



Arthur A. Mendonsa Hearing Room
May 15, 2012 1:30 P.M.
MINUTES

May 15, 2012 Regular MPC Board Meeting

Members Present: J. Adam Ragsdale, Chairman
Ellis Cook, Secretary
Tanya Milton, Treasurer
Shedrick Coleman
Ben Farmer
Timothy Mackey
Lacy Manigault
Murray Marshall
Susan Myers
Rochelle Small-Toney
Joseph Welch

Members Not Present: Jon Pannell, Vice-Chairman
Russ Abolt
Stephen Lufburrow

Staff Present: Thomas Thomson, P.E. AICP, Executive Director
Melony West, CPA, Director, Finance & Systems
James Hansen, AICP, Director, Development Services
Gary Plumbley, Development Services Planner
Marcus Lotson, Development Services Planner
Christy Adams, Director, Administration
Bri Finau, Administrative Assistant
Charlotte Moore, Director of Special Projects
Amanda Bunce, Development Services Planner

Advisory Staff Present: Robert Sebek, County Zoning Administrator
Tiras Petrea, City Zoning Administrator

I. CALL TO ORDER AND WELCOME

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

IV. NOTICES, PROCLAMATIONS and ACKNOWLEDGEMENTS

Notice(s)

1. [May 15, 2012 Finance Committee Meeting at 11:30 AM in the West Conference Room](#)
2. [June 5, 2012 Regular MPC Meeting at 1:30 P.M. in the Arthur A. Mendonsa Hearing Room, 112 E. State Street.](#)
3. [June 12, 2012 Metropolitan Planning Commission Planning Meeting at 1:30 P.M. in the Arthur A. Mendonsa Hearing Room, 112 E. State Street.](#)

V. PRESENTATIONS

VI. ITEM(S) REQUESTED TO BE REMOVED FROM THE FINAL AGENDA

General Development Plan

4. [Family Dollar 5731 Ogeechee Road General Development Plan](#)

Chairman Ragsdale recused himself from this petition item. His company has business affiliation regarding the petitioned item. Mr. Cook chaired the meeting during this petition item.

After the vote, Chairman Ragsdale resumed his duty as chairman.

Board Action:

Continue to the next regular MPC meeting agenda: - PASS
June 5th, 2012.

Vote Results

Motion: Tanya Milton

Second: Shedrick Coleman

Russ Abolt - Not Present

Shedrick Coleman - Aye

Ellis Cook - Aye

Ben Farmer - Aye

Stephen Lufburrow - Not Present

Timothy Mackey - Not Present

Lacy Manigault - Aye

Murray Marshall	- Aye
Tanya Milton	- Aye
Susan Myers	- Aye
Jon Pannell	- Not Present
Adam Ragsdale	- Abstain
Rochelle Small-Toney	- Aye
Joseph Welch	- Aye

General Development Plan / Group Development Plan

5. [Kroger Redevelopment-318 Mall Blvd-General Development Plan / Group Development](#)

Board Action:	
Continue until the next regular MPC meeting agenda: June 5th, 2012.	- PASS
Vote Results	
Motion: Shedrick Coleman	
Second: Tanya Milton	
Russ Abolt	- Not Present
Shedrick Coleman	- Aye
Ellis Cook	- Aye
Ben Farmer	- Aye
Stephen Lufburrow	- Not Present
Timothy Mackey	- Not Present
Lacy Manigault	- Aye
Murray Marshall	- Aye
Tanya Milton	- Aye
Susan Myers	- Aye
Jon Pannell	- Not Present
Adam Ragsdale	- Aye
Rochelle Small-Toney	- Aye
Joseph Welch	- Aye

Tower - New Facility/Nonconcealed Freestanding-Monopole

6. [Proposed Southbridge Tower](#)

Attachment: [Southbridge Continuance Request to June 5.pdf](#)

Board Action:	
Continue to the next regular MPC meeting agenda: June 5th, 2012.	- PASS

Vote Results	
Motion: Shedrick Coleman	
Second: Tanya Milton	
Russ Abolt	- Not Present
Shedrick Coleman	- Aye
Ellis Cook	- Aye
Ben Farmer	- Aye
Stephen Lufburrow	- Not Present
Timothy Mackey	- Not Present
Lacy Manigault	- Aye
Murray Marshall	- Aye
Tanya Milton	- Aye
Susan Myers	- Aye
Jon Pannell	- Not Present
Adam Ragsdale	- Aye
Rochelle Small-Toney	- Aye
Joseph Welch	- Aye

The Consent Agenda consists of items for which the applicant is in agreement with the staff recommendation and for which no known objections have been identified nor anticipated by staff. Any objections raised at the meeting will result in the item being moved to the Regular Agenda. At a 12:30 briefing, the staff will brief the Commission on Consent Agenda items and, time permitting, Regular Agenda items. No testimony will be taken from applicants, supporters or opponents, and no votes will be taken at the briefing.

VII. CONSENT AGENDA

Approval of MPC Meeting Minutes and Briefing Minutes

7. [April 24, 2012 MPC Meeting and Briefing Minutes](#)

Attachment: [04.24.12 MPC BRIEFING MINUTES.pdf](#)

Attachment: [04.24.12 MINUTES.pdf](#)

Board Action:	
Recommend APPROVAL of the MPC Meeting and Briefing Minutes as submitted.	- PASS
Vote Results	
Motion: Shedrick Coleman	
Second: Lacy Manigault	
Russ Abolt	- Not Present
Shedrick Coleman	- Aye
Ellis Cook	- Aye
Ben Farmer	- Aye
Stephen Lufburrow	- Not Present
Timothy Mackey	- Not Present

Lacy Manigault	- Aye
Murray Marshall	- Aye
Tanya Milton	- Aye
Susan Myers	- Aye
Jon Pannell	- Not Present
Adam Ragsdale	- Aye
Rochelle Small-Toney	- Aye
Joseph Welch	- Aye

Approval of MPC Planning Meeting Minutes

8. [March 20, 2012 MPC Planning Meeting Minutes](#)

Attachment: [03.20.12 PLANNING MEETING MINUTES.pdf](#)

Board Action:

Approve March 20, 2012 Planning Meeting Minutes as submitted. - PASS

Vote Results

Motion: Shedrick Coleman

Second: Lacy Manigault

Russ Abolt	- Not Present
Shedrick Coleman	- Aye
Ellis Cook	- Aye
Ben Farmer	- Aye
Stephen Lufburrow	- Not Present
Timothy Mackey	- Not Present
Lacy Manigault	- Aye
Murray Marshall	- Aye
Tanya Milton	- Aye
Susan Myers	- Aye
Jon Pannell	- Not Present
Adam Ragsdale	- Aye
Rochelle Small-Toney	- Aye
Joseph Welch	- Aye

Authorization(s)

9. [Authorize Executive Director to Sign Audit Engagement Letter](#)

Attachment: [Thomson Planning Commission Non-Major Contract with Karp, Ronning Tindol 051512.pdf](#)

Board Action:

Recommend **APPROVAL** of the MPC to

authorize Executive Director to Sign Audit Engagement Letter. - PASS

Vote Results

Motion: Shedrick Coleman

Second: Lacy Manigault

Russ Abolt	- Not Present
Shedrick Coleman	- Aye
Ellis Cook	- Aye
Ben Farmer	- Aye
Stephen Lufburrow	- Not Present
Timothy Mackey	- Not Present
Lacy Manigault	- Aye
Murray Marshall	- Aye
Tanya Milton	- Aye
Susan Myers	- Aye
Jon Pannell	- Not Present
Adam Ragsdale	- Aye
Rochelle Small-Toney	- Aye
Joseph Welch	- Aye

10. Authorize Executive Director to Execute CORE MPO FY 2013 Planning Services Contract (PL) with GDOT

Attachment: [CORE MPO FY 2013 Planning Services \(PL\) Contract with GDOT.pdf](#)

Board Action:

Recommend APPROVAL to authorize Executive Director to execute CORE MPO FY 2013 Planning Services Contract (PL) with GDOT. - PASS

Vote Results

Motion: Shedrick Coleman

Second: Joseph Welch

Russ Abolt	- Not Present
Shedrick Coleman	- Aye
Ellis Cook	- Aye
Ben Farmer	- Aye
Stephen Lufburrow	- Not Present
Timothy Mackey	- Not Present
Lacy Manigault	- Aye
Murray Marshall	- Aye
Tanya Milton	- Aye
Susan Myers	- Aye
Jon Pannell	- Not Present

Adam Ragsdale	- Aye
Rochelle Small-Toney	- Aye
Joseph Welch	- Aye

VIII. ITEMS MOVED FROM CONSENT AGENDA

IX. OLD BUSINESS

Amended General Development Plan / Group Development Plan

11. [McAlpin Square Kroger Fuel Center](#)

Attachment: [General Development Plan Plus.pdf](#)

Attachment: [Maps.pdf](#)

Attachment: [Miscellaneous.pdf](#)

Attachment: [Staff Report.pdf](#)

McAlpin Square Kroger Fuel Center
1900 East Victory Drive
PIN 2-0078-09-011, 012, and 013
Agent: Harold Schraibman
Engineer: Paulson Mitchell, Inc.
Developer: The Kroger Company
Owner: Equity One, Inc.
Aldermanic District: 4
County Commission District: 3
Zoning District: B-C
MPC File Number: P-120222-33439-2

Mr. Gary Plumbley, MPC Development Services Planner, presented the petitioner's request for consideration of an Amended General Development Plan/Group Development for an existing general retail shopping center located at 1900 East Victory Drive (northwest corner of East Victory Drive and Wallin Street). The purpose of the request is to construct a Kroger Fuel Center on the eastern portion of the site adjacent to Wallin Street.

The MPC staff recommends **approval** of the requested Amended General Development Plan/Group Development to include a 19 space off-street parking variance subject to conditions.

Mr. Plumbley stated the issue of this petition is whether there will be additional traffic to an already congested area. A traffic study was conducted by the applicant, and was submitted to staff for review. Staff has concluded that there will not be an additional burden or impact to diminish from 'D' or 'D-' rating to an 'F' classification. There will be 166 trips generated, however, after factoring in various exceptions such as internal capture rate and destination, it drops down to 96 trips; below the 100 trip threshold. There is a DOT project that will be implemented that will increase the stacking capacity for the vehicular traffic heading east on Victory Drive to accommodate 5 or 6

additional cars that want to turn north onto Wallin Drive. It is believed that will assist with the anticipated traffic regarding this petition and the future development of the Backus site.

Mr. Ragsdale asked for point of clarification: was the traffic study recommended or required by staff.

Mr. Plumbley stated technically required because it does generate 166 vehicles; based on the internal capture, it was less. It is required.

Mr. Thomson added that the discussion of a traffic study is triggered by 100 trips or more or conditions that warrant a study. The conditions of Victory Drive warrant a study.

Ms. Myers asked Mr. Plumbley to review the classification of the area.

Mr. Plumbley stated he would defer that question to Mr. Michael Adams. He added that Michael Weiner, City Traffic Engineer, had the same viewpoint regarding the traffic study as did Mr. Thomson.

Mr. Farmer asked if the petitioner also provided a traffic study.

Mr. Plumbley replied the petitioner did provide the traffic study.

Mr. Thomson added the City Engineer reviewed the traffic study and disputes it in no way.

Mr. Farmer asked how are the additional customers determined for a new gas station when an old one is just a few feet away. He stated he would not think two stations would equal twice the traffic.

Mr. Michael Adams, MPC Transportation Planner, stated the studies for a proposed development are conducted through a trip generation rate from the Institution of Transportation Engineers. The trip generation was developed after numerous studies over years across the country. For a gas station, the trip generation rate is multiplied by the number of pumps, which yields the trips generated. With gas stations, there is a high pass-by percentage reduction. The Kroger and internal captures are taken off the total new trips, which gives the 'new' new trips, which in this case is less than 100. An analysis is done and the existing background traffic during traffic counts, add in the 'new' new project trips and perform analysis. If a year or more passes, the growth rate is put in.

Mr. Ragsdale stated it does not take into marketing, sales and competition.

Mr. Farmer agreed.

Mr. Adams stated there is no way to figure that in.

Mr. Farmer stated that was his point. There is no way to measure how many gasoline customers will come to that corner because there are two sites there

instead of one. He asked if that was a fair statement.

Mr. Ragsdale replied marketing sales are not considered. It has to be considered as a stand-alone project with background existing information.

Mr. Farmer asked if that criteria was had, when does one get into the diminishing return situation.

Mr. Adams replied that is beyond the realm of a traffic study.

Mr. Farmer stated that seems to be *the* issue.

Mr. Thomson agreed with Mr. Adams. Typically the trip generation doesn't get into determining if there are two gas stations next to each other.

Mr. Farmer stated he understands there is no way to do that.

Mr. Arahn Hawkins, petitioner, stated the fuel stores are becoming an essential part of Kroger's business. It is a loss-leader for them; their goal is to retain their customers with loyalty. This store project is slightly below average in relation to sales. They would like install place fuel centers in stores that currently do not have one to help their performance. He stated they have worked with MPC staff as best as possible in relation to screening, fuel trucks. The projection for this location would be one fuel drop per day, two maximum.

Mr. Farmer asked when would the fuel be brought in.

Mr. Hawkins stated they try to avoid peak hours. It is hard to narrow to one time per day, but peak hours are avoided, particularly in congested areas.

Mr. Farmer stated it would be in your company's best interest to quickly determine those peak hours and avoid delivering fuel at those times.

Ms. Myers asked if the majority of the business for this project will be from the downtown traffic.

Mr. Hawkins stated it could be; the loyalty program is to retain customers at that store. The downtown Kroger does not have room for a fuel station; it could obtain traffic from the Gwinnett store. The plan is to put one on Mall Boulevard and Wilmington Island.

Mr. Welch asked if any of the fuel centers have been shut down due to lack of business.

Mr. Hawkins replied no; some stores have shut down that may have had a fuel center.

Mr. Marshall asked if the loyalty program could be used at other stores.

Mr. Hawkins stated with some Shell stations, but only to 10 cents.

Mr. Mackey stated he disagreed with Mr. Hawkins. A fuel station would not be opened downtown because that would be the mother of all fights. You understand that; let's not play with that. He asked if the neighborhood residents were met with.

Mr. Hawkins stated not to his knowledge; he had not. He would have been involved if there were a meeting.

Mr. Mackey stated he has concerns with traffic, smell, and frequency of trucks. He again disagreed with Mr. Hawkins regarding the time frame the truck would deliver. If the terminal where they receive the gas is busy, that drop could be in the daytime or at night. In some instances, it would be up to the driver in regard to the actual drop. At times it is advantageous for the driver to get in at a certain time; that's when they would go.

Mr. Mackey continued that he is concerned with the closeness of the tanks and traffic to the existing neighborhood. He asked what efforts were made to address that, if any. He stated he's received many phone calls about this setup. One was from a gentleman that stays in close proximity that is wheelchair bound. Though there is an existing gas station, it fronts a main arterial, Victory Drive. This project is in the interior of the neighborhood, though in the same parcel of property. He stated he understands the business, but he is concerned about the neighbors, the gas drops and the times. He stated he wished Kroger would have talked with the neighbors. Had the goal been to put a fuel station in the downtown store, he is confident there would have been discussion with the neighbors by now. The same process applied for downtown should be applied to this area and all others as well. The issues are all the same.

Mr. Hawkins replied they do not want to jeopardize the parking at the facilities. If space was available at the downtown location, there would have been an attempt to install a fuel center. The hours of operation are typically 6 a.m. to 11 p.m. That differs upon location. The fuel drop time cannot be exactly stated, our group will try to maximize the efforts of the drops for all fuel centers in Savannah and other areas. We don't want them in certain areas at certain times of the day to avoid the traffic.

Mr. Mackey asked what other assurances do you have for that. It is easy to talk about this on the front end, but what about in two or three years from now. It goes beyond your word, we are looking at what's actually going to happen.

Mr. Hawkins stated the site is designed with curb cuts to make it easier for the trucks to follow a certain path. They may not take it, but it would be evident. The center was designed for entrance and exit for the trucks.

Mr. Mackey asked Mr. Ragsdale if it would be good community relations for Kroger a community-oriented company from Cincinnati, to wait and meet with the community.

Mr. Hawkins stated they would not be opposed to that at all. He asked is this the forum in which the community speaks. He stated they went about it the correct way as it relates to the community. They understood this would be the forum for the community to express opposition or support, if any.

Mr. Mackey stated he agreed to an extent, however, it is two o'clock in the afternoon, the average person is working, so he somewhat disagreed. He would think if there was any opposition, not saying there is, but every effort would be expelled to calm that resistance as a principle for a company that is based on the community.

Mr. Cook stated there is no community association in the neighborhood.

Mr. Mackey stated there does not have to be a community association in the neighborhood. Make an effort to meet the neighbors. If you put it out there that you will, there will be some people to come from the community.

Mr. Farmer asked if any opposition was expressed and how much was received.

Mr. Plumbley stated there were two phone calls received in opposition.

Mr. Farmer stated he doesn't disagree with Mr. Mackey, but he does not want overkill. He does not want to create a problem when there is no problem. He thinks its a good idea to hear people's concerns and oppositions. He stated he does not want to take Kroger through organizing a neighborhood meeting for only two people. This is not an unpublicized matter and the petitioner has agreed to do it. He asked how many trucks will be delivering to the store.

Mr. Hawkins replied it is under-average and could not give an exact amount.

Mr. Farmer stated his experience is that truck drivers will take the path of least resistance. He is pleased that a path of ease was designed for them; that may encourage the use of it. He asked of anything could be shared regarding the tanks being so close to the streets.

Mr. Hawkins stated there is vapor recovery system that is designed to capture fumes installed on every pump. There is a monitoring employee in the kiosk to stop the fueling process if any problem arises.

Ms. Small-Toney stated Mr. Mackey stated her concerns she expressed in the pre-meeting. City staff would be willing to assist with a neighborhood meeting. She stated she believes there will be some negative impact on the neighborhood and she would like to hear what they have to say. It does not matter how many people call or complain, but the substance of their concerns is important. Those matters ought to be heard.

Mr. Farmer stated he agreed those two people should be talked to.

Mr. Plumbley stated there is a neighborhood association called Victory Heights. The president has been contacted and should be able to arrange a meeting.

Ms. Small-Toney asked about placing a condition relating gas delivery times. She stated she does not believe that would too restrictive for the company. She asked for Mr. Hawkins opinion.

Mr. Hawkins stated ideally they would like to have delivery times available whenever the fuel station is open. He stated they are definitely willing to reducing that to a time certain. He stated he cannot speak on that today, but they are open to discussing it.

Mr. Ragsdale asked of Ms. Small-Toney and Mr. Thomson if there were a stipulation placed on a general or specific development plan regarding hours allowable of fuel delivery, is it enforceable.

Ms. Small-Toney replied it would be like anything else in a code, someone would have to be around to see compliance or violations. She stated she believed the Kroger company to be honorable people and expect they would be cooperative. It would under the Zoning Administrator.

Mr. Farmer stated he does not see the necessity for a requirement for them to deliver within a certain time based on their honorableness. He believes there is good motivation for Kroger to continue being good neighbors as they have been, so they can facilitate their own delivery time. He stated he feels its over-control to deal with one to two trucks per day when they have great motivation to do it at the least busy time. He stated he is against anything that puts excessive control on operating a business that is not absolutely necessary. He believes the topic is really being blown out of proportion in relation to other matters that need to be discussed.

Mr. Marshall stated they are asking for a 21 space variance. He asked if they were not asking for a variance, if the development plan is a right they have under this zoning. Could it be denied if their were not asking for parking variance.

Mr. Ragsdale stated he believes it goes to the merits of the discussion in the pre-meeting regarding the latitude the Commission has at the general development plan level and that personal opinions do weigh in. He stated he personally feels it would dangerous to start skirting around issues that are black-and-white by right. It would be a by-right allowable use.

Ms. Myers stated she believes the neighborhood has just as much rights as the businesses do. They have to co-exist. It is enforced downtown if the neighbors complain. Everyone knows exactly who to call. It is doable and a way to give the neighborhood some power to look after their neighborhood.

Mr. Mackey thanked Ms. Myers for her comment. He stated his concern is simply for the neighborhood. He asked if any of us lived in the neighborhood

and this were an issue, he stated the exact same thing would be done and the trepidation heard from the Commission would be some of the same questions asked. Often times we don't put ourselves in that position; so that levels the playing field. No one is trying to stifle an operation of business.

Mr. Hawkins stated he would like to move forward, but he does agree that before construction of the fuel center discussion of resident concerns is appropriate.

Mr. Abdul Amir, petitioner's Traffic Engineer, explained that all procedures outlined by MPC & City staff were adhered to. He is of the understanding that all agree with the conclusion of the study. He introduced Rob McCall of the GDOT to answer questions.

Mr. Mackey stated the area is already jammed. We are discussing adding additional cars to an already clogged situation.

Mr. Farmer stated he agrees, it is a mess. He stated he does not want to put the burden of the mess on the petitioner. He stated to Mr. Amir that the numbers he's throwing out is not in his favor; he's pointing out the obvious. Our traffic engineer has stated it will maintain, it may be best to leave it alone. We have to go with what our traffic engineer says. He stated if he had to go with his heart, he would not be in favor of putting another car near the area.

Mr. Amir asked to finish his presentation.

Mr. Thomson stated he needs to put this in perspective for the Board. We are not evaluating the congestion of the roads; we know that. We are evaluating if the fuel center being added creates an impact that should be mitigated by Kroger. Even if this was level service 'F' in this area, we would still find it acceptable. If it fails, it would be the responsibility of Kroger to fix that because it would be their traffic causing the failure, not the underlying background traffic. Their traffic consultant is trying to say, 'yes, trips are added because the Kroger fuel center will go in, but the trips added do not cause significant additional delay or will cause a worse situation that Kroger should be responsible for mitigating.' If we do this for new development, then we need to start pulling business permits until the traffic is adequate for existing development; that's what being said in reverse. It is the responsibility for the new development to mitigate their share of the impact.

Mr. Ragsdale read Mr. Weiner's comment indicating the accept level of service, needing no additional improvements to accommodate the proposed development.

Mr. Mackey stated if he understands correctly, traffic is not to be considered in making this decision.

Mr. Ragsdale responded all commissioners are responsible for what they want to influence their decision.

Mr. Thomson state he is not saying traffic should not be considered. It was considered and they resulting analysis shows that the impact is not significant enough to require mitigation from Kroger.

Mr. Mackey asked to be given their charge for this petition.

Mr. Thomson responded to approve, modify, reject, or continue this item for a general development plan and the parking variance.

Ms. Small-Toney stated the modification can include a specified drop period.

Mr. Ragsdale stated it can include whatever we want to specify within reason.

Mr. Amir showed an animated simulation of the area with the proposed DOT changes to improve stacking.

Mr. John Binder, citizen, works with Parkers stated he spoke with the area neighborhood president. He stated the president does have concerns with traffic. He then addressed Mr. Weiner's letter and stated that the traffic operations on Victory Drive do not reflect the theoretical calculation. There is no issue with the traffic study done. The issue is it's not perfect; it does back up to the Truman Parkway and the traffic study does not show that. It's not fair to say the traffic study says 'it's okay'.

Mr. Farmer asked the petitioner to meet the citizens that have expressed concerns. He also asked them to be a good neighbor and keep the trucks out during peak traffic hours.

Mr. Ragsdale advised the petitioner to meet with the public since they do have additional items to come before them.

Board Action:

The MPC staff recommends **approval** of the requested Amended General Development Plan/Group Development to include a 19 space off-street parking variance subject to conditions. - PASS
BOARD REQUESTS PETITIONER TO MEET WITH VICTORY HEIGHTS NEIGHBORHOOD ASSOCIATION AND HONOR DELIVERY TIMES.

Vote Results

Motion: Ben Farmer
Second: Shedrick Coleman
Russ Abolt - Not Present
Shedrick Coleman - Aye
Ellis Cook - Aye

Ben Farmer	- Aye
Stephen Lufburrow	- Not Present
Timothy Mackey	- Not Present
Lacy Manigault	- Aye
Murray Marshall	- Aye
Tanya Milton	- Aye
Susan Myers	- Nay
Jon Pannell	- Not Present
Adam Ragsdale	- Aye
Rochelle Small-Toney	- Nay
Joseph Welch	- Aye

Zoning Petition - Text Amendment

12. [Amend Article K, Section 8-3214 - Traditional Neighborhood - 2 \(TN-2\) of the Savannah Zoning Ordinance](#)

Attachment: [STAFF RPT 62503.pdf](#)

Text Amendment - City of Savannah Zoning Ordinance
Amend Article K, Section 8-3214
Principal Uses in the TN-2 District
Clarify Use Conditions on Corner Lots
MPC File No. Z-120404-62503-2

Mr. Jim Hansen, MPC Development Services Director, presented the petitioned request. In 2005, the City Council adopted the zoning text that covered this portion and in 2007 an amendment was made regarding corner lots. It was intended to clarify when it was permissible for the corner lots to utilize TC-1 standards. It was later discovered two of the previously conditions were omitted. This is to restore those conditions and formats. No opposition has been received.

Board Action:

Approval of the request to amend Article K, Section 8-3214 -Traditional Neighborhood - 2 (TN-2) to clarify the use conditions relating to corner lots. - PASS

Vote Results

Motion: Ellis Cook
Second: Susan Myers
Russ Abolt - Not Present
Shedrick Coleman - Aye
Ellis Cook - Aye

Ben Farmer	- Aye
Stephen Lufburrow	- Not Present
Timothy Mackey	- Not Present
Lacy Manigault	- Aye
Murray Marshall	- Aye
Tanya Milton	- Aye
Susan Myers	- Aye
Jon Pannell	- Not Present
Adam Ragsdale	- Aye
Rochelle Small-Toney	- Aye
Joseph Welch	- Aye

X. REGULAR BUSINESS

Zoning Petition - Map Amendment

13. 12208 and 12217 Navajo Road - P-B-C and PUD-B-C classifications to PRM-15 classification

Attachment: [Maps-.pdf](#)
Attachment: [Use Comparison.pdf](#)
Attachment: [staff rpt.pdf](#)

12208 and 12217 Navajo Road
RRF Hidden Pointe, LLC, Owner
Stacy Patton, Agent
Aldermanic District: 6
County Commission District: 6
Zoning District: P-B-C and PUD-B-C to PRM-15
12.11 Acres
PIN: 2-0860A -03-008, -003, and 2-0862 -02-009
MPC File No. Z-120404-39985-2

Mr. Jim Hansen, MPC Development Services Director, presented the petitioner's request for approval of the request to rezone the subject properties from a P-B-C and PUD-B-C zoning classification to a P-R-M-15 classification.

Board Action:

Approval of the request to rezone the subject properties from a P-B-C and PUD-B-C zoning classification to a P-R-M-15 classification. - PASS

Vote Results

Motion: Ellis Cook
Second: Tanya Milton

Russ Abolt	- Not Present
Shedrick Coleman	- Aye
Ellis Cook	- Aye
Ben Farmer	- Aye
Stephen Lufburrow	- Not Present
Timothy Mackey	- Not Present
Lacy Manigault	- Aye
Murray Marshall	- Aye
Tanya Milton	- Aye
Susan Myers	- Aye
Jon Pannell	- Not Present
Adam Ragsdale	- Aye
Rochelle Small-Toney	- Not Present
Joseph Welch	- Aye

Amended Master Plan

14. [Godley Station - The Mulberry](#)

Attachment: [Maps.pdf](#)
Attachment: [Master Plan.pdf](#)
Attachment: [Picture.pdf](#)
Attachment: [Misc..pdf](#)
Attachment: [Staff Report.pdf](#)

Godley Station - The Mulberry
1540 Benton Boulevard
PIN 2-1016-01-013 and 014
Agent: Ryan Thompson
Engineer: Thomas and Hutton Engineering Company
Owner: Mulberry Realty Holdings, LLC
Aldermanic District: 1
County Commission District: 7
Zoning District: PUD-C
MPC File Number: M-120426-35088-2
MPC Project Planner: Gary Plumbley

Mr. Gary Plumbley, MPC Development Planner, presented the petitioner's request for MPC approval of an amendment to the Godley Station Master Plan (The Mulberry) located on the northeast corner of Benton Boulevard and Mulberry Boulevard. The purpose of the request is to change the land use classification of a 32.8 acre parcel of land from Commercial/Retail to Multi-Family residential.

Mr. Marshall asked if this is an appropriate change to a PUD. He does not want the Commission to decide on something that is not legally appropriate.

Mr. Plumbley stated the property across the street was notified and there was

no response. The current legal declarant sent a letter stating they are not in a position to approve any changes; it is not in their original charge. We can only go on information that the declarant has provided. If it is false, he does not know where we can go from here.

Mr. Farmer stated he agrees with Mr. Marshall. We may need to get our own legal opinion.

Mr. Ragsdale asked if there should be a more formal packet showing density swaps and calculations happening with this. He asked if the PUD was being formally amended.

Mr. Plumbley responded yes, it is being amended. Godley Station has evolved into three entities: Highlands at Godley Station, Godley Station North, and Godley Station South. This project is within Godley Station South, called the Mulberry at Godley Station. It is a master plan within a master plan. It needs to be reflected in the overall master plan as well as the master plan within the master plan. The declarant on Godley Station North is not opposing the request, but cautions that this may generate future requests that may not be appropriate and thinks we should evaluate each one in accordance of any other property.

Mr. Ragsdale stated his question is regarding the process. It certainly is a map amendment, but the PUD document, which becomes a zoning classification, is significantly deep in text and requirements. He asked if the document is being updated to indicate the reduction in commercial square footage and the increase in multi-family units.

Mr. Plumbley replied that a request has been put in there to update that information. Staff has determined there is ample commercial property left after possible approval. It is an amended master plan, which will need to be updated.

Mr. Thomson stated he agreed with Mr. Plumbley and stated he believed we are on the right process for this petition.

Ms. Myers asked if we need our own legal opinion.

Mr. Thomson stated spoke with Mr. Hart and received guidance from him. He did not receive anything indicating contradiction to staff's actions.

Mr. Farmer asked Mr. Thomson if the city attorney should have be consulted; he does not want anything to come back and bite us later regarding proper procedure.

Mr. Marshall stated each PUD has different things in it, it becomes a unique document. He asked if we should not be concerned with legality how that PUD specifically states its changes should be made. He doesn't think it should be taken lightly. A formal legal opinion - not Mr. Hart's, whom he has great respect for.

Mr. Ragsdale disclosed that his firm does consult for the Feiler's, but has no

personal interest in this petition.

Mr. Ryan Thompson, of Thomas and Hutton, stated they have consulted with staff regarding this. He stated that is the legal opinion they have at this time. They are requesting of the Board to allow the change. The PUD's do vary, but they all have to be flexible regarding planning 3,000 acres at a time.

Mr. Wes Towble, of Two Capital Parkers, stated the declarant states he has no rights or obligations to the zoning to this PUD; the zoning allows conversion from commercial to residential use. The traffic count is not being exceeded; it is actually less. The City has declared there is sufficient water and sewer capacity. It is clear to us that the underlying zonings and covenant restrictions for the PUD demonstrate sufficient evidence that there is no issue within the declarant and the PUD.

Mr. Farmer asked the opinion of Mr. Coleman if legal opinion should be sought.

Mr. Coleman stated he believes they followed the rules as set forth and he has no reserve regarding acting on the petition.

Mr. Farmer motioned to approve staff recommendation. **Ms. Milton** seconded, and the motion was approved.

Mr. Plumbly stated he recommends getting an updated master plan.

Mr. Marshall stated why have a PUD if the declarant can easily withdraw responsibility. Someone has to be responsible. He has concerns with the way it was just casually changed. There is a strong possibility we have succeeded in opening Pandora's box in that well-thought out development.

Mr. Ragsdale stated he had concerns regarding the informality of changing a PUD. He stated he would like more research done regarding the need or requirement of a more formal process.

Mr. Farmer stated he would like to make a motion to formally ask the Commission to get a legal opinion of what our authority is in a petition such as this.

Mr. Manigault stated he thinks this petition was handled backwardly. This motion should have been made before the vote.

Mr. Ragsdale stated legal opinion is being sought for future PUD's.

Mr. Thomson stated he wanted to separate the issue if the Commission followed the correct procedure in this case, and he believes they did for this case. But to be advised for the future regarding market place mixing. We have frequently amended PUD's and master plans to accommodate market shifts.

Mr. Plumbly highlighted changes the Board has made to the very same

document. Godley Station - The Highlands has been amended three or four times and it was done by this body in concurrence with the approval of the declarant stating he had no problem with that taking place. He asked if it differed because the declarant, at that time endorsed the requested change and the Planning Commission could act as they felt appropriate. He also asked if that differed from the fact that we just acted with letter from the declarant stating they didn't have the legal right to approve or disapprove and it was up to the Planning Commission. He said the result in both cases, the Planning Commission, by action of the declarant made the final decision of the changes that were to be made or not to be made. Those changes were made in the Highlands portion. The master plan has been changed several times.

Mr. Farmer stated he does not want to make a mistake, that is why he want legal opinion. It seems too simple for such a big issue. He wants to make sure they are doing the right thing.

Mr. Marshall stated we have authority to make changes. However, did what we just do follow the right guidelines. In all due respect to the letter, Mr. Feiler only stated he wanted nothing to do with it; he say this is a legal opinion. Maybe we don't need one a legal opinion. He believes the Commission should be more specific on the requirements placed on changes to any PUD.

Mr. Plumbley stated it will help. Additional projects will come forward.

Mr. Thomson stated the with the change in ownership, the owners need to be gotten together and look at the plan and see how it all fits together again. Bring back a clear amendment.

Board Action:

The MPC staff recommends approval of the proposed Master Plan Amendment. - PASS

Vote Results

Motion: Ben Farmer

Second: Tanya Milton

Russ Abolt - Not Present

Shedrick Coleman - Aye

Ellis Cook - Aye

Ben Farmer - Aye

Stephen Lufburrow - Not Present

Timothy Mackey - Not Present

Lacy Manigault - Aye

Murray Marshall - Aye

Tanya Milton - Aye

Susan Myers - Aye

Jon Pannell	- Not Present
Adam Ragsdale	- Aye
Rochelle Small-Toney	- Not Present
Joseph Welch	- Aye

Board Action:

Garner City and County legal staff opinion for
prodecure for future petitions regarding PUD's. - PASS

Vote Results

Motion: Ben Farmer
Second: Susan Myers

Russ Abolt	- Not Present
Shedrick Coleman	- Aye
Ellis Cook	- Aye
Ben Farmer	- Aye
Stephen Lufburrow	- Not Present
Timothy Mackey	- Not Present
Lacy Manigault	- Aye
Murray Marshall	- Aye
Tanya Milton	- Aye
Susan Myers	- Aye
Jon Pannell	- Not Present
Adam Ragsdale	- Aye
Rochelle Small-Toney	- Not Present
Joseph Welch	- Aye

Final Minor Subdivision

15. [Lands of John B. Demere Subdivision - Turners Rock](#)

Attachment: [Final Plat.pdf](#)
Attachment: [Maps.pdf](#)
Attachment: [Miscellaneous.pdf](#)
Attachment: [Staff Report.pdf](#)

Lands of John B. Demere Subdivision
1950 Turners Rock Road
PIN 1-0112-01-004
Agent: Barre Thomas
Surveyor: Kern - Coleman and Company
Owner: John B. Demere
County Commission District: 4
Zoning District: R-1-A/EO

MPC File Number: S-120412-00020-1

Mr. Gary Plumbley, MPC Development Services Planner presented the petitioner's request for consideration of a proposed two-lot Minor Subdivision for a site located on the east side of Turners Rock Road approximately 1,475 feet south of Johnny Mercer Boulevard.

Mr. Plumbley stated previous boards stated there should be no subdividing on Turner's Rock until the substandard access is brought up to minimum standard as approved by the County Engineer. The County Engineer is of the opinion it is not a minor subdivision because it is so close to the previous three-lot subdivision; they have classified as a major subdivision. There is also a requirement of a paved 40 foot right-of-way be established with a minimum of 18 to 20 feet. In 2009, the three-lot subdivision was approved without requirements for improvements to Turner's Rock Road. The petitioner now wants to subdivide one of the subdivided lots.

Ms. Myers stated she remembers this very well. It was agreed there would be no more subdivisions. As a Board, we were very clear on that.

Mr. Farmer stated he believes there was the desire for four lots for from the beginning. The last was a ruse to let this one slide through without having to meet the standards. He asked if the County Engineer would have to approve it before the Commission can act on it.

Mr. Ragsdale stated the final authority to approve of a subdivision goes through the County Commission.

Mr. Plumbley stated not with this particular case. The final approval rests with this body. The County Engineer can determine not to sign it. He thinks the County Engineer will support staff recommendation.

Mr. Farmer asked if the petition in 2009 asked for four lots, would the pavement requirement that staff recommends been required back then.

Mr. Plumbley stated it was staff recommendation that it be done then with the three lots.

Mr. Marshall asked what is the passage of time between approval of a three-lot subdivision and when one of those lots that meets criteria is eligible to be re-subdivided.

Mr. Plumbley stated it is a judgment call; there is section in the ordinance regarding that.

Mr. Marshall stated it is another issue that should have some definition put behind it.

Mr. Thomson stated there is no objection to the subdivision if the requirements are met. The stumbling block is the investment in the road. The

Commission decided no more subdividing until the road conditions, which were already compromised, were met.

Mr. Charles Ellis, resident citizen, stated it was clearly agreed there would be no additional subdivision. We are against it. The former agreement should be adhered to.

Ms. Myers asked Mr. Ellis if they wanted the road paved.

Mr. Ellis stated they wanted it unpaved to discourage subdivision.

Mr. Dan Bunn, resident citizen, read a portion of a 1991 ordinance that stated if a road was 22 feet in width and unpaved, properties could not be subdivided due to emergency vehicular traffic. That was disregarded by the Commission because you approved Mr. Demere's subdivision.

Board Action:

The MPC staff recommends **denial** of the requested variance to allow the creation of a new lot on an unpaved substandard access way and the proposed Minor Subdivision and Final Plat as submitted. Staff further recommends **approval** of a revised Minor Subdivision and Final Plat to include a variance to allow the creation of a new lot on a "paved" substandard access way.

Vote Results

Motion: Ben Farmer

Second: Timothy Mackey

Russ Abolt	- Not Present
Shedrick Coleman	-
Ellis Cook	-
Ben Farmer	-
Stephen Lufburrow	- Not Present
Timothy Mackey	-
Lacy Manigault	- Aye
Murray Marshall	-
Tanya Milton	-
Susan Myers	-
Jon Pannell	- Not Present
Adam Ragsdale	-
Rochelle Small-Toney	- Not Present
Joseph Welch	-

Board Action:

Deny any approvals regarding this petition. - PASS

Vote Results

Motion: Susan Myers

Second: Tanya Milton

Russ Abolt - Not Present

Shedrick Coleman - Aye

Ellis Cook - Aye

Ben Farmer - Aye

Stephen Lufburrow - Not Present

Timothy Mackey - Aye

Lacy Manigault - Aye

Murray Marshall - Aye

Tanya Milton - Aye

Susan Myers - Aye

Jon Pannell - Not Present

Adam Ragsdale - Aye

Rochelle Small-Toney - Not Present

Joseph Welch - Aye

XI. OTHER BUSINESS

16. [Case Study Committee Report](#)

17. [Miscellaneous Follow-up from May 8, 2012 MPC Planning Meeting](#)

Attachment: [MPC Planning Session Agenda 050812.pdf](#)

XII. ADJOURNMENT

18. [Motion to Adjourn](#)

Mr. Farmer motioned to adjourn the meeting at 4:24 p.m.

There being no further business to present before the Metropolitan Planning Commission on May 15, 2012 during the regular meeting, Mr. Ragsdale so adjourned.

Respectfully,

Thomas L. Thomson

NOTE: Minutes not final until approved by the Commission.

XIII. DEVELOPMENT PLANS SUBMITTED FOR REVIEW

19. [Development Plans Submitted for Review](#)

Attachment: [DEVELOPMENT REVIEW CASE LOG 051512.pdf](#)

The Chatham County - Savannah Metropolitan Planning Commission provides meeting summary minutes which are adopted by the respective Board. Verbatim transcripts of minutes are the responsibility of the interested party.