

PLANNING COMMISSION

Demery Bishop, Vice Chair
Ron Bossick
Marianne Bramble
Julie Livingston
John Major
Tyler Marion, Chair
David McNaughton



CITY MANAGER

Diane Schleicher

PLANNING & ZONING MANAGER

Dianne Otto, CFM

CITY ATTORNEY

Edward M. Hughes

**MINUTES
Planning Commission Meeting
June 17, 2014 – 7:00 p.m.**

Chair Tyler Marion called the June 17, 2014, Tybee Island Planning Commission meeting to order. Commissioners present were Marianne Bramble, David McNaughton, John Major, Tyler Marion, Demery Bishop, and Julie Livingston. Also present was John Eric Schleicher, an intern in the Planning and Zoning Department for the summer.

Mr. Marion – The first order of business is the minutes of the May 20, 2014, meeting. Do I have any discussion? [There was none.] Do I have a motion? [Mr. Bishop made a motion to approve as written; Mr. Major seconded.] All those in favor please signify. [The vote was unanimous.]

Mr. Marion – Do we have any recusals or disclosures? Julie Livingston recused on Dixie Pedaler, LLC, Site Plan Approval.

Variance – Marine Science Center – 1510 Strand

Ms. Otto – This is a Variance request for the Tybee Island Marine Science Center located at 1510 Strand. This is zoned C-1 and is in the South End Overlay. The applicant is requesting banners in addition to those allowed by the current ordinance for signage and banners. In your packet is a diagram for each of the three sides of the building. The south wall currently has what is labeled ‘A’ installed and is code compliant; another one proposed for that would add another 10-foot by 5-foot banner labeled ‘B’. The north wall currently has what is labeled ‘C’ installed and properly done under the ordinance; what are proposed are the additional ‘D’ and ‘E’ banners. This is the front of the building [referring to PowerPoint] where item ‘L’ is installed and there are several other banners being proposed for that wall. As stated in the staff report there was a recent sweep of the island regarding improper banners. As it is not uncommon, one business provided names of others when he was asked to bring his into compliance and Marine Science Center was one of those listed. We did meet with the Executive Director who is here this evening to represent this request. The site came into compliance other than those three that are listed as already being at the building. Since that time she approached the City to request a Variance to reinstall what had been removed.

Mr. McNaughton – What would have been permitted if a generous interpretation had not been granted?

Ms. Otto – If a generous interpretation not been granted, each building is entitled to one wall mounted sign.

Mr. McNaughton – This is considered a multiple building?

Ms. Otto – It was considered because of the way it pokes out from where it is. It doesn’t have buildings adjacent on the north or south sides. A building on a corner is normally allowed a wall mounted sign on each side that faces a street. If you were heading south through the parking lot, you could see what is the north wall as you come down the Strand through the parking lot. When you take a jog around the front of the building then you are back to the side of the building as you proceed on to the south. There is vehicle traffic on all three sides and of course this is a high pedestrian area as well.

Mr. Marion – Would the petitioner step forward?

Maria Procopio came forward and introduced herself. I live in the City of Savannah. I am the Executive Director of the Tybee Island Marine Science Center. This would be our sixth year with the banners up. What the banners do for the Science Center is that it allows people to see it. We have a difficult time with the programs and audiences that intend to come to the Science Center when it is their destination. We have a difficult time getting them from wherever they are on the island to the Center and once we get them into the Fourteenth Street parking lot, with the banners we can direct them down. Right now we are spending a lot of time with people in the Fourteenth Street parking lot just trying to direct them down even though the two very big shark banners are there. One of the things I hear people do on the island is they laugh when visitors ask where the lighthouse is. The Science Center, because it is tucked in and there are lots of cars and people around, there is commotion and people don't see. We've got a 5-foot diameter sign over the awning that says "Marine Science Center" but people don't see that. People just walk by. I did take photographs of the Science Center from the mid Fourteenth Street parking lot, the roundabout, and the pavilion and it is very difficult to see. Without having those banners, we're probably losing a lot of traffic. I can't tell you that we are indeed as compared to previous years because every year changes.

Mr. Marion – How many years have you done the multiple banners?

Ms. Procopio – Five years.

Mr. Marion – For five years, outside of the ordinance, you had supplemental banners that were hanging on the structure.

Ms. Procopio – Correct.

Mr. Marion – At any point in time did anybody ever come to address the situation?

Ms. Procopio – No. We change them every year because the sun burns them out quickly.

Mr. Marion – There is a period of time, obviously when it is off-season, you don't necessarily have all the banners that you normally would during the season.

Ms. Procopio – Yes, we change them. There is a period of time when we purchase the banners when they have a sale every year and we do it during that time and then we make the shift.

Mr. Marion – You are maintaining the banners.

Ms. Procopio – Yes. We are losing traffic and I know that for sure. The banners are very beautiful and very attractive. We are a marine science center functioning in a lovely little old police building tucked in with the huge Tybrisa condominiums and we just get lost to people. One of the things we did discuss when Dianne [Otto], the City Manager, and I met was considering all the island's museums which are Fort Screven, the lighthouse, and the Science Center. One of the projects we would work on jointly is looking at how other municipalities deal with museum type signage which would be different from stores. I'm looking forward to that for the north beach. The other reason that I'm asking for the Variance is that we have the banners and that is why I enclosed the receipts from Half Price Banners just to show you that we indeed had them before it became an issue and they are sitting in my office.

Mr. Major – Dianne, when was our 6-080 ordinance implemented?

Ms. Otto – In 2009 there was a complete Article 6 rewrite.

Mr. Major – In 2009 was when we started. Which came first, do we know? Having the banners the way they are or the ordinance?

Ms. Procopio – In 2008 or 2009 is when I started doing the banners.

Mr. Major – It seems like that is relevant.

Mr. Marion – Obviously you know there are reasons why the City will send the representatives out to make sure that we are properly enforcing the ordinance.

Ms. Procopio – I do understand. I wasn't aware of the banner ordinance at any time, that was news to me, and that is my fault. I need to pay more attention to what you guys are doing.

Mr. Marion – In looking at your statement of a hardship, low visibility makes it difficult for visitors to find or notice the Center. Are there any noticeable financial implications that you are experiencing because of this?

Ms. Procopio – I couldn't say that reasonably because the island visitation numbers change every year. Our visitation every year, for the last 7 seven years, has increased. So far it is in line or a little bit ahead of last year's numbers. Our total program participants last year were 42,000 paid people at the Science Center and a large portion of that were groups. These are people that call in ahead of time and say I want to do a program on this particular date. About 22,000 of them were island visitors. These are people who came to go into the gallery or participate in one of our walks, talks, and treks. That changes all the time and I couldn't tell you the impact that it is actually having. I know that we are dealing with a lot more phone calls and guiding people down the 14th Street parking lot.

Mr. Marion – I looked at the plans for the new center but the date escapes me when that is going to be built.

Ms. Procopio – We don't have a date right now. The date that I give people is 2018 because our lease in the police station is up so that is our goal. This week we do have representatives from the Association of Nature Center Administrators, three of whom are coming from Wisconsin, Texas, and Florida, to work with us on the architectural building program.

Mr. Marion – My point in asking is you really don't know when you are going to transition and therefore you will be occupying this building until the lease date is up and therefore you will probably want to contemplate the aspect of using as many banners as you can separate from the actual existing ordinance we have in place.

Ms. Procopio – Yes.

Mr. McNaughton – I'm not an expert in marketing but when I was down there, on the north and south banners, it was not until I was right on top of them that I saw the words "Marine Science Center". Have you considered, since you've got the two there, changing them so "Marine Science Center" is clearly visible rather than a shark or something.

Ms. Procopio – No. I think that is something to think about. One of the banners that we have on the front, that was okay to have, is an education banner of the map of coastal Georgia and it is really popular. I was thinking that had such an impact this last year of changing out the banners to make them more effective. Maybe it would be a good idea to put the "Marine Science Center" words on that. I designed them thinking that people are going to see sharks and the other huge creatures on the sides of the building and that is going to draw them down there because it is obviously an invitation.

Mr. McNaughton – We have a billboard at the end that is a Landshark beer and a lot of our tourists may not make the distinction between a beer advertisement and a banner for a marine science center.

Ms. Procopio – I can tell you that is true. The 5-foot diameter sign was on that side of the building and I took it off to put the banner up because it had no impact.

Mr. Bishop – Dianne, during the island-wide compliance effort, do you recall how many businesses were out of compliance and in violation of our ordinance?

Ms. Otto – I would estimate it was approximately ten.

Mr. Marion – Were most of those centered around Tybrisa and that area?

Ms. Otto – No. It was more in the north end and the complex where the little shops are located was a big target area and through that corridor more so than the south end.

Mr. Bishop – Of those ten, do you recall if they were primarily businesses for profit versus entities such as the Marine Science Center, which may very well be a business for profit? Are you a 501(c)(3)?

Ms. Procopio – Absolutely.

Mr. Bishop – Back to my question, for profit?

Ms. Otto – All others, besides the Marine Science Center, were for profit.

Mr. Marion – The other businesses, did they make an attempt to regulate their signage or is it one of those deals where nobody asks for five years and they went with it as well? Were these people first time violators?

Ms. Otto – Yes, very much so. Those that had their banners as supplements chose to remove them for the most part. There was one that chose to apply for the 30-day banner permit and there were two that chose to morph what they had into permanent signage. They did get permits properly issued to do so.

Mr. Marion – No Variances on their request?

Ms. Otto – No.

Mr. Major – I have people stop me and ask how to get to the lighthouse as well and one of the answers, depending on where I am on the island, I tell them to follow the turtle signs; the directional signs that say American Legion, lighthouse, and other areas. Are there turtle signs that say “Marine Science Center” that would take someone to that area?

Ms. Procopio – There are turtle signs that say Marine Science Center. There is just a lot of stimulation, people don't see them. There are the people, the cars, all the signs, all the beauty of Tybee and they are looking at things and they are not seeing those turtles.

Ms. Otto – There is a turtle wayfinding sign that you are describing at the corner of Tybrisa and Strand that points to them.

Mr. Major – If I have a business and I have various signs and banners that have been up for a year and this ordinance were passed today, would I have to take my signs down or would I be grandfathered in?

Ms. Otto – You would be grandfathered.

Mr. Major – The date when that first started happening is relevant.

Ms. Otto – The distinction here is that these are banners. The one wall mounted sign comes from the prior ordinance. We did a massive update and that didn't change with the new ordinance. The banner section was added in 2009 which began the permitting process of the 30-day period.

Mr. Major – If they already had their banners in place at that time in 2009, is that not a consideration?

Ms. Otto – I can't confirm or deny the period that she is talking about. To me they were still not properly permitted at that time so they remain so when we initiated bringing them into compliance because they never had them properly permitted.

Mr. Major – There was a permitting process for banners?

Ms. Otto – For signs. She treats these as signs but these are banner type material. They were never permitted as signs when they were installed. This is a City owned building. It is not on private property.

Ms. Bramble – Dianne, of the ten businesses that the City Marshal approached to remove their banners, did any of those ten businesses have ten or more banners? There are twelve that I am counting here at the Marine Science Center. I'm all for you getting your word out but are those twelve banners all at one time on the building?

Ms. Procopio – Yes. They look wonderful; they are beautiful banners. They advertise our gallery. There are three that you see that has a polka dot fish and a blowfish. They are beautiful banners and they work well together.

Ms. Otto – To answer your question, no, this was by far the property with the most.

Mr. Marion – What are you doing on the island, like with the Visitor Center, are you employing the use of them to promote and help direct?

Ms. Procopio – Yes. The Visitor Center distributes our rack card. We also just installed a 40-inch flat screen monitor in the Visitor's Center that has a slide show that we call "*What's In Your Bucket*" that promotes the Science Center.

Mr. Marion – You are using other avenues, separate from the signage, and each year you are seeing an increase in your attendees.

Ms. Procopio – We are seeing an increase in attendance each year. I think that is because of the increase in the island tourism. We also have an increase in our group programs but we market directly to the groups such as the Girl Scouts, school systems, and such. Those 18,000 to 20,000 individuals that were part of the island visitors last year, the light station's numbers were 85,000 and Fort Pulaski's were 395,000. We are just getting a trickle of people at the south end of the island. We just started meeting with Pulaski and the light station to do some group marketing. We've always marketed the Science Center as part of the island experience because we wouldn't want people to come to Tybee thinking that the Science Center was a destination; it is a small science center and I think they would be disappointed if they thought it was the destination.

Mr. Major – Has any consideration been given to one of the marquee signs like the Maritime School or the Tybee Island City Hall has where you could have a shark up there one day and change the message.

Ms. Procopio – On the main street?

Mr. Major – I'm saying at the Marine Science Center.

Ms. Procopio – No. There are a couple of things about that. One is the Science Center is a three-sided building so we are getting traffic from all three sides and the expense of something like that. These banners, because I wait for the sale from the company that I purchase them from, these banners cost less than \$1,000 a year.

Mr. Bishop – Assuming for the sake of argument that this Variance was not granted, what other discussions have you and your board had with regards to improving the visibility of the Marine Science Center and being in compliance with our current ordinance?

Ms. Procopio – There really aren't any other options to improving the visibility except for the banners. There aren't any that are affordable that would fit. For instance, we have a new marine debris exhibit that is a 3 feet by 3 feet platform with an 18-inch diameter Plexiglas tube that we filled with marine debris plastics. We filled it with water and we put it under the awning in front of the Center. It was a joint project we did with Georgia Sea Turtle Center. We put monster casters on it so we could pull it into the shop at night. It can't go out any further than the awning because right in front of the awning is actually a road. We did that and it broke because of the weight of the water. Anything we did would have to be limited to under the banner. The other problem we have is our group sizes are groups of 30 and then we have parents and educators. Right under the awning is one of the three program staging spots that we have. We generally bring in full groups of 90 and break them up into 30. We have three staging platforms, one is under the awning, one is the benches to the right of the awning and one is the sign right across the way. We have those groups assemble there to start their programs. With that 3-foot by 3-foot, the groups and visitors coming through, it wasn't safe or convenient. We did discuss it with the board and there doesn't seem to be any other options that are affordable or reasonable other than the banners.

Mr. Major – Dianne, under your generous interpretation of the code, a building with three sides would be allowed to have three signs plus a banner that could be removed and replaced over a period of 30 days.

Ms. Otto – I don't concur that it would be granted. Based upon this particular building's location, if you will look at the map [referring to PowerPoint], the drivers are coming down a City thoroughfare and driving around it and moving on to the roundabout. That is a unique situation that a building would be protruding by itself. Without a traffic flow pattern around it would not, in my opinion, qualify for signage on 3 sides.

Mr. Major – The staff report said that a generous interpretation would allow for three wall signs.

Ms. Otto – We did.

Mr. Major – If there are three sides it would be one sign per side?

Ms. Otto – For a building that has traffic or streets on three sides.

Mr. Major – It says a sign was allowed on the front and to the walls on the north and south; that is three.

Ms. Otto – Yes, for this building. If there was a building in the middle of a street of a block and it just had one street driving past the front, it would not qualify for having signs on the sides.

Mr. Major – This one does. What I'm trying to get at is what could she do within the code? I think we are all sensitive to saying you're the City so you don't have to follow the rules that the person who we make take down their signs and banners, I couldn't have 2 and you get 12. I think we are all a little sensitive to that. What would be the most that would be allowed under the code?

Ms. Otto – For her situation and the Strand making the jog around the building, one on each side is the maximum.

Mr. Major – What could she do with banners as far as putting them up for thirty days?

Ms. Otto – She can apply for one banner for each 30-day period up to 90 days per calendar year.

Mr. Major – Three banners or one banner for ninety days?

Ms. Otto – Correct.

Mr. Major – That would totally be within the code?

Ms. Otto – Correct.

Mr. Major – What we are looking at tonight is either you can keep all twelve or you can do what we just described.

Ms. Otto – If you found some lower banner number more appropriate than the total she is proposing, that may be part of your motion but that would be a Variance.

Mr. Major – We would be modifying the Variance request?

Ms. Otto – That is correct.

Ms. Bramble – I'm looking at this as a bottom line of your budget for advertising. John, did you ask her about the billboards? I think it is too much money to buy one of the few billboards on Tybee.

Mr. Major – Marquee.

Ms. Procopio – We did have a billboard for two years on Butler Avenue by Freddie's. It doesn't help foot traffic; people who go by and it is the one thing people can see. If they happen to be looking to the right they can't see it. I never did think about talking with the Foundation about putting something on the roof. I don't know what that would be. I would like to use the banners that we have that are sitting in my office. I know the number sounds like a lot but the design is well thought out, my background is in design. I worked with professionals in the museum field when I created these, that is what I would really like to see. Maybe something on top of the building would help like a 24-foot inflatable Right whale or something like that.

Mr. Bishop – Has the City had a Variance provided for additional signage in other instances where we set precedence?

Ms. Otto – I do not know of any other requests that have come forward from anyone asking for that.

Mr. Bishop – Marie, I will say that when I was on the south end there was some individuals looking for your facility. I pointed it out to them and they said they wanted the Marine Science Center not the Ocean Rescue.

Ms. Procopio – We spend a lot of time on the phone every day, all day long, directing people down to the Science Center once they are on the island.

Mr. Marion – My family has been a patron of the Science Center and my son loves it. But we have an issue that the hardship itself isn't necessarily an absolute hardship, it's more like a marketing problem. We all sit here and we're supportive and we want all businesses and everybody on Tybee to be compliant with the rules we have. Short of a suggestion or a solution by staff directing you to what is available, you have no absolute desire to go that route with one sign on each side?

Ms. Procopio – We have done everything that the City has suggested that we do. They were generous in their interpretation and we have complied with that.

Mr. Marion – It is obviously a difficult decision that we have to make.

Ms. Procopio – I have a question since I have not participated in these kinds of forums before. Is there anything that the City or Planning Commission could do to say we're going to ask the people on the island if this is okay with them? I know the businesses get their hands slapped for being out of compliance but yet the Science Center can do this and that is not fair. I get that. I was wondering if there was a fairer way or a more objective way, for instance, Fort Screven, the historical museum...

Mr. Marion – It is an historic park.

Ms. Procopio – Yes, but nobody goes there. Nobody knows that it exists. It is amazing because what they need are banners up there. It is a very different situation but we are all in the same boat in terms of we need to generate income to pay our staff and the bills but we are museums with our profits going back into the facilities. Is there any kind of forum or voting or putting it out to the community?

Mr. Marion – I'll help you. That is a great question. It is real simple. Pick the phone up and call the Zoning Department. It comes down to that and they are going to have the answers that you need. We are here as a secondary measure. This is a citizen panel to do just what you are asking, to deliberate on the Land Development Code and how it applies to your situation. Unfortunately at this point you are out of compliance. We like that you are here trying to find a way to do it but unfortunately I don't necessarily see, unless the Variance is granted, which for the most part would be precedent setting to all other businesses whether it be for non-profit or for profit. I don't want to say it is a road we don't want to go down but rather, in consideration, do what is right for the community as a whole and that is uphold the ordinance as it is right now. If there is something that needs to be changed about the ordinance, that is something that can be brought forward to the City Council. For your particular case, again, we love your institution but you are out of compliance.

Ms. Procopio – I get it.

Ms. Otto – I want to tag onto what you just said. Any current ordinance can be brought forward for review by any citizen who would like to see it amended or any new ordinance that is not currently in our Land Development Code can be brought forward by that applicant as well.

Ms. Procopio – That is in line with what we discussed with the City Manager about doing some research about how other communities are dealing with it.

Mr. Major – My observation is that Fort Screven gets quite a bit of traffic but it gets it as part of the lighthouse tour. When you buy a ticket to the lighthouse you also have a museum ticket. I was wondering if you had considered, for an extra three dollars, you can also go the Marine Science Center and put a sticker on your ticket. It would be a tie into another museum.

Ms. Procopio – We are just starting those discussions; we just had our first meeting to work together as island museums.

Ms. Bramble – Dianne, what would it take if they wanted to put a billboard on top of the building they were talking about?

Ms. Otto – It would take a permit application for a sign. The regulation on roof mounted signs is they cannot exceed 4-foot above the roof, assuming it is a flat roof, which this building is. With that application we would need two sets of drawings of how it is going to be attached so it can withstand the 130 mile per hour wind zone that we are in.

Ms. Bramble – That is a consideration but that doesn't mean that people aren't going to notice that sign on top of the building either.

Ms. Procopio – I was thinking about something on top of the building, something big and inflatable and jutting over the sides of the building like an octopus.

Mr. Major – The City Council meeting in July will be an advertised public hearing and if there was a whole lot of community interest in supporting this, Council does listen. People do have an opportunity to stand up at the microphone and say what they feel about it, for or against this petition. Our job is to look at the ordinance and the request and say does the request fit the ordinance and then Council does what they do.

Ms. Procopio – I understand. I think it is a good time to research how other municipalities are working with it; I think it is a good project for all the museums.

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

Mr. McNaughton – For a variety of reasons and including the fact that this does not meet the standards for a Variance, I move that the application be denied.

Mr. Bishop – Second.

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

Site Plan Approval – Dixie Pedaler, LLC – 801 First Street

Ms. Otto – The applicant is Dixie Pedaler, LLC. Julie Livingston will be representing the business this evening; she is the owner of that company. The request is to locate this business to 801 First Street, which is a corner at North Campbell and First Street. The zone is C-2 and it is in the Arts, Eats, Eco-business Character Area. This same applicant came before you in September of 2013 proposing a different location which was denied. She now seeks approval for 801 First Street and has provided a site plan showing a maximum number of golf carts that could be located at this location. There is a site plan that we are working from that was approved in 2007 when that building had a residential addition added on the second floor of the building. At that time there were ten parking spaces provided; nine parking spaces were required and that is still the case with this additional business. The applicant is eliminating one of those ten spaces which takes it down to the number that is required which is nine. As you can tell by the approved site plan that is not the typical pattern of parking that you see at that location but this is the approved site plan from 2007. Currently there are two other businesses at the location which are Bowie Seafood and Prevail Realty.

Mr. McNaughton – Since the package was prepared has the applicant provided a buffering plan?

Ms. Otto – She has not. The buffer ordinance was recently revised where if one is not proposed it can be determined by yourselves and City Council whether to impose any requirement. There are two adjacent lots; one to the north and one to the west. Coincidentally, both of those have abandoned residential structures on them. Neither is currently inhabited and hasn't been for a number of years. I would question whether the buffer can be imposed when that is currently not being residentially used.

Mr. McNaughton – The fact that they are not occupied now does not mean they won't be occupied tomorrow. If this were approved without a buffer plan and someone came in and occupied either one of those houses, could the buffer be required after the fact?

Ms. Otto – The buffer would be required by the developer of the adjacent lot, not by the existing business; which is Section 3-160. The burden is on whoever develops second to develop the buffer and because those are not currently developed the obligation would fall to the second person, not to this current business.

Mr. McNaughton – We don't know that these houses are going to be torn down or developed, correct? Someone could move into either one of those places presumably at some point they could be rented out and the existing houses would still be there.

Ms. Otto – Neither of those are in habitable condition.

Mr. McNaughton – They're going to be torn down?

Ms. Otto – They would have to most likely be torn down. I would say that it is unlikely they could be renovated to be habitable within the fifty percent FEMA regulation. It is likely that it would take extensive renovations to make it livable. That would require it to be retrofitted to be FEMA compliant.

Mr. McNaughton – That is a very business intersection. Has Chief Bryson's input been requested in terms of the safety of renting golf carts at that location?

Ms. Otto – It has not. Prior to the City Council's consideration of this, there will be a department head meeting where he will be present and I'll certainly prompt him for his input. Normally everything is laid out and comments are offered if any department head has anything to say but I will ask specifically at that meeting for his input.

Mr. Major – When I looked at that area, the house to the west of the property, there was a light on the porch and a car in the driveway.

Ms. Otto – There has not been water consumption there for over two years which is as far back as the records go that I would have access to.

Mr. Major – There is power?

Ms. Otto – Sounds like it.

Mr. Major – I'm not saying anyone is occupying it but they were parking and turning a light on.

Ms. Otto – I don't know. I based what I saw on water consumption having not occurred at either residence for over two years.

Mr. Major – The ordinance 3-160 uses the words 'residential use'. Is that usage referring to the zone? If it was a vacant lot it wouldn't need the buffer, is that what we're saying?

Ms. Otto – It does refer to use not zoning district, and that is correct. Council could impose or you all could recommend a buffer if it was a residential use despite it having the same zoning.

Mr. Marion – The current situation is a definite benefit to the applicant.

Ms. Otto – As far as the buffering, yes. To the property owner they have been suffering by these derelict structures adjacent to them for quite some time.

Mr. Marion – Our petitioner benefits from their neglect.

Ms. Otto – Perhaps, yes.

Mr. Marion – Would the applicant please step forward?

Julie Livingston came forward and introduced herself. I live on Tybee. As Dianne said, this is my second application for a Site Plan. The first one was September of last year and it passed in Planning unanimously but was defeated in Council. I wrote a narrative; it is a brief explanation of what my plans are. The golf carts listed on the site plan are a maximum number. We don't have that number right now; that is optimism at its finest. I'm thinking more next year. If the office beside Bowie becomes available, if Prevail Realty were to leave, we would take that over. We have an agreement with the owner that we would immediately go into that for office space. Right now we have a podium, a little smaller than this, which will be inside Bowie Seafood where we can keep contracts underneath and pull them out and sign them inside if we need to do that. We are still going to offer free delivery and pickup. When people call and say how do I get a golf cart is we bring it to you and set up the charger, then we come back and get it when you're done. I don't foresee a lot of individuals driving out of there in the carts. It is possible but they normally want us to bring it to them. They are on vacation, they want to call a number and want us to bring them a golf cart. They may stop and get information but as a safety issue it will probably be myself and Ed driving the carts out of there. We've talked about this because it is a cluster up there and it is hard especially to turn left out of there. I will take a right and go through the light and turn around and come back down because the carts cannot go on Highway 80 so we have to stay on Campbell. If it is that busy we will do that. I want to bring up that safety is always an issue and I'm going to do a quick comparison to another project that just took effect with the scooters in the Beachside Colony. What you've got there is scooters pulling out onto a four-lane highway and you've got individuals that only have to be 18-years old renting these. They may or may not have experience driving a two-wheel vehicle. All of our drivers, if they were to pull out of there, they will have five years experience driving a four-wheel vehicle normally because most of them get their license when they are 16; we require our renters to be 21 years of age. Four wheels, you've got blinkers, everything is like it is in a car. The horn is a little different because it is on the floor. You've got your horn, blinkers, headlights, and amber flasher. You are going to run into issues on any corner on Tybee during the season especially. We will be doing a lot of deliveries. I can foresee most of them and we are very careful. Other than that we don't propose any electrical outlets to be installed at this time. If we get the office we might look into that. We are getting well over 90 percent rate of people returning them charged. We do tell them there is a \$50 charge if you bring it back and we have to charge it. They are very conscientious and very good about charging it overnight and bringing it back or we pick it up in the morning and it is still plugged in. At this point we do not have intentions of keeping the bike there. It's too far north to deal with the bike. There may come a time if we get a trailer for the bike we may want to use that space to store it and we could look into that. As far as the buffering, my understanding on these houses, and this comes from the owners of Bowie, there is a big debacle with the house that is over on their property; part of it is literally on their property. Apparently when Green Growth purchased it, they do a lot of rehabs of houses, they were worse than they thought. They actually rented one and it is basically totally uninhabitable, the smaller one. They also said that the bigger house floors are falling through and it is completely uninhabitable. I don't think there is anyway someone is living in them unless they are squatting.

Mr. Marion – What is the inventory of vehicles?

Ms. Livingston – Right now we have the big party bike, two Tybee Taxi shuttles – the two eight-seaters, and we have ten electric golf carts.

Mr. Marion – On the ten carts, did you say you contract to have somebody come and maintain them or do you maintain them yourself? Is there storage space for batteries and other items?

Ms. Livingston – All of the electric carts are taken off the island to be serviced by Scott Equipment and he trailers them off and fixes them. We might change a taillight bulb but there is no major work going on with those vehicles.

Mr. Marion – You are a service provider for vehicles for recreational fun for their vacation on Tybee.

Ms. Livingston – We are.

Mr. Bishop – Do you have any way to control litter that is used in those vehicles, by the occupants and operators? The reason I ask is because I have seen golf cart occupants driving down the streets and tossing out trash and cigarette butts. The carts that I have looked at have no receptacles for cigarettes and or trash.

Ms. Livingston – We don't have any official receptacles for trash but on each side of the dash there is a cubby and they come back full of trash. I think it would be a good idea to explain to them that littering is a large fine; they seem to relate to large fines.

Mr. Bishop – I realize that is not part of our code but I took this opportunity since this is a public meeting to bring that up as something I think that needs to be addressed as an addendum to 66-8.

Ms. Livingston – I agree that litter is an issue and you and I have talked about this before. I walk my dogs at Memorial Park and there are not enough receptacles. I'm constantly picking something up and most of the receptacles are in the picnic areas so I tend to walk over in the middle of somebody's picnic and drop it.

Mr. Bishop – My concern was specific to motorized carts.

Ms. Livingston – They would be violating the litter ordinance if they do throw it out. I just think it needs to be enforced if that is what is going on. We did purchase parking stickers for each of the vehicles; they all have the parking stickers on them from the City of Tybee.

Ms. Otto – Demery, which section did you cite for that?

Mr. Bishop – [Municipal Code] 66-8.

Mr. Marion – Is there anyone from the public that would like to speak to this item? [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.

Mr. Bishop – Second.

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

Map Amendment and Text Amendment – Hendrickson & Flaby – Cedarwood Drive

Ms. Otto – This is a proposed Map Amendment and Text Amendment for a property located on Officer's Row. It is owned by Mr. Hendrickson and Mr. Flaby. They are not here this evening; they reside in Minneapolis. This is a vacant property currently zoned PC which is our Parks Conservation zoning district. The request before you is to remove that zoning and change it to R-1 zoning district. As demonstrated in your packet, this property does meet the minimum lot size to be an R-1 lot. The minimum lot size is 12,000 square feet; this one is just over 13,000 square feet. Mr. Hendrickson regrets that he is not able to attend. He did contact me several months ago to request this rezoning for ease in future development. There is no firm date on when that may occur. At the time we were going through the other C-2 corridor rezoning and adopting the color coded map and I explained that to him. He did contact me today and wanted me to express to you his obvious support for this request.

Mr. Major – The two lots adjacent to that are built on, the two before you get to this one, and they are shown on your zoning map PC gray with the orange line around them. Are they also zoned PC or should they be rezoned R-1 as well?

Ms. Otto – They are still zoned PC. In addition there is one on Cedarwood that is next door to the City owned building that is currently the Arts Center. There are actually three other PC zoned properties. I originally did propose doing all four of these to clean this up but the City Attorney was not in favor of that. He asked that only the owner that requested it be considered. There is a difference between those that have been built and the property owned by Mr. Hendrickson. The one on Cedarwood and adjacent to the Arts Center is a duplex and though it is non-conforming now to be zoned PC converting it to an R-1 would create another non-conforming for that zoning district. The two to the south of the subject property are developed as single-families; all three of the ones that are developed do not meet the minimum lot size of the 12,000 square feet.

Mr. Major – This is the only one that does.

Ms. Otto – It is the only one that does so this action would actually create a conforming lot whereas dealing with the three that have been developed would further make them non-conforming.

Mr. Major – Do they have utilities?

Ms. Otto – They are accessible. At future development they will need to tie into those. I do need to note that the zoning map is in the room this evening and has been marked with this proposed change.

Mr. Major – I notice SAGIS already calls these R-1.

Ms. Otto – I can't confirm that but it wouldn't be surprising. I learned a little history about them. I got a telephone call from Tony Petrea who was the original subdivider of this property into these various lots. He thought this had been dealt with at that time that they had been rezoned properly. He believes it is due to a lack of a filing by an attorney that the property was not rezoned at that time; that was in 2004.

Mr. McNaughton – Does this affect the proposal to rezone because the photo shows the parked cars? If I'm at that parking area, the property is owned by the house across the street is my understanding.

Ms. Otto – That is not correct. There is a portion of the City's property that shoulders the street. I don't know if the cars overhang onto Mr. Hendrickson's lot or not but that is not owned by the house across the street. There may be an agreement with Mr. Henderickson to allow that parking but it is City property.

Mr. McNaughton – The house to the north of that property, part of that property is owned or used by the people across the street. There is a mess down there with some of that real estate. I want to make sure that this is not going to complicate the issue.

Ms. Otto – The City has allowed that parking to occur on its right-of-way. If it ever chose to reclaim and designate it as public parking that would certainly disrupt the current arrangements. It is a challenging area for parking.

Mr. McNaughton – Would that be a driveway area into whatever is developed there?

Ms. Otto – The driveway area would definitely connect the pavement of the street to the property.

Mr. Major – There are some beautiful oak trees on that lot.

Ms. Otto – Mr. Hendrickson discussed one in particular with me today. There had been plans in the past for construction of a single-family home that would accommodate the particular tree he wants to preserve; they are very mindful of that.

Mr. Bishop – I make a motion to approve.

Mr. Major – Second.

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

Text Amendment – Section 6-080(K) – Murals or Scenes

Ms. Otto – This is a proposed Text Amendment, Ordinance 34-2014. It would create a new section within Article 6, which is Sign Regulations, under the Design Standards portion. There had been a request by a Council member that the City develop an ordinance to allow murals or scenes to be used within the City. There wasn't anything in the current ordinance that addressed it as far as considering them signs or any other type of thing. The Main Street Design Committee has been working on this and Chantel Morton is here this evening to discuss it with you. At your seats this evening you received a supplement. It was the comments from the Design Committee board meeting which occurred after your packets went out.

Mr. Major – Are murals currently not allowed or are they just not addressed?

Ms. Otto – Not addressed. We have had questions in the past about them and most often it's asking if something that has popped up is or is not allowed and there was nothing that prohibited it. We have intervened in situations where a mural did include verbiage and considered that a sign because it promoted a particular location with that message. It is something that I feel does need to be, not regulated, but addressed in the code. Years ago there was a poster that was done where it highlighted each business on the island in a caricature image with the names of each location. There had been a company that approached the IGA wanting to use a wall of their building to paint that type of mural with all these business locations on it. It was determined at that time because of the messages of naming individual businesses that was a sign and did not meet the code requirements. It would have been considered off-premise advertising for those not at the IGA location. What is before you tonight would not allow that type, they would still be prohibited, but this would allow murals. There are a few on the island that have appeared but were never regulated in any way.

Mr. Marion – Do we consider Spanky's as non-advertising or do we consider it advertising because their mascot logo is on it?

Ms. Otto – I would consider that a mural because it doesn't name the business although it does have their mascot. Another example is the one on Gerald's BBQ building that shows shrimp which is one of his products he sells but it doesn't name the business.

Mr. Major – Bowie's has some great looking seafood painted on the side of the building.

Mr. Marion – Any questions for staff? [There were none.] Chantel, come on up.

Chantel Morton came forward and introduced herself. I am the Main Street Coordinator for the City of Tybee. With me tonight I have Vicki Hammons, she is the Main Street Board of Directors Vice-Chair and she is also the Design Committee liaison. I apologize as we did have the Design Committee on the 10th and it was the day after you had received your packets. There were some suggestions made at the last Design Committee meeting on adding or changing a few of the words within the ordinance that the City Attorney has sent over for your review. Vicki and I are here to answer any questions.

Mr. Marion – Would you walk us through the changes?

Ms. Morton – In the third paragraph it addresses commercial buildings. One suggestion is it to have *"and/or structures"* because there are some businesses and/or merchants that may like to have a mural on a fence that is on their property. Two paragraphs after, *"so as to permit murals with depictions of appropriate scenes"* the word 'appropriate' was added. In the next paragraph, *"Murals of appropriate scenes"* the words 'of appropriate' were added. Part of this is the Design

Committee is drafting for the Main Street Board of Directors to approve mural guidelines. We have done a lot of research with communities throughout the nation that have murals within their city limits and also wanting to be sensitive to historic structures and districts. That is part of the reason for having “murals of appropriate scenes” and also that pertains to Tybee’s character. On page 2, where it addresses illumination, the suggestion was to have the two words before that sentence, ‘if illuminated’ so it is very clear to somebody that is reading this. If they desire to have it illuminated they would have to follow Section 6-080(A) and not that it had to be illuminated. Also within that paragraph it would be, *“approval by the Main Street Board of Directors,”* as the Design Committee would be making the recommendations.

Mr. Major – Dianne, are there other instances of permitting where the permits are approved by a committee rather than the Zoning Department?

Ms. Otto – Not currently.

Mr. Major – How do you feel about that?

Ms. Otto – I am not opposed to it.

Mr. Major – Who has the final say?

Ms. Otto – This board would if you adopted it. I am not opposed to them having review criteria to monitor how these come about and with their recommendation for approval it would then move to a permitting situation. It would still require a permit. We’re doing something comparable, if you recall, kind of in the same vein; the Historic Preservation Committee is currently reviewing permit applications for structures that are 50 years or older if the scope of work falls within the criteria established such as changes to exterior doors, interior renovations, and reroofs, so in a sense we are already doing that. We do require that the Historic Preservation Commission sign off prior to issuing a permit for a structure 50 years or older if the scope is something that is in the policy that requires it to be reviewed. I would say in that sense, yes, we are.

Mr. Major – I think this should be clear that the Design Committee reviews and approves it to the Board of Directors who then passes that approval onto the Zoning Department for permitting. That is just a little bit of clarification. The Department is going to take the heat if there are any problems.

Mr. Bishop – Dianne, as recommended here in part of the wording in the third paragraph where it says, *“and/or structures”* and some have fences and such, I don’t think a fence is defined in our code as a structure.

Ms. Otto – No, it is not.

Mr. Bishop – How would we incorporate this?

Ms. Otto – I would recommend that because it is not considered what we would call a structure. Let me check the definition section.

Mr. Bishop – If I’m not mistaken, it includes the words building, dwelling, or unit.

Ms. Otto – From the definition section when you look at building it says, *“See Structure”*. When you go to Structure it has, *“anything constructed or erected the use of which requires permit location on a land or attachment to something having a permanent location on land not including manufactured homes”*. It is a stretch to me to consider a fence a structure. I would want that spelled out clearly.

Mr. Bishop – I think that would be appropriate. I think it is a good add-on, I just think we need clarification.

Mr. Marion – I agree. As far as the fence, there are a lot of chain link fences around Tybee not that people would use that but as far as fences, structures, cinder block, cement, stucco, brick. Did that come up at all?

Ms. Hammons – That was one of the things we were talking about. There are the walls down on Tybrisa Street that are concrete block walls, fences basically, that would be a great place to put a mural if someone wanted to. Other buildings, other properties have fences that would be good sites for murals if the business owner wanted to put one up.

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

Mr. McNaughton – As I have before out of principle, I will object to any proposed ordinance that gives veto power to non-elected officials. I did it with the Historical Commission and I will do it here again.

Mr. Major – What veto power are we talking about?

Mr. McNaughton – Approval or disapproval review of the subject matter.

Mr. Major – That is the point I clarified that the City retains the permitting authority.

Mr. McNaughton – It is still the chain of events I do not agree to.

Mr. Major – That would be a clarification that I would recommend in the ordinance is that the City retains the control.

Mr. McNaughton – I could live with something like that if it is clearly stated.

Mr. Major – That is why I brought it up. I agree totally. I don't think that was Chantel's idea to have a coup d'état here and take over the approval process. I think that is a good clarification along with the fences and the structure.

Mr. McNaughton – I will move to approve or to recommend to City Council ordinance 34-2014 with the change so that it reads all requests are subject to review by the Main Street Board of Directors but final approval or disapproval rests with the City Council.

Mr. Major – I would say the bulk of the permits that are granted by the City don't go to City Council. Staff approves others, why would this be any different? If it comes to Dianne, that is her job.

Mr. McNaughton – I like murals. I'm thinking of the ones in Atlanta and we had one in particular of a 300-foot whale. We have the potential for some very big murals. I would like to see elected officials make the final decision on this. It could be there for years.

Mr. Bishop – David, is your motion incorporating the red items and the other items as penned by Chantel?

Mr. McNaughton – No. I purposely left that off because I have a suspicion that because of free speech that Bubba wrote this and was very careful in his choice of words all through this. I would be reluctant to change Bubba's wording on something that involves the First Amendment because I'm not a lawyer. It can change when it goes to City Council and Bubba is there to say that is fine or it is not.

Mr. Bishop – Your motion does not include any of the handwritten changes.

Mr. McNaughton – Correct.

Mr. Marion – Is there any other discussion? [There was none.] Do I have a second? [There was not a second.]

Mr. Major – I recommend approval with consideration for the handwritten, I think they are just clarifications, but I would add clarification that permitting is submitted to staff unless there is something unusual that staff would consider and needs to come before Council and also add the word ‘fences’.

Ms. Otto – Would you clarify for me that, *“all requests are subject to review”*. How would that continue to read?

Mr. Major – I would say review by the committee if they want to get it from the Design Committee. I don’t think we care where they review it but submitted by the Main Street Committee to Planning and Zoning staff for final review and permitting. Like everything else, you can decide whether a Variance or Council approval is needed.

Mr. Marion – The word ‘unusual’, do we need to define what that criterion is?

Ms. Otto – No.

Mr. Marion – Do we have a second?

Mr. Bishop – Second.

Mr. Marion – I have a motion and a second. All those in favor, please signify. [Vote was 3-2 - Major, Bishop, and Livingston were in favor / Bramble and McNaughton were opposed.]

Text Amendment – Section ‘xxx’ – Buffer Ordinance

Mr. Schleicher – We will be considering two different ordinances provided by City Council member Paul Wolff and City Council member Bill Garbett. In April 2014 the Director of the Environmental Protection Division, Justin Turner, sent out a memo interpreting how the EPD was going to define a vegetation buffer in regards to the Erosion Sedimentation Act. The effect of this ultimately was to limit some of the protection of the coastal marshes here in the City of Tybee. In response, City Council member Paul Wolff sent out a draft ordinance that basically provided protection in an email dated May 15, 2014. This was discussed briefly during the May Planning Commission meeting and it was determined to discuss it during this meeting. Subsequent to that, City Council member Bill Garbett sent out a suggestion for how he would like a buffer to protect the marsh. Before you are the two different ordinances to be considered.

Mr. Marion – Since we have the Council members present we would like to have them come up and speak to the information they have researched.

Paul Wolff came forward and introduced himself. I can probably simplify this for you. The draft that I had submitted I was trying to simplify this as much as possible. The one Bill submitted essentially came out of the Georgia River Basin Guidebook that we had done specific to Tybee in 2005 under a Coastal incentive grant. I don’t have a problem with expanding it the way Bill has I just thought it would be easier to keep it small. For purposes of this discussion I will be more than happy to defer to the one Bill submitted with some minor modifications. These are my personal suggestions and Bill and I discussed them briefly. What I would like to change about Bill’s suggestion is a few insertions from the ordinance that I put together with help from some environmental lawyers.

Ms. Otto – There are multiple versions and they received one version in their packets. At your seats this evening was a cleaned up version that is also on the back table. It has today’s date on the bottom and it has the number 5 written at the top.

Mr. Wolff – What I would like to amend on page 4, number 7, where it says, *“Such minor land-disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, fences, and other related activities which DO NOT result in soil erosion AND SEDIMENTATION”*. [deleted the word ‘minor’ / added the words that are capitalized].

That is my suggestion to amend Bill's draft. Anything that we allow that results in soil erosion is a mistake. The other suggestions I have for Bill's draft is on page 6, number 3, is to strike in their entirety paragraphs 'E' and 'F' which essentially refer to the size and shape of a lot. My personal opinion is if a marsh front lot is of such a configuration or is so vulnerable that a house cannot be built without building a house in the buffer, it is not buildable. If somebody did build a house in the buffer under those situations, it would be asking for trouble. That house is going to eventually end up in the marsh or require a bulkhead either of which is a bad idea. Other than that, I think Bill and I can agree on his proposal.

Mr. Marion – Can you go back over page 4 again?

Mr. Wolff – On number 7, all I'm doing is adding toward the end of that sentence, *“and other related activities which [insert DO NOT] do not result in soil erosion or sedimentation.”* I think the draft that Bill gave you does a good job of explaining the need for this and this did come from a group of scientists and lawyers who are familiar with the issues related to the coast. They are very sensitive to the coastal situation.

Mr. Bishop – Would you repeat your second change?

Mr. Wolff – On page 6, strike paragraphs 3 'E' and 'F' in their entirety. I would also suggest that you consider limiting any land disturbing activity. DNR was enforcing this for roughly the last ten years. They have been off the record saying you can't have more than 100 square feet of impervious surface in the buffer.

Mr. Major – Under this, if I want to put a 9 x 9 shed in a buffer, can I do that?

Mr. Garbett – No.

Mr. Major – If I want to put in an 8 x 8 brick barbeque pit, can I do that?

Mr. Garbett – No.

Mr. Major – I think we need to be real clear about things like that.

Mr. Garbett – To answer your question, EPD actually defines minor land disturbing activities and they revise it from time to time. I have a copy of the most recent which includes no disturbance of more than 100 square feet, no concrete, no brick patios, and things like that. Those are items that are not included in there but they are defined by the DNR.

Mr. Major – Do we reference that document in this ordinance?

Mr. Garbett – I can certainly send them to you but they change. There was a 2004 version which I used when I built the deck and now this is a 2009 version. These are, for example, not allowed. *“Any land disturbing activity utilizing wheels or tract machinery, paving with poured or prefab concrete or asphalt, any project or combination of projects created in the same calendar year resulting in more than 100 square feet of any elevated surfaces and/or pervious ground level walkways, construction of barbeque pit and a concrete and/or asphalt slab, construction of ground level patio, construction of a swimming pool, structural or decorative retaining wall, new seawalls, backfilling any seawall”.*

Mr. Wolff – John, I think you are on the right track. I think maybe in our ordinance we just need to refer to this document.

Mr. Major – Incorporate the current version by reference.

Mr. Bishop – I like that.

Mr. Garbett – This is basically a memo, I don't know if it is an official document.

Mr. Schleicher – Minor land disturbing activities as defined by EPD, is that we should define in the definition section of the ordinance, minor land disturbing activity and reference a memorandum that was sent out in 2009 where they actually define what minor land disturbing activity is.

Mr. Major – If you go with Paul's recommendation, the word 'minor' came out.

Mr. Wolff – As long as these things that Bill mentioned are exempted; I don't have a problem defining those in the ordinance.

Mr. Major – So we put 'minor' back in based on your recommendation because we took it out on page 4, number 7. I think in number 7 if you said, *"...which result in minor soil erosion as defined in EPD document current version"* that would bring it together.

Mr. Garbett – There were a lot of problems working on this and the easiest way was just to say don't do anything. Let me read the EPD exemptions that came from the Erosion Sedimentation Act. They always included minor land disturbing activities such as, *"home gardens, individual home landscaping, repairs, maintenance work, fences, and other related activities which result in minor soil erosion."* That is part of the State ordinance that I carried over and they also include, *"the construction of single-family residences when such construction disturbs less than 1 acre and is not part of larger plan of development or sale within a plan disturbance of equal to or greater than one acre."* I feel uncomfortable with that but I included it because it was in the State's Erosion and Sedimentation Act. This is not a final document as it needs to go to Bubba and be reviewed by DNR but there is a chance that they may say that you can't say 'never'. In other words, in this document to build a home in the buffer you would have to come to the City and get a Variance and show cause. I think it would be good to get Bubba's advice and see if we should eliminate that entirely or if that is just an option that we need to leave in. I'm not pushing for building houses in the buffer. I built a deck in my back yard, it is in the buffer, and not one tablespoon of soil left that site. I know you can do projects that are minor land disturbing activities but I'm not pushing for huge projects. We need to keep going with what we have been doing in the past to some degree. This also expands the definition of lands that are controlled to properties that have seawalls that have not been covered in the past.

Mr. Marion – EPD, as far as land disturbance, do they historically modify their position and ordinance every year or three years or are they dead set in general?

Mr. Garbett – I got a version in 2004 and this was 2009.

Mr. Marion – In your opinion there are no concerns of going through all of this and suddenly it changes.

Mr. Garbett – It has gotten pretty stringent. A lot of people confuse the buffer with the marsh. It is always prohibited to fill or dredge anything in the marsh. The buffer is a tool to protect the marsh. It doesn't mean you can't do anything in the buffer. There are still a lot of things you can do in the buffer that still keep the marsh in pristine condition. I think that is what this Erosion and Sedimentation Act acknowledged.

Mr. Major – We do have Ordinance 5-010 that specifically talks about putting things in the marsh. Under this ordinance, if I wanted to put down white rock and make a parking area, where does it say that I can't do that? I'm not disturbing the soil; I'm just putting rocks on it.

Mr. Garbett – In the buffer?

Mr. Major – Yes. Where does it say I can't do that?

Mr. Garbett – I would have to run through the guidelines.

Mr. Major – Not the guidelines, I'm talking about our ordinance.

Mr. Wolff – I'm assuming that we are going to refer to the guidelines. I think mine specifically stated that the riparian buffer would remain in its natural vegetative state. We may want to insert words to that effect.

Mr. Major – I think Section 5.12 does that.

Mr. Bishop – According to this, if it is a similar structure that is an accessory use to a residential dwelling, you may be able to get a buffer encroachment permit, other than that, no. Crushed rock in the buffer is not going to happen.

Mr. Garbett – I think this one requires it to remain in its natural vegetated state and you can do some minor shrub removal.

Mr. Wolff – That is my recollection. When the River Basin Center folks came down to present this to Council in 2005 that was my recollection that it essentially allowed no land disturbing activity within that 25 feet with very few exceptions and they were pretty much what Bill just described.

Ms. Bramble – Bill, when you said to allow some minor activities, are you saying that they would need a Variance?

Mr. Garbett – That would require a permit from the City. This is something where Mr. Hughes will have to determine what the proper way is to get permission for that.

Ms. Bramble – What are some minor activities?

Mr. Wolff – The land disturbing activities that Bill just enumerated would require a permit. Anybody who wanted to do that would have to come to Dianne just as they would for any other building permit. They would tell her what they want to do and she determines whether it falls within the parameters of minor land disturbing activities. We may need a clearer definition of what those are.

Mr. Bishop – Those are specified in this document. It specifically says if you are going into the buffer you've got to have a permit that has been approved by the local government. *"The permit will only be issued by the local government if the land disturbing activity constitutes construction of a porch, deck, boardwalk, or similar structure that is an accessory use to the residential dwelling and constructed and designed in accordance with applicable best management practices."* That is it; nothing else is allowed.

Ms. Otto – I question that because the section that we are working on, page 4, number 7, is under exemptions.

Mr. Major – Dianne, Section 5.12 is where he is reading.

Ms. Otto – I understand that but the section, *"minor land disturbing activities such as home gardens, individual home landscaping, repairs, maintenance work, fences, and other related activities which do not result in minor soil erosion and sedimentation."* That is under exemptions. Is that what you are referring to as needing a permit?

Mr. Garbett – We should probably make reference to the next section where it outlines what is allowed.

Mr. Wolff – Maybe at the end of that sentence state that it will require a permit as specified in Section 5.1.

Mr. Bishop – That makes Section 5.12 specific to all of your exclusions.

Mr. Garbett – This will take more tweaking.

Mr. Major – Page 4, item 7, we are not changing that?

Mr. Wolff – Only with those insertions that I suggested, it is up to you.

Mr. Major – You took the word ‘minor’ out.

Mr. Wolff – No. All I was doing was inserting the words “*which do not result in soil erosion or sedimentation*” at the end of it.

Mr. Major – You took the word ‘minor’ out.

Mr. Wolff – I’ll read how I intended it, “*Such minor land disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, fences, and other related activities which do not result in soil erosion or sedimentation.*”

Mr. Bishop – You did just take ‘minor’ out.

Mr. Wolff – Such ‘minor’ land disturbing activities, I didn’t say that?

Mr. Major – You did at the beginning but at the end you didn’t.

Mr. Wolff – Yes, I do not want any soil erosion. I did take it out there, I’m sorry. I want zero soil erosion and I think that is reasonable.

Mr. Major – Minor land disturbing activities that do not result in any soil erosion. That’s important.

Mr. Garbett – That will then reference Section 5.12.

Mr. Marion – Is there 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. McNaughton – In Section 3, were we still making changes that Paul suggested or not?

Mr. Wolff - We are agreeing to delete those pending Bubba’s approval.

Mr. Major – I move that we approve this for review by the City Attorney with the recommended changes to Section 5.1, paragraph 3 and the other change on page 4, item 7, as proposed by Bill and Paul.

Ms. Bryant – What was the first one?

Mr. Major – The first one was the elimination of Sections D, E, and F in Section 5.1, to be deleted with City Attorney’s approval. The second change was in Section 3.2 changing number 7 to end with, “*other related activities which would result in no soil erosion or sedimentation.*”

Ms. Livingston – I only have that we were striking ‘E’ and ‘F’.

Mr. Wolff – My suggestion was only ‘E’ and ‘F’.

Mr. Major – So amended.

Ms. Otto – I have a question about the motion. You are directing staff to send it to the City Attorney. Are you asking that it return back to Planning Commission or move forward after that review?

Mr. Major – Unless he has serious modifications keep it moving.

Ms. Bramble – Are we going to ask the City Attorney to return this in a timeframe?

Mr. Major – It should go to Council.

Ms. Bramble – I think that should be included in your motion.

Ms. Otto – He will be provided the deadline by which it would need to be returned in order to get on the Council agenda for July 10th.

Mr. Bishop – John, under what circumstance would it need to come back to us?

Mr. Major – It is Dianne’s judgment. If she feels that the intent is something entirely different, such as it is going to be 75 feet instead of 25 feet, I want to see that again.

Mr. Bishop – Only if it is radical changes.

Mr. Major – Yes.

Ms. Otto – That is always the case. If it is a substantive change, it comes back.

Mr. Marion – Do I have a second?

Mr. Bishop – Second.

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

Text Amendment – Section 5-140 – Minor Subdivision Plat Approval Procedure

Ms. Otto – This is Article 5, Section 5-140, the Minor Subdivision Plat Approval Procedure section. Provided in your packet was a one-page document and within that page has been pulled from each of the other zoning actions the different longevities of an approval by City Council. For example, under Special Review, if it is granted there is a twelve month longevity on approval. For Site Plan Approval it is eighteen months. For a granted Variance it is twelve months. For a Major Subdivision it is one year. There is nothing in the Minor Subdivision Plat Approval Procedure ordinance that addresses the time frame for that approval. You may recall several minor subdivisions have been considered and granted in the last several months. What we are finding for those and the others prior to it is that the plats are signed off by myself, the Mayor, and the Clerk of Council. It is required to have those signatures on the plat prior to being recorded with Chatham County Property Records. At the point we have signed those and the person requesting it picking up those plats, we have lost control at that point because we don’t know whether they have taken the last step of actually recording it and making it a legal document for a subdivision or recombination depending on what the situation is. Before you is a simple ordinance that would impose a time limitation. You may find that 45 calendar days is too brief of period but we would like to suggest that something be implemented to put a time limit on the time from which Council approves a minor action that the applicant take action on it.

Mr. Marion – Do we know if other local municipalities around us have a standard they use?

Ms. Otto – I do not know. I did not research that.

Mr. Major – So I'm clear on this, if in the last 30 days I was granted a Minor Subdivision, will this in any way impact me? As of right now I can go forever because there is no limit.

Ms. Otto – No. This would affect those granted after if this is adopted.

Mr. Bishop – The way the last sentence reads, *"If the plat has not been recorded with Chatham County Superior Court on or before the end of 45 days, you must resubmit for consideration."* What if there is a delay in the recording process within the Superior Court Records and it is not recorded?

Ms. Otto – That is not a known concern. Just about any document you take to them and ask to be recorded, they are going to record it.

Mr. Bishop – In a timely manner?

Ms. Otto – Immediately.

Mr. Major – While you are there.

Mr. Bishop – It used to not be that way. That is why I asked.

Ms. Otto – I have not run into that circumstance.

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

Mr. Bishop – Motion to approve.

Ms. Livingston – Second.

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

Mr. Marion – Do I have a motion to adjourn?

Mr. Bishop – Motion to adjourn.

Mr. Major – Second.

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

Meeting ended at 9:25 PM

Minutes by Jerris Bryant