



Arthur A. Mendonsa Hearing Room
October 29, 2013 1:30 P.M.
MINUTES

October 29, 2013 Regular MPC Meeting

Members Present: W. Shedrick Coleman, Chairman
Murray Marshall, Vice-Chairman
James B. Blackburn, Jr., Secretary
Lacy Manigault, Treasurer
Ellis Cook
Stephanie Cutter
Ben Farmer
Timothy Mackey
Tanya Milton
Susan Myers
W. James Overton
J. Adam Ragsdale
Joseph Welch

Members Not Present: Russ Abolt

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

Advisory Staff Present: Geoff Goins, City Zoning Administrator

I. CALL TO ORDER AND WELCOME

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

IV. NOTICES, PROCLAMATIONS and ACKNOWLEDGEMENTS

Notice(s)

1. [October 29, 2013 MPC Finance Committee Meeting at 11:30 AM in the West Conference Room, 110 East State Street.](#)
2. [November 12, 2013 MPC Planning Meeting at 1:00 PM in the Arthur A. Mendonsa Room, 112 East State Street](#)
3. [November 19, 2013 Regular MPC Meeting at 1:30 P.M. in the Arthur A. Mendonsa Hearing Room, 112 E. State Street.](#)

Information Item(s) for Board Members

4. [Reading of Development Plans Submitted for Review](#)

Attachment: [Development Review Log October 24 \(2\).pdf](#)

V. PRESENTATIONS

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

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

5. [October 8, 2013 MPC Meeting and Briefing Minutes](#)

Attachment: [10.08.13 MPC BRIEFING MINUTES.pdf](#)

Attachment: [10.08.13 MEETING MINUTES.pdf](#)

Board Action:

Recommend **APPROVAL** of the MPC Meeting and Briefing Minutes as submitted. - PASS

Vote Results

Motion: Lacy Manigault

Second: Timothy Mackey

Russ Abolt - Not Present

James Blackburn Jr. - Aye

Shedrick Coleman - Aye

Ellis Cook - Aye

Stephanie Cutter	- Aye
Ben Farmer	- Aye
Timothy Mackey	- Aye
Lacy Manigault	- Aye
Murray Marshall	- Aye
Tanya Milton	- Aye
Susan Myers	- Aye
James Overton	- Aye
Adam Ragsdale	- Aye
Joseph Welch	- Aye

VIII. ITEMS MOVED FROM CONSENT AGENDA

IX. OLD BUSINESS

Tower - New Facility/Concealed Freestanding

6. [Vantage-AT&T Hall Park Tower | 1105 E. 57th Street | 13-002239-PLAN](#)

Attachment: [CityScape Report.pdf](#)

Attachment: [Balloon Test Photo Shoot.pdf](#)

Attachment: [Tree coverage.pdf](#)

Attachment: [MPC File No 13-002239-PLAN profile op.pdf](#)

Attachment: [City Attorney Memo - Tower Variances.pdf](#)

Attachment: [WTF Report to MPC 13-002239-PLAN.pdf](#)

Attachment: [Hall Park_ZD's Rev4_SS.pdf](#)

Mr. Butler stated the city attorney supplied an opinion that the MPC does have the authority and ability to apply variances in regard to cell towers. The staff recommendation is the same as previously heard. The applicant provided an alternative of a faux pine tree at 100 feet.

Mr. Jonathan Yates, representative for the petitioner, thanked the Board for their diligence regarding this petition. He stated their plans are for all city citizens and hopes the proposed faux pine tree is acceptable.

Mr. Marshall asked why 85 feet would not be appropriate if that is above tree level.

Mr. David Walker, representative of AT&T, stated the positioning of the poles is essential. The terrain of the real trees interferes with the coverage; it cannot broadcast. The requested height takes it above the tree line in the area.

Mr. Marshall stated it will work at 85 feet, which does not require a variance.

There was discussion between Mr. Ragsdale and Mr. Yates regarding the ordinance and how it addresses towers, performance in relation to location on the towers, and the limitations of tower locations and heights without variances.

Mr. Farmer stated Mr. Abolt made his feelings clear about the design in the pre-meeting; he stated he did not see much support regarding the faux tree. He asked what was the

Board voting on: the tree or the 127 foot tower.

Mr. Coleman responded it was open to interpretation and the faux tree was an additional option.

Mr. Farmer restated the faux tree was an option among others.

Mr. Marshall asked if the faux tree shaping could be more realistic and less bottle brush.

Mr. Mackey asked if we are in compliance with the federal law regarding compliance. He also stated if this petition is passed, he'd like to see all towers in the tree-like fashion.

Mr. Thomson stated the tower can be denied but there has to be specific reasons and opportunity to put it in a less-impacted area yet provide adequate coverage. Also, the federal shot clock will be before the date of the next MPC meeting date; if no decision at that time, it is automatically approved. If the petition is denied, it has to be for a valid reason. The recurring problem is because of the tower being in a residential area.

Mr. Terry Thomas, Vantage Towers, explained the same problem will occur: in the residential neighborhood. The possible location on the opposite side of Waters would require the tower to be in front of the church door.

Mr. Blackburn asked if a steeple tower would be an option.

Mr. Thomas replied the steeple would have to be at least 85 feet high.

Mr. Farmer asked why the technically advised decision of 85 feet is no longer a feasible height. The variances can be denied while possibly approving the tower. We are not required to approve more than the ordinance allows.

Mr. Thomson stated that would then open up the request for more towers because of lack of collocations on towers of 85 feet.

Mr. Butler stated the height is needed to provide the smart phone technology, not just voice service. Changes in technology and federal law will require ordinance updates regarding towers.

Mr. Greg Knight, AT&T, stated it is not economically feasible to build a smaller tower.

The petitioners showed visual representation of their needs to provide adequate coverage to their customers.

Mr. Ragsdale motioned to approve the tower with no variances or adjustments. **Mr. Marshall** seconded the motion.

Mr. Farmer stated if the variances are denied, the shot clock requirement is met.

Mr. Blackburn asked if tower approval is needed if no variances are requested or required.

Mr. Thomson replied yes.

Mr. Ragsdale withdrew his original motion. He stated a new motion to deny the petition because justification of need has not been proven. **Mr. Marshall** seconded.

Board Action:

That the MPC **approve** the development of a 127-foot concealed wireless telecommunications facility with the following conditions:

- 1) tower shall be marked and lit per WTF Ordinance section 8-3196 (6) (b);
- 2) all feed lines be contained within the spine of the support structure; and
- 3) all feed line ports shall be properly sealed to prevent access by wildlife.

And **approval** of the requested setback adjustment to permit a 20-foot fall zone using break-point technology in the tower design; and **approval** of a 42-foot height adjustment above the 85 feet permitted in the district; and **approval** of the requested reduction of the buffer from 15 feet with a six-foot fence to a seven-foot vegetative buffer with a 10-foot fence.

Vote Results

Motion:

Second:

Board Action:

Deny petition. - PASS

Vote Results

Motion: Adam Ragsdale

Second: Murray Marshall

Russ Abolt	- Not Present
James Blackburn Jr.	- Nay
Shedrick Coleman	- Nay
Ellis Cook	- Nay
Stephanie Cutter	- Aye
Ben Farmer	- Nay
Timothy Mackey	- Aye
Lacy Manigault	- Aye
Murray Marshall	- Aye
Tanya Milton	- Aye
Susan Myers	- Aye
James Overton	- Nay
Adam Ragsdale	- Aye
Joseph Welch	- Aye

Zoning Petition - Map Amendment

7. 6413 Waters Avenue | R-6 (Single-family Residential) to BN-1 (Neighborhood Business-Limited) | 13-004852-ZA

Attachment: [Staff Report-Oct 29.pdf](#)

Attachment: [Maps.pdf](#)

Attachment: [Photos.pdf](#)

Ms. Moore presented the rezoning request. The Planning Commission requested that staff provide alternatives to the requested BN-1 zoning district. The Commission asked staff to consider the R-B and R-B-1 district. R-B means Residential-Business and R-B-1 is Residential-Business-Limited. Both allow plant and produce stores, which the request conforms. However, these districts were intended in mixed-use areas in older areas of the city; they also allow other business that would not be appropriate for the area. The PUD-IS-B allows general offices and townhome development, cultural facilities, religious institutions and schools. It also allows the Mayor and Aldermen to approve any use not listed as a special use. The PUD-IS-B could serve as an alternate district; if this district were approved, the applicant could then request plant sales as a special use and the Mayor and Aldermen could place restrictions on the property through the site plan process with restrictions, for example, on curb cuts and delivery times and locations. Staff recommends denial of B-N-1 and recommends PUD-IS-B as an alternate district.

Ms. Holly Young, representing the petitioner, stated they are not opposed to the PUD-IS-B district; however, they would have to request variances because of the district requirements.

Dr. Karen Gold, representing St. Andrew's Anglican Church, stated she and her church are opposed to the B-N-1 zoning. She asked that the Board remember there are four churches in the area. She stated the neighborhood needs an opportunity to review the allowances of the PUD-IS-B district.

Ms. Moore stated if PUD-IS-B is approved for this property, three actions would need to be done: rezoning, special use review for the plant sales, and a site plan review.

Mr. Thomson recommended to continue the petition.

Mr. Paul Troxler, representing the Jackson Park Homeowners Association, is opposed to the petition. He stated they are opposed to any type of curb cuts on the west side of Waters Avenue for business. There are no businesses between DeRenne and Stephenson Avenues. The petition is not compatible with the R-6 district. Traffic and visibility are of concern also.

Ms. Young stated they are not asking for curb cuts and there is one commercial development in the area. The existing parking will be used. She requested the Board to act on the PUD-IS-B to reduce unnecessary expense.

There was discussion among the Board regarding the direction given to staff to provide varying options for the property. The options could not be approved without the special use and restrictions. **Ms. Moore** recommended considering all actions at one time. **Ms. Myers** stated the neighbors need to have an opportunity to research PUD-IS-B; they

were only aware of B-N-1.

Mr. Blackburn motioned to postpone the petition to give the petitioner and staff opportunity to develop PUD-IS-B site plan with specifications. **Ms. Myers** seconded the motion.

Board Action:

Denial of the request to rezone the subject property from an R-6 zoning classification to a BN-1 zoning classification. If the Planning Commission supports the proposed use, staff recommends rezoning to PUD-IS-B. If rezoned, the applicant could request special use approval and submit a site plan in accordance with Sec. 8-3031 (D)(1)(a).

Vote Results

Motion:

Second:

Board Action:

Postpone Item - to next November 19, 2013 MPC meeting to give petitioner opportunity to meet with staff to develop a site plan in conjunction with a PUDISB zoning classification. - PASS

Vote Results

Motion: James Blackburn Jr.

Second: Susan Myers

Russ Abolt	- Not Present
James Blackburn Jr.	- Aye
Shedrick Coleman	- Aye
Ellis Cook	- Aye
Stephanie Cutter	- Aye
Ben Farmer	- Aye
Timothy Mackey	- Not Present
Lacy Manigault	- Aye
Murray Marshall	- Aye
Tanya Milton	- Aye
Susan Myers	- Aye
James Overton	- Aye
Adam Ragsdale	- Aye
Joseph Welch	- Aye

X. REGULAR BUSINESS

Zoning Petition - Text Amendment

8. [Establishing an Office-Institutional \(O-I\) District | 13-004504-ZA](#)

Attachment: [Staff Report 13-004504-ZA.pdf](#)

Ms. Moore stated the purpose of the text amendment is to establish the Office-Institutional zoning district is because one does not currently exist. Using the PUD-IS-B district is for office uses and always requires variances. The P-R-T district is very limited in the uses it permits. The I-P district allows some uses that are not appropriate for some areas. An Office-Institutional district is being recommended specifically to allow a variety of office uses without permitting retail or residential uses. Staff is not proposing to rezone any properties with this district at this time.

Mr. Farmer asked how would the parking requirements be determined.

Ms. Moore stated that will be determined by the parking section of the ordinance.

Mr. Blackburn motioned to table the petition until consideration of the New Zoning Ordinance. There was no second.

Mr. Marshall stated he thought this action was proactive.

Mr. Farmer motioned to approve staff recommendation. **Mr. Welch** seconded the motion.

Mr. Blackburn stated that if the ordinance is going to be rewritten, we should wait. Or, correct what we already have.

Mr. Farmer stated we cannot stop progress. We should continue to correct as we go along; add it to the new ordinance when it is ready.

Board Action:

Approval. - PASS

Vote Results

Motion: Ben Farmer

Second: Joseph Welch

Russ Abolt - Not Present

James Blackburn Jr. - Nay

Shedrick Coleman - Aye

Ellis Cook - Aye

Stephanie Cutter - Aye

Ben Farmer - Aye

Timothy Mackey - Not Present

Lacy Manigault - Aye

Murray Marshall	- Aye
Tanya Milton	- Aye
Susan Myers	- Aye
James Overton	- Aye
Adam Ragsdale	- Aye
Joseph Welch	- Aye

XI. NEW ZONING ORDINANCES (NewZO)

XII. OTHER BUSINESS

XIII. ADJOURNMENT

9. [Adjournment of October 29, 2013 Regular MPC Meeting](#)

Meeting adjourned at 3:45 p.m.

XIV. DEVELOPMENT PLANS SUBMITTED FOR REVIEW

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

Attachment: [Development Review Log October 24 \(2\).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.