

**CHATHAM COUNTY-SAVANNAH METROPOLITAN PLANNING COMMISSION**

**MPC MINUTES**

**ARTHUR A. MENDONSA HEARING ROOM  
110 EAST STATE STREET**

**April 6, 2004**

**1:30 P.M.**

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**Members Present:** Timothy S. Mackey, Chairman  
Lacy A. Manigault, Secretary  
Robert L. Ray, Treasurer  
Michael Brown  
Melissa Jest  
J. P. Jones  
Alexander Luten  
Walker McCumber  
Patricia McIntosh  
Lee Meyer  
Helen L. Stone

**Members Not Present:** Russ Abolt  
Jerry Konter

**MPC Staff Present:** Thomas L. Thomson, Executive Director  
Clyde Wester, Assistant to the Executive Director  
Charlotte L. Moore, Director of Development Services  
John Howell, Development Services Planner  
Charlan Owens, Development Services Planner  
Brenda Smith, Zoning Secretary  
Marilyn Gignilliat, Secretary

**Advisory Staff Present:** Eric Gadsen, County Zoning Inspector  
Tiras W. Petrea, City Zoning Inspector

**I. CALL TO ORDER**

Chairman Mackey called the meeting to order. He explained the agenda for the benefit of citizens attending the meeting for the first time. He stated that citizens wishing to speak on an item should so note on the sign-in sheet.

**II. NOTICES, PROCLAMATIONS AND ACKNOWLEDGMENTS**

A. Notice(s)

Chairman Mackey introduced Melissa Jest, who replaced Ms. Feiler on the Planning Commission. Ms. Feiler's term expired April 1, 2004.

B. Item(s) Requested to be Removed from the Final Agenda

1. Zoning Petitions — Map Amendments

Harold B. Yellin, Agent  
(for Rosso Corsa, Inc., Owner)  
MPC File No. Z-040212-86742-2

The petitioner has requested that this item be placed on the agenda for the April 20, 2004 MPC meeting.

2. Master Plan

Oemler Subdivision  
14 Morningside Drive  
PIN 1-0034-01-001 A and 1-0035-01 -008A  
4.1 Acres - 9 Lots  
R-1-A Zoning District  
Thomas and Hutton Engineering Company, Surveyor/Engineer  
Nick Stanley, Agent  
Habersham Group, Owner  
MPC File No. M-040226-52470-1

This item has been withdrawn by the petitioner.

**III. CONSENT AGENDA**

A. Approval of the March 16, 2004 MPC Meeting Minutes and Briefing Minutes.

Mr. Jones **moved** to approve the minutes. Mr. Ray seconded the motion.

**MPC Action: The motion carried with none opposed.** The motion was to approve the March 16, 2004 MPC Minutes and Briefing Minutes. Voting were Ms. Stone, Mr. Meyer, Mr. Brown, Mr. Manigault, Ms. McIntosh, Mr. Luten, Mr. Ray, Mr. Jones, Mr. McCumber, and Ms. Jest.

B. Zoning Petition — Map Amendment

T. R. Long Engineering, P.C., Agent  
(for Dale Tanner, Owner)  
MPC File No. Z-040315-49356-2

**Issue:** Rezoning from a PUD-IS-B (Planned Unit Development-Institutional) classification to a P-B-C (Planned Community Business) classification.

**Policy Analysis:** Rezoning to a retail commercial district would be consistent with the City's Future Land Use Plan.

**Staff Recommendation:** **Denial** of the request to rezone the property from PUD-IS-B (Planned Unit Development-Institutional) to P-B-C (Planned Community Business). Approval of an alternate P-B-N (Planned Neighborhood Business) district.

**Speaking about the petition:** Trent Long, agent, stating that the owner is in agreement with the staff recommendation.

Ms. Stone **moved** to approve the staff recommendation. Mr. Brown seconded the motion.

**MPC Action: The motion carried with none opposed.** The motion was to approve the staff recommendation for denial of the request to rezone the property from PUD-IS-B (Planned Unit Development-institutional) to P-B-C (Planned Community Business). The motion further approved the staff recommendation of approval of an alternate P-B-N (Planned Neighborhood Business) district. Voting were Ms. Stone, Mr. Meyer, Mr. Luten, Ms. McIntosh, Mr. Brown, Mr. Manigault, Mr. Ray, Mr. Jones, Mr. McCumber, and Ms. Jest.

C. Amended Master Plan

Bradley Pointe South  
1301 Bradley Boulevard  
PIN 2-1030-01-005  
279.17 Acres  
PUD-M-5 Zoning District  
Kern — Coleman and Company, Inc., Engineer  
Terry Coleman, Agent  
MPC File No. M-040220-42727-2  
MPC Reference File No. P-01 1114-50536-1

**Nature of Request:** The petitioner is requesting approval of an Amended Master Plan.

**Staff Recommendation:**               **Approval** of the Amended Master Plan, subject to the following conditions: 1) identify whether common area has been included in the right-of-way area. If it has, it must be removed, the common area recalculated, and a Master Plan revision submitted; and, 2) identify whether the wetlands area will also be considered common area.

Mr. Brown **moved** to approve the staff recommendation. Mr. Ray seconded the motion.

**MPC Action: The motion carried with none opposed.** The motion was to approve the staff recommendation for approval of the Amended Master Plan, subject to the following conditions: 1) identify whether common area has been included in the right-of-way area. If it has, it must be removed, the common area recalculated, and a Master Plan revision submitted; and 2) identify whether the wetlands area will also be considered common area. Voting were Ms. Stone, Mr. Meyer, Ms. McIntosh, Mr. Brown, Mr. Manigault, Mr. Luten, Mr. Ray, Mr. Jones, Mr. McCumber, and Ms. Jest.

D.       Specific Development Plans

1.       Speedy Furniture Facility  
          Ogeechee Road  
          P-B-C Zoning District  
          Marion Jackson, P.E., Agent  
          MPC File No. P-040316-63109-1

**Nature of Request:**               The petitioner is requesting approval of a Specific Development Plan (Specific Plan) in order to construct a furniture store within a P-B-C (Planned Community Business) zoning district.

**Staff Recommendation:**               **Approval** of the Specific Development Plan with the following conditions: 1) the screening wall for the dumpster shall be of sufficient height to conceal the dumpster; 2) the cut sheets showing the lighting housing details shall be provided; and, 3) a freestanding sign shall be monument style (i.e., not a pole sign) and the address of the site shall appear on the sign.

**Speaking about the petition:**       Marlon Jackson, P.E., agent, stated that the transfer of retail items will not take place at the subject location.

Mr. Brown **moved** to approve the staff recommendation. Mr. Luten seconded the motion.

**MPC Action: The motion carried with none opposed.** The motion was to approve the staff recommendation for approval of the Specific Development Plan with the following conditions: 1) the screening wall for the dumpster shall be of sufficient height to conceal the dumpster; 2) the cut sheets showing the lighting housing details shall be provided; and, 3) a freestanding sign shall be monument style (i.e., not a pole sign) and the address of the site shall appear on the sign. Voting were Ms. Stone, Mr. Brown, Mr. Meyer, Ms. McIntosh, Mr. Manigault, Mr. Luten, Mr. Ray, Mr. Jones, Mr. McCumber, and Ms. Jest.

- 2. Abercorn Commons — Building Elevations  
7804 Abercorn Street  
B-C Zoning District  
Jay Maupin, Agent  
MPC File No. P-04031 1-50839-2

**Nature of Request:** The petitioner is requesting approval of partial building elevation improvements on property located at 7804 Abercorn Street. The property is bounded by Abercorn Street, White Bluff Road, and Fairmont Avenue.

**Staff Recommendation:** **Approval** of the Building Elevations for “Shops 100”, “Home Goods C”, and “Storage” as identified on the approved Master Plan/General Plan.

Mr. Meyer **moved** to approve the staff recommendation. Mr. Brown seconded the motion.

**MPC Action: The motion carried with none opposed.** The motion was to approve the staff recommendation for approval of the Building Elevations for “Shops 100”, “Home Goods C”, and “Storage” as identified on the approved Master Plan/General Plan. Voting were Mr. Brown, Ms. Stone, Mr. Meyer, Mr. Manigault, Ms. McIntosh, Mr. Luten, Mr. Ray, Mr. Jones, Mr. McCumber, and Ms. Jest.

E. General Development Plans

- 1. Waters Avenue Medical Center  
6602 Waters Avenue  
PIN 2-0154-04-006 and 011  
4.92 Acres  
PUD-B-C and PUD-IS-B Zoning Districts  
Kern-Coleman Engineering Company, Engineer  
John Farmer, Agent  
Lamaund E. Wells, Owner  
MPC File No. P-040316-64215-2

**Nature of Request:** The petitioner is requesting approval of a General Development Plan for a proposed medical office complex to be located on the east side of Waters Avenue south of Cornell Avenue within a PUD-B-C (Planned Unit Development-Community Business) zoning district and a PUD-IS-B (Planned Unit

Development-Institutional, less than three acres in size) zoning district. The petitioner is also requesting a 90-foot building setback variance (from the required 100 feet) along the eastern property line.

**Staff Recommendation:**                   **Approval** of a 90-foot building setback variance (from the required 100 feet) along the eastern property line and approval of the proposed General Development Plan subject to the following conditions: 1) revise the parking lot to eliminate the areas of parking that exceed 12 consecutive spaces. If the total number of parking spaces is reduced, the proposed buildings must be revised to comply with the off-street parking requirement; 2) submit a traffic analysis to the City Traffic Engineer; 3) revise the Site Data to identify the greenspace as 1.5 acres and 30.5 percent of the total site area; 4) eliminate Note Number 7 from the Site Data; and, 5) approval by the City of Savannah Water and Sewer Planning Director, City Arborist, Director of Stormwater Management, and Traffic Engineer. If compliance with the conditions of the reviewing departments results in a significant change in the layout and design of this development, as determined by the MPC staff, an amended General Development Plan may be required to be submitted to and approved by the Metropolitan Planning Commission.

Mr. Brown **moved** to approve the staff recommendation. Ms. Stone seconded the motion.

**MPC Action: The motion carried with none opposed.** The motion was to approve the staff recommendation for approval of a 90 foot building setback variance (from the required 100 feet) along the eastern property line and approval of the proposed General Development Plan subject to the following conditions: 1) revise the parking lot to eliminate the areas of parking that exceed 12 consecutive spaces. If the total number of parking spaces is reduced, the proposed buildings must be revised to comply with the off-street parking requirement; 2) submit a traffic analysis to the City Traffic Engineer; 3) revise the Site Data to identify the greenspace as 1.5 acres and 30.5 percent of the total site area; 4) eliminate Note Number 7 from the Site Data; and, 5) approval by the City of Savannah Water and Sewer Planning Director, City Arborist, Director of Stormwater Management, and Traffic Engineer. If compliance with the conditions of the reviewing departments results in a significant change in the layout and design of this development, as determined by the MPC Staff, an amended General Development Plan may be required to be submitted to and approved by the Metropolitan Planning Commission. Voting were Mr. Brown, Ms. Stone, Mr. Meyer, Mr. Manigault, Ms. McIntosh, Mr. Luten, Mr. Ray, Mr. Jones, Mr. McCumber, and Ms. Jest.

2. Grainger Townhomes  
777 King George Boulevard  
PIN 1-0993-02-014  
5.25 Acres  
PUD-C Zoning District  
Hussey, Gay, Bell and DeYoung Engineering Company, Engineer  
Steve Wohlfeil, Agent  
Louis Young, Owner  
MPC File No. P-040316-64508-1

**Nature of Request:** The petitioner is requesting approval of a General Development Plan for a proposed residential townhome development to be located on the south side of King George Boulevard approximately 575 feet west of Westminster Drive within a PUD-C (Planned Unit Development-Community) zoning district. No variances are requested.

**Staff Recommendation:** **Approval** of the proposed General Development Plan subject to the following conditions: 1) revise the Plan to shift the easternmost units in a westerly direction to provide not less than 100 feet of open space between the patio and the canal right-of-way. Identify this area as a 10 foot enhanced vegetative buffer. In addition, the enhanced vegetative buffer along the eastern property line shall be expanded to not less than 15 feet on the north and south side of the building cluster. The purpose of this buffer is to diffuse the mass of the building cluster as well as to visually enhance the development; 2) revise the orientation of the dumpster pad enclosure to provide a straight entry from the private drive. This will eliminate unnecessary maneuvering and possible damage to the enclosure. In addition, revise the enclosure details to show masonry construction instead of wood; 3) revise the Plan to show a continuous privacy fence along the rear of all patios. The fence shall extend to the limits of each building cluster; 4) revise the Plan to establish a 25 foot enhanced vegetative buffer along King George Boulevard. The purpose of this buffer is to aesthetically enhance the development and not to totally screen it from view; 5) revise the Plan to show a minimum of five common parking spaces to accommodate overflow parking; 6) identify the method by which the residents will receive mail; 7) approval by the County Traffic Engineer of the location and design of the proposed curb cut and the circulation pattern; and, 8) approval by the Chatham County Engineer.

Ms. Stone **moved** to approve the staff recommendation. Mr. Manigault seconded the motion.

**MPC Action: The motion carried with none opposed.** The motion was to approve the staff recommendation for approval of the proposed General Development Plan subject to the following conditions: 1) revise the Plan to shift the easternmost units in a westerly direction to provide not less than 100 feet of open space between the patio and the canal right-of-way. Identify this area as a 10 foot enhanced vegetative buffer. In addition, the enhanced vegetative buffer along the eastern property line shall be expanded to not less than 15 feet on the north and south side of the building cluster. The purpose of this buffer is to diffuse the mass of the building cluster as well as to

visually enhance the development; 2) revise the orientation of the dumpster pad enclosure to provide a straight entry from the private drive. This will eliminate unnecessary maneuvering and possible damage to the enclosure. In addition, revise the enclosure details to show masonry construction instead of wood; 3) revise the Plan to show a continuous privacy fence along the rear of all patios. The fence shall extend to the limits of each building cluster; 4) revise the Plan to establish a 25 foot enhanced vegetative buffer along King George Boulevard. The purpose of this buffer is to aesthetically enhance the development and not to totally screen it from view; 5) revise the plan to show a minimum of five common parking spaces to accommodate overflow parking; 6) identify the method by which the residents will receive mail; 7) approval by the County Traffic Engineer of the location and design of the proposed curb cut and the circulation pattern; and, 8) approval by the Chatham County Engineer. Voting were Mr. Brown, Ms. Stone, Mr. Meyer, Mr. Manigault, Ms. McIntosh, Mr. Lutten Mr. Ray, Mr. Jones, Mr. McCumber, and Ms. Jest.

#### IV. OLD BUSINESS

None.

#### V. REGULAR BUSINESS

##### A. General Development Plan

Savannah Home Brew Shop  
2102 Skidaway Road  
B-C Zoning District  
Jerald Jameson, Agent  
MPC File No. P-030730-59722-2

**Nature of Request:** The petitioner is requesting approval of a General Development Plan for a proposed office/warehouse located at the southeast corner of Skidaway Road and East 37<sup>th</sup> Street within a B-N (Neighborhood Business) zoning district. The following variances are requested: 1) a 13 foot front yard setback variance from the required 15 feet along East 37<sup>th</sup> Street; and, 2) a 15 foot buffer width variance from the required 25 feet for a Type D buffer along the eastern property line.

**Staff Recommendation:** **Denial** of a 13 foot setback variance along East 37<sup>th</sup> Street. Staff further recommends approval of an eight foot setback variance (from the required 15 feet) along East 37<sup>th</sup> Street; a 15 foot buffer variance (from the required 25 feet for a Type D buffer) along the eastern property line; and, the proposed General Development Plan and Building Elevation Plan subject to the following conditions: 1) revise the General Development Plan to move the structure and parking lot five feet to the south; 2) revise the General Development Plan to provide a Type G buffer (a three foot planted hedge or privacy fence) along the northern, eastern, and western portions of the off-street parking lot; 3) revise the General Development Plan to locate the privacy fence five feet inside the eastern property line. The privacy fence shall be either wood or masonry construction and shall be not less than six feet in height. Provide additional plants along the eastern side of the privacy fence; 4) provide



verification by the City Zoning Administrator that the proposed use(s) are permitted in a B-N zoning district; 5) revise the building elevations to provide a metal parapet on the east elevation. The color of the structure shall be neutral or earth tone with a compatible trim color; and, 6) approval by the City Review Departments

Mr. **Jones moved** to approve an 11 foot setback variance along East 37<sup>th</sup> Street. The motion further recommended approval of the staff recommendation. Mr. Ray seconded the motion.

**MPC Action: The motion carried with none opposed.** The motion was to deny a 13 foot setback variance along East 37<sup>th</sup> Street. The motion approves an 11 foot setback variance (from the required 15 feet) along East 37<sup>th</sup> Street; a 15 foot buffer variance (from the required 25 feet for a Type D buffer) along the eastern property line; and the proposed General Development Plan and Building Elevation Plan subject to the following conditions: 1) revise the General Development Plan to move the structure and parking lot four feet to the south; 2) revise the General Development Plan to provide a Type G buffer (a three foot planted hedge or privacy fence) along the northern, eastern, and western portions of the off-street parking lot; 3) revise the General Development Plan to locate the privacy fence five feet inside the eastern property line. The privacy fence shall be either wood or masonry construction and shall not be less than six feet in height. Provide additional plants along the eastern side of the privacy fence; 4) provide verification by the City Zoning Administrator that the proposed use(s) are permitted in a B-N zoning district; 5) revise the building elevations to provide a metal parapet on the east elevation; and 6) approval by the City Review Departments. Voting were Mr. Brown, Ms. Stone, Mr. Meyer, Mr. Manigault, Ms. McIntosh, Mr. Lutten, Mr. Ray, Mr. Jones, Mr. McCumber, and Ms. Jest.

#### B. Zoning Petitions — Map Amendments

1. Lewis Cooper, Owner  
1325 Dean Forest Road  
MPC File No. Z-040226-41 508-2

**Issue:** Rezoning from a P-I-L (Planned Light Industrial) zoning classification to a PDR-SM (Planned Development-Reclamation-Surface Mining) classification.

**Policy Analysis:** The proposed rezoning will establish a zoning district that will accommodate future commercial use of the property unless additional borrow material is needed for the abutting City landfill site. The General Plan provides increased buffering from Dean Forest Road to mitigate potentially adverse impacts on adjacent properties from the surface mining activity.

**Staff Recommendation:** **Approval** of the request to rezone the subject property from a P-I-L classification to a PDR-SM classification.

**Speaking about the petition:** Robert Smith, area business owner, seeking information on what would be done with the borrow pit upon completion of the project.

Mr. Meyer **moved** to approve the staff recommendation. Mr. Brown seconded the motion.

**MPC Action: The motion carried with none opposed.** The motion was to approve the staff recommendation for approval of the request to rezone the subject property from a P-I-L classification to a PDR-SM classification. Voting were Mr. Brown, Ms. Stone, Mr. Meyer, Mr. Manigault, Ms. McIntosh, Mr. Luten, Mr. Ray, Mr. Jones, Mr. McCumber, and Ms. Jest.

**AND**

General Development Plan

1. Dean Forest Road Borrow Pit  
1325 Dean Forest Road  
R-A Zoning District  
MPC File No. P-040225-37098-2

**Nature of Request:** The petitioner is requesting approval of a General Development Plan to be associated with an application for rezoning (MPC File No . Z040226-41508-2) to PDR-SM (Planned Development-Reclamation - Surface Mining).

**Staff Recommendation:** **Approval** of the General Development Plan including the following variance: a waiver of the 75 foot wide natural or landscaped buffer area adjacent to the City landfill. Subject to the following conditions: 1) a Specific Plan shall be submitted to and approved by MPC staff and City Engineering upon approval of the PDR-SM zoning classification by the Mayor and Aldermen. The approved Specific Plan shall be recorded in accordance with the PDR-SM standards; 2) required buffers are to be planted prior to the excavation of borrow material; 3) clearing in the future development areas shown on Plan A shall exclude hardwoods; and, 4) Plan B shall be approved by the MPC staff based on evidence provided by the petitioner and the City that no alternative source of borrow material can reasonably be obtained on the City landfill site.

Mr. Jones **moved** to approve the staff recommendation. Mr. McCumber seconded the motion.

**MPC Action: The motion carried with none opposed.** The motion was to approve the staff recommendation for approval of the General Development Plan including the following variance: a waiver of the 75 foot wide natural or landscaped buffer area adjacent to the City landfill. Subject to the following conditions: 1) a Specific Plan shall be submitted to and approved by MPC staff and City Engineering upon approval of the PDR-SM zoning classification by the Mayor and Aldermen. The approved Specific Plan shall be recorded in accordance with the PDR-SM standards; 2) required buffers are to be planted prior to the excavation of borrow material; 3) clearing in the future development areas shown on Plan A shall exclude hardwoods; and, 4) Plan B shall be approved by the MPC staff based on evidence provided by the petitioner and the City

that no alternative source of borrow material can reasonably be obtained on the City landfill site. Voting were Mr. Brown, Ms. Stone, Mr. Meyer, Mr. Manigault, Ms. McIntosh, Mr. Luten, Mr. Ray, Mr. Jones, Mr. McCumber, and Ms. Jest.

2. Simon Helman, Agent (for LSYMAR, LLG, Owner)  
708 E. Gwinnett Street  
MPC File No. Z-040308-53268-2

**Issue:** Rezoning from P-R-4 (Planned Four Family Residential) zoning classification to an I-L (Light Industrial) classification.

**Policy Analysis:** It is the policy of the City of Savannah to protect residentially zoned properties from the adverse effects of light industrial and commercial uses. Rezoning to a P-I-L-T classification will allow reuse of industrial buildings and, by imposing site plan requirements, protect the adjoining residential properties.

**Staff Recommendation:** **Denial** of the petitioner's request to rezone the subject property from a P-R-4 zoning classification to an I-L classification but further recommends approval of rezoning to an alternate P-I-L-T classification and approval of an amendment to the City of Savannah Future Land Use Plan from Public/Institutional to Industrial.

**Speaking about the petition:** Simon Heiman, agent, wants to hand sew custom leather footwear. There will be no tanning or processing of leather. Robert White, 707 E. Gwinnett Street, lives across the street from subject property, wants to know how the rezoning would affect him.

Mr. Jones **moved** to continue the petition until the next Regular Meeting in order for the petitioner to meet with the area residents. Staff is to facilitate this meeting. The motion further requested that staff look into the non-conforming use provisions of the Zoning Ordinance and how they would apply to the proposed use. Staff needs to determine if the use is commercial and if it would be a compatible use. Ms. Jest seconded the motion.

**MPC Action: The motion carried with none opposed.** The motion was to continue the petition until the next Regular Meeting in order for the petitioner to meet with the area residents. Staff is to facilitate this meeting. The motion further requested that staff look into the non-conforming use provisions of the Zoning Ordinance and how they would apply to the proposed use. Staff needs to determine if the use is commercial and if it would be a compatible use. Voting were Mr. Brown, Ms. Stone, Mr. Meyer, Mr. Manigault, Ms. McIntosh, Mr. Luten, Mr. Ray, Mr. Jones, Mr. McCumber, and Ms. Jest.

3. Donald B. Lowe, III, Agent  
(for Janet P. Herbert F. Galloway, Owners)  
MPG File No. Z-011017-42169-2

**Issue:** Rezoning from an R-B-1 (Residential-Business) zoning district to an R-B (Residential-Business) zoning district in order to establish a restaurant that serves alcohol with a meal.

**Policy Analysis:** The proposed rezoning district would allow uses that are incompatible with the surrounding neighborhood. However, an alternate P-RIP-B1 district would be a compatible district.

**Staff Recommendation:** **Denial** of the request to rezone the subject property from an R-B-1 classification to an R-B classification. Approval of an alternate P-RIP-B1 classification.

**Speaking about the petition:** Donald B. Lowe, agent  
Janet F. Galloway, owner

Mr. Meyer **moved** to approve the staff recommendation. Mr. Ray seconded the motion.

**MPC Action: The motion carried with none opposed.** The motion was to approve the staff recommendation for denial of the request to rezone the subject property from an R-B-1 classification to an R-B classification and approval of an alternate P-RIP-B-1 classification. Voting were Mr. Brown, Ms. Stone, Mr. Meyer, Mr. Manigault, Mr. Luten, Ms. McIntosh, Mr. Ray, Mr. Jones, Mr. McCumber, and Ms. Jest.

Mr. Brown **moved** to add the following conditions as a requirement of the General Development Plan to be provided under the provisions of Section 8-3031 (d)(1)(a) of the Zoning Ordinance:

- the sale of packaged alcoholic beverages shall not be allowed on the site
- no outdoor serving, ordering or consumption of food or drink or entertainment shall take place on the property between the hours of 10:00 P.M. and 9:00 A.M., Sunday through Thursday, nor between the hours of 11:00 P.M. and 9:00 A.M. Friday and Saturday;
- all activities on the site shall comply with the City of Savannah Noise Ordinance;
- the full service restaurant shall be the predominate use on the site and shall occupy no less than 75 percent of the total floor area of the enclosed building (excluding the kitchen and bathroom areas). The piano bar shall be the secondary use on the site and shall occupy no more than 25 percent of the total enclosed floor area (excluding the kitchen and bathroom areas) of the building;
- an approved General Site Plan and attached Declaration of Restrictions shall be recorded in the records of the Clerk of Superior Court of Chatham County. The Declaration of Restrictions shall be binding upon and shall ensure to the benefit of the owner and owner's legal representatives, successors, heirs, grantees, assigns, and successors in title of the property. All restrictions set forth in the

Declaration shall be appurtenant to and shall run with the property which is both burdened and benefited until an amendment of this Declaration is approved by the Mayor and Aldermen of Savannah; and,

- a Specific Development Plan, meeting the requirements of the recorded General Development Plan shall be approved by the MPC staff prior to the issuance of a building permit.

**MPC Action: The motion carried with none opposed.** The motion was to add the following conditions as a requirement of the General Development Plan to be provided under the provisions of Section 8-3031 (d)(1)(a) of the Zoning Ordinance:

- the sale of packaged alcoholic beverages shall not be allowed on the site;
- no outdoor serving, ordering or consumption of food or drink or entertainment shall take place on the property between the hours of 10:00 P.M. and 9:00 A.M., Sunday through Thursday, nor between the hours of 11:00 P.M. and 9:00 A.M. Friday and Saturday;
- all activities on the site shall comply with the City of Savannah Noise Ordinance;
- the full service restaurant shall be the predominate use on the site and shall occupy no less than 75 percent of the total floor area of the enclosed building (excluding the kitchen and bathroom areas). The piano bar shall be the secondary use on the site and shall occupy no more than 25 percent of the total enclosed floor area (excluding the kitchen and bathroom areas) of the building;
- an approved General Site Plan and attached Declaration of Restrictions shall be recorded in the records of the Clerk of Superior Court of Chatham County. The Declaration of Restrictions shall be binding upon and shall ensure to the benefit of the owner and owner's legal representatives, successors, heirs, grantees, assigns, and successors in title of the property. All restrictions set forth in the Declaration shall be appurtenant to and shall run with the property which is both burdened and benefited until an amendment of this Declaration is approved by the Mayor and Aldermen of Savannah; and,
- a Specific Development Plan, meeting the requirements of the recorded General Development Plan shall be approved by the MPC staff prior to the issuance of a building permit.

Voting were Mr. Brown, Ms. Stone, Mr. Meyer, Ms. McIntosh, Mr. Manigault, Mr. Luten, Mr. Ray, Mr. Jones, Mr. McCumber, and Ms. Jest.

C. Minor Subdivision/Sketch Plan

Silverstone Subdivision  
20 Silverstone Circle  
Lot 10  
PIN 2-0150-09-021  
3 lots - .53 acres  
R-6 Zoning District  
EMG Engineering Company, Inc., Surveyor  
Michael Moore, Agent  
Foy S. Ballance, Owner  
MPC File No. S-040308-53765-2

**Nature of Request:** The petitioner is requesting approval of a Sketch Plan for a three lot Minor Subdivision located between Silverstone Circle and Howard Foss Drive approximately 120 feet south of Bona Bella Avenue within an R-6 (One-Family Residential) zoning district. No variances are requested.

**Staff Recommendation:** **Denial** of the proposed Minor Subdivision based upon the finding that the proposed subdivision would create two lots that would not be in character with the surrounding lots and would be in conflict with the requirements of Section 8-2005(c) of the City of Savannah Subdivision Regulations.

**Speaking about the petition:** Joseph Rahimi, agent and owner  
Elizabeth Gross, 6 Silverstone Circle, opposed to the proposed subdivision.  
Elizabeth Scott, Executive Director of the Bacon Park Neighborhood Association, opposed to the proposed subdivision.

Mr. Brown **moved** to continue the petition until May 4, 2004 in order for the petitioner to meet with staff to consider the consequences of two 10,000 square foot lots, the flooding in the area, and the subdivision plan in this area that was denied recently. Staff is to facilitate a meeting between the petitioner and the area residents. Mr. Ray seconded the motion.

**MPC Action: The motion carried with none opposed.** The motion was to continue the petition until May 4, 2004 in order for the petitioner to meet with staff to consider the consequences of two 10,000 square foot lots, the flooding in the area, and the subdivision plan in this area that was denied recently. Staff is to facilitate a meeting between the petitioner and the area residents. Voting were Mr. Brown, Ms. Stone, Mr. Meyer, Mr. Manigault, Mr. Luten, Ms. McIntosh, Mr. Ray, Mr. Jones, Mr. McCumber, and Ms. Jest.

D. General Development Plans

1. Country Convenience Store #3  
1102 E. Victory Drive  
B-C Zoning District  
Theresa Clemmons, Agent  
MPC File No. P-040316-60124-2

**Nature of Request:** The petitioner is requesting approval of a General Development Plan (General Plan) to install site improvements on the property located at the northeast corner of Victory Drive and Waters Avenue. Setback and buffer variances are required.

**Staff Recommendation:** **Approval** of the General Development Plan, including the following variances: 1) a setback variance of three feet for the parking space adjacent to Waters Avenue; 2) a setback variance of seven feet for the pump

island adjacent to Waters Avenue; 3) a rear setback variance of five feet adjacent to the lane; 4) a variance to allow a 15 foot encroachment into the rear yard buffer; 5) a variance to allow a 15 foot encroachment into the side yard buffer; and, 6) a variance to provide no shrubbery plantings facing R district boundaries.

**Speaking about the petition:** Teresa Wexel, agent

Mr. McCumber **moved** to approve the staff recommendation. Mr. Brown seconded the motion.

Mr. Brown offered an amendment to the motion that the Specific Plan shall be reviewed by the MPC. The Specific Plan shall include the building and fence elevations visible from the east property line and the Lighting Plan. Mr. McCumber accepted the amendment.

**MPC Action: The motion carried with none opposed.** The motion was to approve the General Development Plan, including the following variances: 1) a setback variance of three feet for the parking space adjacent to Waters Avenue; 2) a setback variance of seven feet for the pump island adjacent to Waters Avenue; 3) a rear setback variance of five feet adjacent to the lane; 4) a variance to allow a 15 foot encroachment into the rear yard buffer; 5) a variance to allow a 15 foot encroachment into the side yard buffer; and, 6) a variance to provide no shrubbery plantings facing R district boundaries. Subject to the following condition: the Specific Plan shall be reviewed by the MPC. The Specific Plan shall include the building and fence elevations visible from the east property line and the Lighting Plan. Voting in favor of the motion were Mr. Brown, Ms. Stone, Mr. Meyer, Mr. Manigault, Mr. Luten, Ms. McIntosh, Mr. Ray, Mr. Jones, and Mr. McCumber. Ms. Jest voted against the motion.

2. St. Joseph's/Candler Cancer Care Pavilion  
225 Somerset Drive  
PUD-IS Zoning District  
Gary Shuman, Agent  
MPC File No. P-04031 6-62139-2

**Nature of Request:** The petitioner is requesting approval of a General Development Plan (General Plan) in order to construct a medical office within a PUD-IS (Planned Unit Development-Institutional) zoning district. No variances are requested.

**Staff Recommendation:** **Approval** of the General Plan, including the Building Elevation Plan, with the following conditions: 1) provide the height of the building on the Building Elevation Plan; and, 2) provide three additional parking spaces for the handicapped.

**Speaking about the petition:** Bill Lattimore, agent

Mr. Meyer **moved** to approve the staff recommendation. Ms. Stone seconded the motion.

**MPC Action: The motion carried with none opposed.** The motion was to approve the staff recommendation for approval of the General Plan, including the Building Elevation Plan, with the following conditions: 1) provide the height of the building on the Building Elevation Plan; and, 2) provide three additional parking spaces for the handicapped. Voting were Ms. Stone, Mr. Meyer, Mr. Manigault, Ms. McIntosh, Mr. Luten, Mr. Ray, Mr. Jones, and Mr. McCumber. Ms. Jest and Mr. Brown were not in the room when the vote was taken.

Mr. Luten stated that the documentation provided by staff on the community notification was appreciated. He would like to see this in future Staff Reports.

## **VI. Other Business**

### **A. Appointments to Standing Committees**

Chairman Mackey made the following Standing Committee appointments: Ms. McIntosh, Tri-Centennial Committee; Ms. Jest, By-Laws Committee. The chairman further appointed Mr. Luten and Mr. Ray to the Nominating Committee. The Nominating Committee will recommend a candidate for Vice Chairman at the next meeting.

### **B. Follow-up on Workshop with Mayor and Aldermen**

Chairman Mackey commended the Executive Director on the knowledgeable presentation before the Mayor and Aldermen on the Thomas Square Rezoning Plan.

Ms. Stone added that staff was in tune with the wishes of the Mayor and Aldermen. The Executive Director and the MPC Chairman gave strong presentations on the Thomas Square issue.

Mr. Brown stated that the recent work session the Executive Director and the MPC Chairman facilitated with the Mayor and Aldermen set an excellent conceptual framework for issues that are present in all neighborhoods.

Chairman Mackey asked that each Commissioner receive notice of meetings that are to be facilitated by the staff.



**VII. Adjournment**

There being no further business to come before the Commission, the April 6, 2004 Regular Meeting was adjourned.

Respectfully submitted,

Thomas L. Thomson, P.E., AICP  
Executive Director

**Note: Minutes not official until signed**