?

Ms. Otto – Ray Hord.

Mr. Marion – They look like propane tanks.

Ms. Bramble – When they rent the mopeds, will they go out the front egress onto Butler or can we tell them they have to exit on Fourth Street, if it is still there?

Ms. Otto – Mr. Campbell expressed to me that the focus of the business would be to have some delivery service. The folks that are vacationing at the Beachside Colony complex would be his target and primary customers. I do not know if these are not allowed on Butler what his plans would be.

Mr. Bishop – I too raised that question when I did a walk through on the location. Those are LP tanks or at least they say Ferrell Gas on them and that is indicative to LP. In your pictures there appears to be some wetness but that may be water on the ground. Having combustion engines in close proximity of that flammable material is a big concern to me. You stated Ray said it wasn't an issue.

Ms. Otto – No. That was my first alert that this did not look like an ideal situation for having combustion engines stored in this area but he did not feel there was any concern.

Mr. Bishop – You have walk up traffic for this and you've got LP. If there happens to be a leak and somebody is smoking a cigarette, there are a lot of possibilities. I'm not the expert but I certainly raise that as an issue. Obviously those service the restaurant and other parts of Beachside Colony for whatever purpose but I would feel more comfortable even if we had some way of knowing that they would be shielded, protected in some way. If we approve it and that situation occurs where does that liability fall? We've approved something with the catalyst being a propane leak, gasoline, ignition, and boom, which is a problem. I'm concerned about that.

Ms. Otto – My initial reaction was identical to yours. I rely heavily on Ray Hord's expertise and he felt that it was not a concern.

Mr. Major – The mopeds, is this their night storage?

Ms. Otto – Yes.

Mr. Major – That is where they will be locked up?

Ms. Otto – When they are not rented.

Mr. Major – If I'm going to rent a moped, can I go in and take one of those three parking spaces and leave my car there all day while I'm tooling around the island on my moped? Is that what those three spaces are intended for?

Ms. Otto – Let's verify that with the applicant but that is my understanding.

Mr. Major – Three customers and we are out of parking.

Ms. Otto – Yes. There is no off-street parking requirement for this type of use.

Mr. Marion – How come there are no off-street parking requirements for this type of use? Is it because of the location or because it is a retail motor scooter rental?

Ms. Otto – It doesn't fall into any of our categories like residential dwelling units, hotel, motel, gross leasable retail space.

Mr. Marion – It's in a category by itself.

Ms. Otto – Yes. The intent is that the customers are already on the island vacationing and staying in the condominium units and that they are going to rent these for their transportation while visiting here.

Mr. Major – Is this a relocation? Isn't there a moped rental business on Miller?

Ms. Otto – This is a new business.

Mr. Major – This would be a competitor.

Ms. Otto – That is correct.

Ms. Livingston – Do you know what business licensing this would fall under?

Ms. Otto – I do not know.

Mr. Marion – Let's have the applicant come forward.

Billy Campbell came forward and introduced himself. I live at 1 Miller Avenue. The propane tanks were a concern to me because why would I want my business to be sitting right next to propane tanks. As you can tell it is a very long section and it is actually the section just behind that. The 600 square feet behind those propane tanks is actually where the bikes will be stored. Where you see the gap in there [referring to PowerPoint], that is parking garage and on the back side of this wall is all parking garage. This is the ramp where those three dedicated parking spaces are. Where this picture is being taken from there are cars that are currently parking there. A 49-1/2 cc moped, which holds approximately 1 gallon of gasoline, and has a piston about that big [hand measurement] and a little spark plug is not necessarily the largest concern. It really doesn't add much danger in any way to the propane tanks. The bikes will not be stored here. The plan is to have some sort of movable kiosk, maybe on wheels, that we can roll into the back where the mopeds will be stored. That will be a place where you fill out your paperwork. At that point we would wheel one out to the front for them.

Mr. Marion – The requirements to ride on the street, 49 cc's and below, you don't need a tag on the actual license and you're relegated to driving on specific types of streets, correct?

Mr. Campbell – Correct.

Mr. Marion – If it is above 49 cc's, let's say 50 cc's and above, then you can technically ride on a State highway.

Mr. Campbell – You must have a driver's license in the State of Georgia. You are required to be eighteen or older or the insurance doesn't work for you and you have to be insured in order to get a bike. As far as the highways are concerned, you must have a minimum speed limit of no greater than 35 mph which brings you to a 50 mph highway.

Mr. Marion – The inventory that you anticipate you will have can be utilized not only on Highway 80 and Butler but throughout the island?

Mr. Campbell – Throughout the island. I have a store in Columbia, SC and two in Savannah and what we mainly do is sales and service. This rental is in addition and is a great thing for Tybee. There are some things we would like to do a little differently to cater to the customers here.

Mr. Marion – Are you, in any way, a part owner of the property?

Mr. Campbell – No. It's basically an amenity to the property. I do a profit share plan. In the event there are no rentals, there is a \$500 monthly rent that I am required to pay.

Mr. Major – If I wanted to park my car in the parking garage and go to the beach, can I do that?

Mr. Campbell – Go to the beach? You would have to talk with Trey Clark.

Mr. Major – Is it permitted parking?

Mr. Campbell – It is for the hotel and Marlin Monroe's. I cannot speak for the property because it is not mine.

Mr. Major – I can leave my car there all day while I ride around?

Mr. Campbell – This is more of a get dropped off and let's rent you a moped.

Mr. Marion – It is a walk up deal.

Mr. Campbell – Yes. That is what we would like to promote.

Mr. Marion – If someone does pull up, it's their first time on Tybee and he gets a moped to ride around. If you are busy because there is a lot of walk up foot traffic, does he get a parking pass to stick in his car that says he is with you?

Mr. Campbell – Exactly. It would be necessary to designate some just for that.

Mr. Marion – That way he wouldn't get towed.

Mr. Campbell – Yes.

Ms. Bramble – I have issues with them coming out on Highway 80. It is really busy there in the summertime and there is no stop and go light or stop sign. You have two walkways that cross the street. You are going to be renting moving vehicles to people who are not necessarily very well versed on riding a moped. I'm having real issues with where you are going to enter and exit.

Mr. Campbell – A moped is classified as a bicycle under the law. As far as the driver's capabilities, we do train the individual in the parking lot there. We have a broad strip of parking lot in the event they don't know how. We would not in any case hand over the moped keys and tell them to have fun. That wouldn't work out very well.

Ms. Bramble – Isn't there an exit onto Fourth Street for this complex where you can get in and out, is that still there?

Mr. Campbell – I haven't explored that myself. As far as being familiar with the property, I've gone in and out in the same location every single time right there in the parking garage. If there was a Fourth Street exit it would be more appropriate and would definitely be something we could accommodate.

Mr. Marion – In your other businesses, are they situated next to hazardous materials? In other words your business model is a barter and trade. If it were me I would be absolutely concerned or at least ask the question. I'm sharing this space for a price based on business revenue but they are going to tuck me in next to the propane tanks. You are okay with that?

Mr. Campbell – As far as general concern of appearance, my goal is for the customer to be there for 5 minutes of paperwork and a little bit of trial out front which will be nothing to do with the propane tanks.

Mr. Marion – But you feel absolutely safe?

Mr. Campbell – I feel that if they are there and they are working propane tanks then they should be up to working standards which should be nothing to worry about.

Mr. Marion – Dianne, are there any requirements when it comes to these businesses being housed in such close proximity to what appears to be tanks that are not closed in or protected? Do we need to consider anything like this for this type of business?

Ms. Otto – I would be interested in having the Chatham County Fire Marshal review the situation and give us some feedback. I think I could accomplish that before the Council meeting so that this concern can be addressed.

Mr. Marion – I think that would be great. We don't want to put you in a situation where one feels that they should have the tanks taken care of if something is not right. It is our goal that you have an expectation to have a safe working space.

Mr. Bishop – You said you were going to store the mopeds in this area [referring to PowerPoint]. The demonstrative side of the moped use for the person renting it you said would take place outside somewhere in the parking lot. That is where they would actually be running, if you will, not inside where the propane tanks are.

Mr. Campbell – Right. There is no reason for the moped to be cranked up for any reason other than a general check in the morning. Typically if you are going to check a moped then you are going to cut around the block one time and bring it right back. It's not necessary for it to be turned on until it is out next to the customer to be used.

Mr. Bishop – I like that idea of the Chatham County aspect just to ensure that we are meeting all safety compliances.

Mr. Campbell – I agree as well.

Mr. Bishop – Marianne, instead of Fourth I believe it is Center Terrace and I believe that is gate controlled. That would not be an appropriate ingress/egress for this type of business. The other aspect of that which I think is important is that all of these are licensed drivers operating a vehicle much larger than what we are talking about here. If they are a licensed driver to operate a vehicle they are going to have ingress/egress to the highways. Safety is a concern but whether you are driving a moped or a vehicle, which you are licensed to do, should have some aspect of the fact they know what they are doing. You are already in this business so you are not going to be renting a moped to someone who is suffering from some type of disability anyway.

Mr. Campbell – I found in my business it is pretty hard to drive a moped with any disabilities, including sight and sound.

Mr. Bishop – It's the type of thing your liability would require to make sure you are screening that person. You are not going to rent a moped to someone that is screaming drunk.

Mr. Campbell – You can imagine the scrutiny the insurance company requires and they are the ones that provide all the forms for everything.

Ms. Livingston – Dianne, he said a rolling kiosk, does that trigger anything else?

Ms. Otto – No, not for something moving around like that. I'm sure he is envisioning how he is going to set it up and that is just a mobile thing that he is going to move to try to get the attention of his customers. There are no vehicles moving in this area. I believe he is referring to something up front that he would move back and forth during the day.

Mr. Marion – Do we have another moped business on the island?

Ms. Otto – The one I’m thinking of is at High Tide.

Mr. Marion – Is that owned by Tim or another individual?

Ms. Otto – The landlord is Tim Malins; the business is not his.

Mr. Marion – Do we have any requirements on them specifically to parking due to location or is his the same scenario that we are looking at here?

Ms. Otto – That was an existing commercial entity they went into. It did not go through Site Plan Approval because it was already operating as a business. This proposal is not currently going into an already used commercial location. If it is already being used as a commercial entity, it continues on without change or Site Plan Approval. If it is a new venue that has not already been used as a commercial business it needs to go through Site Plan Approval. A lot of this is for public input so they know what is happening in their area.

Mr. Marion – Thank you for your time. Do we have anyone from the public that would like to speak to this? [There were none.] At this time I will close the public hearing. Do I have discussion or a motion?

Mr. Bishop – I make a motion to approve the Site Plan with the caveat that safety concerns raised by this commission be addressed by staff with the appropriate government entities to ensure compliance with any safety regulations.

Mr. Major – Second.

Mr. Marion – I have a motion to approve with a second. All those in favor please signify. [Vote was unanimous.]

Text Amendment – Section 3-080 – Off-street Parking Requirements – Consideration of residential driveways

Ms. Otto – This is a familiar code section about residential driveway requirements. When the last form of this was considered by City Council, at the First Reading, they approved it. When it came back for Second Reading it was not approved. That was the version that had a listing of different material options that met the one inch retention that is part of our standard. When the Second Reading failed there was a request and a motion made and it was approved to strike the section of the off-street parking requirements for residential driveways that require any specific materials. What you have before you tonight is (C)(5). It was struck. There would be no standards for materials for residential driveways. They could use concrete, pavers, stone, or whatever. It does retain the other requirements in the code as far as width and the number of openings and their proximity to intersections but not anything regarding materials to be used.

Mr. Marion – We are taking it from specifics to wide open.

Ms. Otto – Yes.

Mr. Major – We could have concrete or asphalt driveways?

Ms. Otto – Yes. It could be any proposed materials and the one-inch standard goes away. Driveways can’t be wider than 25 feet at the property line, there are not more than 2 openings per lot, that it is not 25 feet from an intersection, but nothing would be in the code that said what kind of materials.

Mr. Major – Nowhere in the code?

Ms. Otto – Nowhere. This is residential only. Commercial site development requires an overall property drainage plan. They may use concrete if they can accomplish their drainage retention in other means such as basins or surface detention.

Mr. Major – There won't be anything in the code about permeability?

Ms. Otto – No. I believe I included in your packet the minutes of that meeting. It has been 10 years that Tybee has had a pervious driveway for residential. The failure rate is extremely high. The maintenance needed for these types of pervious materials is high. Although we permit them and they get installed pervious, they don't maintain that level of permeability over a long span of time. They clog. There is no enforcement or mandate that they be maintained. While we are gaining some in water quality at installation it is not carrying forward much beyond the initial installation. There were a number of conversations that occurred during the public hearing for the Second Reading including the maintenance that I just discussed. It is relative to large commercial projects but requiring this of a residential driveway is a very small area compared to building a house where you are losing all of that permeability. You are not gaining a lot back by putting the standard in for new residential driveways and then not having them maintained over the years to continue to be pervious.

Mr. Bishop – There was a lot of discussion by various members of Council. If I read this correctly, the last thing a motion was made to draft a new ordinance that would repeal the 13B-2014 for residential driveways, correct?

Ms. Otto – Yes.

Mr. Bishop – That was passed.

Ms. Otto – The motion to draft the ordinance was passed. The City Attorney's office drafted that ordinance and that is what is before you this evening.

Mr. Bishop – To repeal it.

Ms. Otto – To strike it.

Mr. Bishop – We are going to do nothing by striking. There had to be some indication, some reason, for the motion to draft a new ordinance. We reviewed many different City ordinances regarding permeability, runoff, environmental safety issues, and materials that were included and I understand the discussion as to not liking that and not moving forward with it. It seems to me to simply say we are not going to do anything now is somewhat turning a blind eye from a planning perspective and certainly from a management perspective but that is what we are being asked to do.

Ms. Otto – That is what is before you this evening per Council's request.

Mr. Bishop – Is to approve the redline and do nothing?

Ms. Otto – Correct.

Mr. Bishop – What was Council's reason for that? Council is supposed to govern for the purpose of the well-being of the citizens. If I'm reading this, it appears that they are simply saying we don't have a concurrence so we are just going to do nothing. They are asking the City Attorney to do something and the City Attorney's recommendation was to strike this regardless of the well-being of the citizenry?

Ms. Otto – I do not know that I can answer your question.

Mr. Bishop – We spent an inordinate amount of time and had a lot of input from different individuals and professionals on this and we seem to just disregard all of that now. Mr. Brown did make some comments at that time and he is here. Is there a possibility he could address that issue?

Mr. Major – If Council has already approved this, I'm sure they could visualize what that looked like with that one line out, why are we even seeing it? They have already seen it, dealt with it, and approved it.

Ms. Otto – The ordinance that was before them for Second Reading was not this ordinance. They denied the ordinance. Because it is Land Development Code it has to go through Planning Commission before it returns back to them.

Mr. Major – They looked at 3-080 and said strike (C)(5)?

Ms. Otto – After denial of number 5 that was before them, which was the list of materials that met the one-inch standard, there was a motion made to draft an ordinance to send it through the process that would strike number 5.

Mr. Major – There are a couple of other pages in 3-080. They stay the same?

Ms. Otto – Yes, this is only (C)(5).

Mr. Bishop – I go back to the fact that there was discussion at that Council meeting and a motion was made for Mr. Hughes to draft a new ordinance by Councilman Brown. There was some reasoning for that and that has not been given to us here other than Mr. Hughes is supposed to draft the ordinance that is redlined (C)(5).

Ms. Otto – That is the new ordinance.

Mr. Bishop – To do away with it.

Ms. Otto – Yes.

Mr. Bishop – The old 50% that we had previously?

Ms. Otto – That was his direction.

Mr. Bishop - I guess my concern is, I don't know if it is out of order, as to what was the intention from Councilman Brown for the new motion. If he can address that tonight I think that would fill in some gaps for me.

Mr. Major – The motion, as I understand it, was to repeal 13B-2014, residential driveways. This was the ordinance that you were reading, is that correct?

Ms. Otto – 13B-2014 was the ordinance that had the list of items that meet the one-inch.

Mr. Major – Where in that motion did it say to strike?

Ms. Otto – That motion came at the end, after the discussion.

Mr. Major – So we don't have that motion in our packet?

Ms. Otto – Yes, we do. In the first paragraph, there was a vote taken on second reading of 13B. Voting in favor of the motion was Paul Wolff and Monty Parks. Voting against were Rob Callahan, Barry Brown, and Bill Garbett. The motion failed 3-2. That was the Second Reading on the list of materials.

Mr. Major – At that point, number 5 is still in our ordinance.

Ms. Otto – It still is today.

Mr. Major – Where does it say to draw a red line through it and get rid of it?

Ms. Otto – In the second paragraph there was a discussion regarding how to move forward. Barry Brown made a motion for Mr. Hughes to draft a new ordinance that would repeal 13B-2014 for residential driveways. What he was asking for was repeal of item (C)(5) in its entirety.

Mr. Major – That seems like a leap. If they defeated a motion does it still have to be repealed since it was never instated?

Ms. Otto – The motion failed Second Reading. This other motion was a direction to staff, that being the City Attorney, to take action. That action being draft an ordinance that would repeal residential driveway material requirements.

Mr. Bishop – In what we have, it says Mr. Hughes is to draft a new ordinance that would repeal 13B-2014. That never became an ordinance because it did not pass the Second Reading. You can't repeal an ordinance that has never become an ordinance.

Ms. Otto – I agree with the way the sentence reads. The intent at the meeting was to repeal (C)(5).

Mr. Bishop – I'm with John in that I'm having difficulty making that leap because Mr. Brown's motion was to have Mr. Hughes draft a new ordinance.

Ms. Otto – That new ordinance is this one.

Mr. Bishop – That was never passed.

Ms. Otto – No, it is before you this evening.

Mr. Marion – Can we invite the public and if there happens to be anybody that could articulate on this matter we would love to hear from them. Is there anybody in the public that would like to step forward?

Keith Gay came forward and introduced himself. I didn't know this was on the agenda but it is pertinent to something I'm in the middle of now regarding pavers. One of my concerns about the ordinance is that it is a one size fits all. Where that comes from is in Section (C) where it encompasses all kinds of living standards and that is great except commercial has a different guideline for this. My personal opinion is that it creates complications for residential properties that are in C-1 areas. For example, if you go down Silver Avenue where Mr. Chu built Silver Seas, he has his whole parking area and the area all the way up to the street in pavers which is very pretty and very safe and also it is pervious therefore it has quality drainage. If you went to 17th Place there is a four-unit complex in commercial. The way this reads they can only have a 25-foot or 15-foot each access into the parking area. In a normal environment that would be appropriate. On Tybee we have this uniqueness called alleys and the alleys are 10 to 15 feet wide. When you are coming off an alley into a parking area where you only have a 15-foot access and the rest of it is required to be rock, it becomes almost impossible. It is not pretty or beneficial to the surrounding area because that rock gets dragged out and it becomes a safety hazard if somebody is coming in and they slide. We have had this conversation about the pervious issue with the rock. I have rock on the property you were talking about earlier. Optimum would be those folks who are prepared to do pavers be able to pave. What has happened is the client that has this property is paved all the way to the street on one side and on the other side they can only pave within 4 feet of the street because they are only allowed 25 feet or 15 feet. That is the long way around what I'm trying to get to. I don't think a one size fits all on Tybee. If you are in the residential area and you are talking about a 25-foot access, I think that is appropriate. When you are in a commercial

area where the access in and out is very difficult, everything should be done to make it as nice as possible, pervious as possible, and as safe as possible. This doesn't apply to those kinds of situations and there are many of them on the south end in the C-1 district. I appreciate you allowing me to speak and I hope you will take that under advisement.

Barry Brown came forward. There is no secret that I've been opposed to this since 2004 when it was brought forth by Paul [Wolff]. There is a State law that says commercial property has got to be a pervious parking lot. This has been a hardship on owners on this island for a long time. It doesn't work; I've watched it for the past ten years. I will bet you a dollar to a doughnut your driveway will not work in five years. Water will run off of it like concrete. There is no maintenance plan, there is no testing done anymore, so when you put it down you really don't know whether it fits the criteria or not. When we do plumbing in a house we have it tested. When we do electrical in a house, we have it tested. This was a simple test to find out whether this meets the requirements or not. It created pandemonium everywhere. My recommendation and my motion was to do away with it, repeal the ordinance, and go back to what it was prior to 2004 which was concrete, runners, or pavers if you want to, but it is the owner's choice what they can use for their driveway. As far as the water quality, it doesn't make a hill of difference. These men right here have literature from professional architects that have been around this island and Savannah for years. They will tell you that they cannot quantify how much water runs off a driveway during a one-inch rain or the first one-inch in the first hour. Agree or disagree, I believe it is high time that we get rid of this ordinance all together and let people have a choice. If they want to put pavers in, I like pavers, I don't have a problem with it. Some person may have the money to pay for it. Some person may only have the money to pay \$3.50 a foot versus \$10 a foot; you're looking at a great deal of money. If someone else didn't have that kind of money, they could pay \$3 to \$5 per square foot of concrete driveway and they still have someplace to drive up on the yard instead of the grass. That is pretty much why I made the recommendation. It may or may not pass when it comes back to Council; I don't know. It is a hardship on the owners to not give them an opportunity to make a choice of their own.

Mr. Bishop – That is exactly what we discussed over the course of my tenure. Going back in multiple Planning Commissions this kept coming forward was what type of materials that we could employ strategically from the perspective of not just cost but for the use of citizens and the overall eco system of run off, collections, etc. That was what we were trying to do. I would love to put in concrete; that would have been great. Put in the form, pour the concrete, and I'm done but I couldn't do that.

Mr. Brown – I tried to repeal this before. I was sitting in that chair right there and I fought this from day one. It was originally intended for commercial property only. It wasn't intended for residential use. Mr. Sheppard and them have enough literature, and you may have it in your packet, and you can read the articles that these architects have drawn up with the formulas and everything else. There is no way, it doesn't work. I know half dozen driveways on this island that have pavers that have been there over 4 or 5 years and rain runs off of their driveways like concrete because of the simple fact there is no maintenance plan. To maintain them, you have to get your vacuum cleaner out and suck all the sand out of each of those little cracks and put new sand back in it.

Mr. Bishop – There were discussions during this whole time over the course of several years, not only from a maintenance perspective, but all different products that would allow for degrees of permeability. There were people who talked to us and gave us the statistics on how well that met permeable standards. I'm not the expert; I was listening and taking it in as other members of Planning and Council were doing. I think to turn around and reverse ourselves completely without making an appropriate decision by redlining out any type of requirements for permeability or materials, we are going to open up the flood gates and you can use anything you want is somewhat opposite of other actions we have taken.

Mr. Brown – I wouldn't think about it like that. They just recently gave the homeowners a chance to use aluminum feeds for their houses versus copper. Copper has been around this island for 20 years or longer. This 25-foot driveway has been 25 years or longer. It is a simple fact of giving people a choice.

Mr. Bishop – I say just pavers; there are multiple types.

Mr. Brown – If you don't keep them maintained they will not work. It will work temporarily but the only true paver that I've seen that really works and meets the requirements that everybody keeps talking about is the watershed pavers with the little crack in it that they have done tests on. Nobody wants to do testing anymore. If you are not going to do testing to see if it meets criteria, why even fool with it.

Mr. Bishop – I don't disagree with that. That to me is turning a blind eye. Why aren't we following through with something that we feel is in the best interest of citizens and the overall sustainability of Tybee Island as far as some type of insurance that we have some ecologically sound policies and procedures?

Mr. Brown – I'm not turning a blind eye.

Mr. Bishop – We don't have to put concrete down everywhere because that is the easy way to go about doing it.

Mr. Brown – It has worked here for years.

Mr. Bishop – We know it doesn't now.

Mr. Brown – The new public safety building is going to have asphalt; it is not going to be pavers.

Mr. Bishop – I understand that but what type?

Mr. Brown – You could use a pervious concrete but you are back to using that word 'pervious' again and they wanted to get away from that. You could use asphalt. The McDonald's on DeRenne has permeable asphalt around an oak tree. There are certain conditions that stuff is to be used for and that is a good condition when you have a 200-year old oak tree that you are trying to save and you've got a parking lot going around it.

Mr. Marion – Demery, does that help?

Mr. Bishop – Well, it further clouds the issue. It seems we are still not addressing the issue of how to best handle the water runoff situation that comes from rain and other factors on Tybee for the long term. I think that is what this body is about. Planning for the betterment versus just simply saying it is an easier out.

Mr. Brown – If you wanted to use permeable road, every road we tear up and redo we can make those permeable; that will help but that is going to cost the taxpayers a fortune.

Mr. Bishop – I'm not speaking about roads. What is the reasoning behind it?

Mr. Brown – That is where most of your runoff comes from is the roads and parking lots.

Mr. Bishop – I understand that. The same thing when we had the runoff going into the ocean from our sewer system.

Mr. Brown – There is no oil on my driveway; my cars don't leak.

Mr. Marion – Let's bring it back in.

Mr. Brown – Demery and I know we can discuss this all night long; we did it for years.

Mr. Marion – Is there anybody else from the public that would like to speak to this?

Eddie Sheppard came forward and introduced himself. I live at 1114 Jones Avenue. The current provision in the code requires a certain setback for the property. The lots on Jones are typically 60 by 90. If you maximize the footprint of the house and put the 25-foot driveway in there, the area that is left is 48% of the lot. In other words, half of the lot is not covered. Chatham County requires 30% of the area for Chatham County Island district to be vegetated or green space as it were and Tybee requires 65% of the setback area. If you take 65% of this 48% you come up with 31% is vegetated. You already have on the books what Chatham County has required since 2003 for the islands. All of this comes from the same manual, the Georgia Coastal Supplement, to the water quality. This is what all the engineers, architects, and everybody is using and all of this pervious stuff is part of that. When you analyze and take all that information in there, you have got other considerations that make it a problem for pervious pavement. If you are already meeting the standard the County has already established for the islands, that is overkill. You are already meeting water quality standards based on the County. It's 30% and I've done the calculations and I have the information available for anybody that wants to see it. If there are any questions I'll be glad to answer them.

Marty Sheppard came forward and introduced himself. I'm a cousin of Eddie Sheppard. I live on Jones Avenue. I built a house about a year and a half ago and I put down the pervious pavers. Looking at the ordinance that was in existence before, if you had all new driveways made of pervious pavers, it would affect 0.001 of 1% of the area on Tybee. In other words, it is like taking a garden hose off the Tybrisa Pavilion and trying to raise the level of the ocean; it won't work. If you look at the runoff from concrete, generally it is clean. If you look at runoff from dirt driveways, that is where you get organic matter taken out into the waterways. If you want to do something about water quality, do something about the dirt driveways. Paved driveways won't have an adverse effect on the water runoff.

Mr. Marion – Is there anyone else that would like to address this? [There were none.] At this time I will close the public hearing. Do I have discussion or a motion? Dianne, do we need to have a decision on this tonight?

Ms. Otto – This public hearing before the Planning Commission is required in order for this item to move forward to City Council. We have had that public hearing so it is going to Council as either approved or denied.

Mr. Major – I don't think, based on the Council minutes that we have in front of us, that the ordinance that we are given is responsive to the motion that was made which was to repeal 13B-2014 for residential driveways. I don't think that is what this is.

Ms. Otto – The redline before you is ordinance 29-2014. It came from the City Attorney's office as that ordinance number. 13B is no longer under consideration; it was not approved at Second Reading.

Mr. Major – The motion we have is to repeal the one that never happened.

Ms. Otto – I don't think the City's Clerk correctly understood that motion. The motion that was approved was to have before you an ordinance to strike any material requirements for residential driveways. That came back from the City Attorney's office as 29-2014.

Mr. Major – We are to approve the one we should have had?

Ms. Otto – You are to consider the one before you which is striking (C)(5) of Section 3-080.

Ms. Bramble – Didn't we have a workshop on this and give John Q. Public a choice of what they could use if they were going to have a driveway repair? I remember that there were four or five choices and concrete was one of them along with multiple choices.

Ms. Otto – It was the concrete drive strips with the vegetated or rocked area in the center which created the one-inch retention that the code required. It was not concrete for the entire width of a driveway. That is the outcome of the joint Planning Commission/City Council workshop. When that ordinance went through Planning Commission, it then got

before City Council and was approved at First Reading. When it came back for Second Reading is when this discussion to not only not approve Second Reading but repeal this code section occurred. That was at the March 27th Council meeting.

Ms. Bramble – That was part of this proposed ordinance, correct?

Ms. Otto – That was part of the 13B we have talked about that was approved by Council First Reading but denied at Second Reading.

Mr. Major – I understand exactly what Barry was saying and there is no question today if you ride around Tybee Island you are going to find a lot of paver driveways that have standing water on them. On the other hand I hate to see us go to nothing. I think we should have a little more discussion before we totally go to no requirement.

Ms. Bramble – I'm not really sure we should give carte blanche to use whatever they want.

Ms. Otto – If you opted to continue, when we have petitioners other than the City, if they have had their public hearing at Planning Commission they still have the right to go forward to Council because they have gone through your public hearing requirement. I don't know that if you choose to continue that this will not still go forward to City Council.

Mr. Major – Is there a petitioner here?

Ms. Otto – The City of Tybee Island is the petitioner. This is not brought to you by any resident or business.

Mr. Marion – Obviously there are implications if we ask for a continuance on this. Do I have a motion?

Mr. Bishop – I would like to make a motion to deny the strike through of item 5 and that we, the Planning Commission, meet with Council to again consider some form of alternatives for residential driveway construction.

Mr. Major – Second.

Mr. Marion – We have a motion and a second. All those in favor please signify. [Vote was unanimous.]

Text Amendment – Section 3-190 – Swimming Pool Requirements and Placement

Ms. Otto – In August of last year this code section was before you. It had, in addition to what is before you now, guidelines on how to install pools so that they would drain properly. The existing pools had to have all waste water, backwash and other discharge drain directly to the City's sanitary sewer system. For new construction they had to also follow the plumbing code and have a piping method to drain to the sanitary sewer system. There was a penalty clause in that proposal for discharges that did not follow the sanitary sewer requirement but no action was taken on that. To simplify things and get it on the City's code is now item (H) for Section 3-190 that would state, "*No water from a swimming pool, spa, or hot tub shall be discharged to the ground or to the stormwater system. Such water must be discharged directly to the sanitary sewer system.*" This is how we are currently treating the draining of swimming pools. It just puts it on the book for clarity for those that have questions about how to properly dispose of swimming pool water.

Mr. Marion – If I'm an owner of a small hotel that has a pool, I am currently required to be compliant with this or follow these procedures?

Ms. Otto – That is correct.

Mr. Marion – Are there any supplemental costs for that?

Ms. Otto – The only costs they incur is for a hose that will take the water to the nearest manhole rather than a hose that is just going to discharge it to the ground. If a longer hose is needed to get to the manhole, that would be the only additional expense.

Mr. Major – We have an ordinance titled Swimming Pool Requirements and throughout we refer to pools, spas, and saunas. Now we are adding a line that refers to ‘Pool, Spa, or Hot tub’ and saunas have been dropped. Hot tub got thrown in at the end because hot tub isn’t mentioned anywhere. Having said that, is this (H) meant to apply to the hundreds of existing hot tubs that are already in place on the island?

Ms. Otto – Yes, if the need is to drain them.

Mr. Major – What if there is a hot tub that is 500 feet from the nearest manhole?

Ms. Otto – The water needs to go into the sanitary sewer system. It can be accomplished by directing the drain to the bathtub in the home; it doesn’t have to be a manhole.

Mr. Major – Shouldn’t it be consistent with terms?

Ms. Otto – I appreciate you bringing that to my attention. I think we can, not only consistency with the sauna versus hot tub language, but also with the title of this section so that it incorporates all of those.

Ms. Bramble – This includes salt water pools?

Ms. Otto – Yes.

Mr. Major – Will it be all four things or just three?

Ms. Otto – I will go back to the International Swimming Pool code for clarity.

Mr. Marion – Do we have any more questions for staff? [There were none.] Do we have anyone from the public that would like to speak to this? [There was none.] At this time I will close the public hearing. Do I have discussion or a motion?

Ms. Bramble – I make a motion to approve.

Ms. Livingston – Second.

Mr. Marion – All those in favor of the motion please signify. [3-1 (Bramble, Bishop, Livingston were in favor / Major was opposed)].

Ms. Bishop – I make a motion to adjourn.

Mr. Major – Second.

Mr. Marion – All those in favor please signify. [Vote was unanimous.]

Meeting ended at 9:45 PM
Minutes by Jerris Bryant