

CHATHAM COUNTY-SAVANNAH METROPOLITAN PLANNING COMMISSION

MPC MINUTES

ARTHUR A. MENDONSA HEARING ROOM
110 EAST STATE STREET

August 17, 2004

1:30 P.M.

Members Present: Timothy S. Mackey, Chairman
Patricia McIntosh, Vice Chairman
Robert L. Ray, Treasurer
Michael Brown
Melissa Jest
J. P. Jones
Stephen R. Lufburrow
Alexander S. Luten
Walker McCumber
Lee Meyer
Freddie B. Patrick
Helen L. Stone

Members Not Present: Lacy Manigault, Secretary
Russ Abolt

MPC Staff Present: Thomas L. Thomson, Executive Director
Clyde M. Wester, Assistant to the Executive Director
Charlotte L. Moore, Director of Development Services
Gary Plumbley, Development Services Planner
John Howell, Development Services Planner
Amanda Bunce, Development Services Planner
Beth Reiter, Historic Preservation Officer
Lynn Manrique, Site Plan and Subdivisions Secretary
Marilyn Gignilliat, Secretary

Advisory Staff Present: Bob Sebeck, County Zoning Administrator
Tiras 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. Items Requested to be Removed from the Final Agenda

1. Minor Subdivision/Final Plat

Parkersburg Road Subdivision
113 Parkersburg Road
PIN 1-0306-08-001
3 lots – 0.58 Acres
R-1-C Zoning District
EMC Engineering Company, Surveyor
Murray Marshall, Agent
Vincent Sikorski, Owner
MPC File No. S-040730-55551-1

The petitioner has requested that this petition be postponed to the September 7, 2004 MPC meeting.

Mr. Jones **moved** to approve the petitioner's request to postpone MPC File No. S-040730-55551-1 to the September 7, 2004 MPC meeting. Mr. Ray seconded the motion.

MPC Action: The motion to approve the petitioner's request to postpone MPC File No. S-040730-55551-1 to the September 7, 2004 MPC meeting carried with none opposed. Voting were Mr. Brown, Mr. Meyer, Mr. Lufburrow, Ms. Stone, Mr. Luten, Ms. McIntosh, Mr. Ray, Mr. Jones, Mr. McCumber, Mr. Patrick, and Ms. Jest.

2. Amended Buffer Plan

St. Joseph's/Candler Hospital
5353 Reynolds Street
PIN 2-0113-20-001
27.58 Acres – Total Sit Area
PUD-IS Zoning District
Carl Walker, Inc., Architect
Saussy Engineering, PC, Engineer
Harold Yellin, Agent
St. Joseph's/Candler Hospital, Owner
MPC Reference File No. P-040116-61298-2
MPC File No. P-040211-37122-2

Chairman Mackey stated that this petition has been withdrawn.

B. Announcements

Chairman Mackey announced that Mr. Jones has been selected to be the 2004 Homecoming Parade Grand Marshall for Savannah State University.

III. CONSENT AGENDA

A. Approval of the August 3, 2004 MPC Meeting Minutes and Briefing Minutes

Ms. Stone **moved** to approve the August 3, 2004 MPC Meeting Minutes and Briefing Minutes. Mr. Patrick seconded the motion.

MPC Action: The motion to approve the August 3, 2004 MPC Meeting Minutes and Briefing Minutes carried with none opposed. Voting were Mr. Brown, Mr. Meyer, Mr. Lufburrow, Ms. Stone, Mr. Luten, Ms. McIntosh, Mr. Ray, Mr. Jones, Mr. McCumber, Mr. Patrick, and Ms. Jest.

B. Zoning Petition – Map Amendment

1. José Gonzalez/Gonzalez Architects, Agent
(for PADCO, LLC, Owner)
646 West Bay Street and 14 Warner Street
MPC File No. Z-040719-42216-2

Issue: Rezoning from a B-C (Community Business) zoning classification to a B-G (General Business) classification.

Policy Analysis: Rezoning to an alternate P-R-B-C-1 classification would allow a mix of uses that would be more compatible with the adjacent office and hotel uses than the existing B-C classification.

Staff Recommendation: Denial of the request to rezone the subject property from a B-C classification to B-G classification. Approval of an alternate P-R-B-C-1 classification.

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

MPC Action: The motion to approve the staff recommendation carried. Voting in favor of the motion were Mr. Brown, Mr. Meyer, Mr. Lufburrow, Ms. Stone, Mr. Luten, Ms. McIntosh, Mr. Ray, Mr. Jones, Mr. McCumber, and Mr. Patrick. Ms. Jest voted against the motion.

C. Victorian Planned Neighborhood Conservation District
Certificate of Compatibility Applications

1. E. C. Burnsed, Inc., Petitioner
411 East Park Avenue
MPC File No. N-040806-42243-2

Nature of Request: The applicant is requesting design approval for construction of a three bedroom single family house and two car garage in the Victorian Planned Neighborhood Conservation (PNC) District.

Staff Recommendation: **Approval** of the design and approval of two foot side yard variances on the east and west sides, based on historic precedent.

Mr. Brown **moved** to approve the staff recommendation for MPC File No. N-040806-42243-2 and MPC File No. N-040729-56483-2. Mr. Meyer seconded the motion.

MPC Action: **The motion to approve the staff recommendation carried with none opposed. The motion for approval applied to MPC File No. N-040806-42243-2 and MPC File No. N-040729-56483-2.** Voting were Mr. Brown, Mr. Meyer, Ms. Stone, Mr. Lufburrow, Mr. Luten, Ms. McIntosh, Mr. Ray, Mr. Jones, Mr. McCumber, Mr. Patrick, and Ms. Jest.

2. E. C. Burnsed, Inc., Petitioner
409 East Park Avenue
MPC File No. N-040729-56483-2

Nature of Request: The applicant is requesting design approval for construction of a three bedroom single family house and two car garage in the Victorian Planned Neighborhood Conservation (PNC) District.

Staff Recommendation: **Approval** of the design and approval of two foot side yard variances on the east and west sides, based on historic precedent.

MPC Action: Action on this petition was included in the above referenced petition.

D. Subdivision Master Plan

Burton Village Subdivision
Burton Road
PIN: 1-1005A-01-011, -012, -013 and -023; 1-1005B-01-001 thru -005, -007
and -008
R-A Zoning District
Davis Engineering, Engineer
Downer Davis, Agent
H and L, LLC, Owner
MPC File No. M-040729-37496-1

Nature of Request: The petitioner is requesting approval of a Master Plan for a proposed residential development located on the northwest side of Burton Road approximately 1,200 feet east of Ogeechee Road (U. S. Highway 17 South) within an R-A (Residential-Agriculture) zoning district. No variances are requested.

Staff Recommendation: **Approval** of the Master Plan, subject to the following conditions: 1) designate the 60 foot wide access easement in Phase 3 as a right-of-way; 2) remove from the Master Plan the lot within Phase 2 that shows an existing stormwater detention facility serving Little Ogeechee Landing, Phase 2; 3) revise the Master Plan by eliminating the lot described in Number 2 above by changing the boundary of Phase 1 and by revising the one lot and its acreage from the development summary; 4) approval by the Chatham County Health Department and the County Engineer; and, 5) approval by the County Traffic Engineer.

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

MPC Action: **The motion to approve the staff recommendation carried.** Voting in favor of the motion were Mr. Brown, Mr. Meyer, Mr. Lufburrow, Ms. Stone, Mr. Lutten, Ms. McIntosh, Mr. Ray, Mr. Jones, Mr. McCumber, and Mr. Patrick. Ms. Jest abstained from voting because the discrepancy in the acreage and lack of a report from the engineer on the circulation issue meant that she did not have enough information to make a decision.

E. Off-Street Parking Variance

Ralph Mark Gilbert Civil Rights Museum Addition
460 Martin Luther King, Jr., Boulevard
B-C Zoning District
S. Mark Boyles, Agent
MPC File No. P-040729-36560-2

Nature of Request: The petitioner is requesting approval of an 84 space parking variance in order to construct an addition to an existing civil rights museum within B-C (Community Business) and R-B-C-1 and (Residential-Business-Conservation, Extended) zoning districts. The Zoning Ordinance requires that the MPC be given the opportunity to make recommendation to the Zoning Board of Appeals in reference to parking variances.

Staff Recommendation: That the Metropolitan Planning Commission recommend to the Savannah Zoning Board of Appeals that an 84 space off-street parking variance be approved.

Mr. Brown **moved** to approve the staff recommendation subject to the condition that the institution seek additional parking commitments from churches and other facilities in the neighborhood. Mr. Jones seconded the motion.

MPC Action: **The motion carried with none opposed.** The motion was to recommend to the Savannah Zoning Board of Appeals that an 84 space off-street variance be approved subject to the condition that the institution seek additional parking commitments from churches and other facilities in the neighborhood. Voting were Mr. Brown, Mr. Meyer, Mr. Lufburrow, Ms. Stone, Mr. Luten, Ms. McIntosh, Mr. Ray, Mr. Jones, Mr. McCumber, Mr. Patrick, and Ms. Jest.

Mr. Patrick asked that the Planning Commissioners receive copies of the parking agreements for the Ralph Mark Gilbert Civil Rights Museum.

Chairman Mackey asked that staff provide photographs of properties for future petitions.

F. General Development Plans

1. National Wireless Construction, LLC
160 Nettles Industrial Boulevard
I-L Zoning District
PIN: 2-0595-08-010
Hayden Horton, Agent
Jonathan Yates, Attorney
MPC File No. T-040702-52437-2

Nature of Request: The petitioner is requesting approval of a General Development Plan in order to construct a monopole wireless telecommunications tower within an I-L (Light Industrial) zoning district. No variance is requested.

Staff Recommendation: **Approval** of the General Plan with the following conditions: 1) the petitioner shall ensure that the telecommunications facility is landscaped sufficiently so that only the gate is visible from the right-of-way; 2) the contribution to the City Tree Fund shall be noted on the Specific Development Plan. The formula for determining the amount of the contribution is \$5.84/TQP and \$2.22/LQP for any deficiency; 3) the drive apron with the right-of-way shall be constructed of concrete or asphalt per City standards; 4) the contractor shall be responsible for not disturbing any existing underground utilities during construction; and, 5) the petitioner shall comply with comments from Traffic Engineering.

Speaking about the petition: Jonathan Yates, National Wireless Construction, stated that he is in agreement with the staff recommendation. He added that the present applications could not be retrofitted to eliminate external antennae but future applications could include the ability to carry signals within an enclosed panel. A plan for tree plantings would be submitted to staff.

Mr. Brown asked that the issue of visual standards for telecommunications towers be discussed at a Planning Meeting. At what point could visual standards be applied to towers?

Chairman Mackey asked that tree plantings on this site be aesthetically pleasing.

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

MPC Action: **The motion to approve the staff recommendation carried.** Voting in favor of the motion were Mr. Brown, Mr. Meyer, Ms. Stone, Mr. Lufburrow, Mr. Luten, Ms. McIntosh, Mr. Ray, Mr. McCumber, Mr. Patrick, and Ms. Jest. Mr. Jones voted against the motion.

2. Cingular Wireless and National Wireless Construction, LLC
6720 Waters Avenue
Hayden Horton, Agent
PUD-B-C Zoning District
MPC File No. T-040702-53439-2

Nature of Request: The petitioner is requesting approval of a Specific Development Plan/Group Development Plan in order to construct a monopole wireless telecommunications tower 130 feet in height. The tower is proposed to be located behind a shopping center which is located on the northeast corner of Waters Avenue and Eisenhower Drive within a PUD-B-C (Planned Unit Development-Community Center) zoning district. Variances are requested.

Staff Recommendation: **Approval** of the Specific Development Plan/Group Development Plan and a 44 foot setback variance with the following conditions:
1) provide a contribution to the City of Savannah Tree Fund in lieu of landscaping; and,
2) provide a six foot high opaque fence to enclose the site.

Mr. Brown **moved** to approve the staff recommendation subject to the condition that the cell tower issue be placed on the agenda for the Planning Meeting. Staff will inform the commission of any technological issues so that better visual standards can be adopted. Mr. Ray seconded the motion.

Speaking about the petition: Jonathan Yates, National Wireless Construction, in agreement with the motion.

MPC Action: **The motion carried.** The motion was to approve the staff recommendation for approval of the Specific Development Plan/Group Development Plan and a 44 foot setback variance with the following conditions: 1) provide a contribution to the City of Savannah Tree Fund in lieu of landscaping; and, 2) provide a six foot high opaque fence to enclose the site. The cell tower issue will be placed on the Planning Meeting agenda. Staff will inform the commission of any technological issues so that better visual standards can be adopted. Voting in favor of the motion were Mr. Brown, Mr. Meyer, Ms. Stone, Mr. Lufburrow, Mr. Luten, Ms. McIntosh, Mr. Ray, Mr. Patrick, Mr. McCumber, and Ms. Jest. Mr. Jones voted against the motion.

3. San's Hotel and Suites
 Al Henderson Boulevard
 PUD-C zoning District
 John Kern, Agent
 MPC File No. P-040512-35171-1

Nature of Request: The petitioner is requesting approval of a General Development Plan in order to construct a 41 room hotel within a PUD-C (Planned Unit Development-Community) zoning district. Parking and building setback variances are requested.

Staff Recommendation: **Approval** of the General Development Plan, including the 30 foot parking lot and 80 foot building setback variances, with the following condition: insert the words "Compact Cars Only" on the plan sheet in the parking lot area for compact cars.

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

MPC Action: **The motion to approve the staff recommendation carried.** Voting in favor of the motion were Mr. Brown, Mr. Meyer, Mr. Lufburrow, Mr. Luten, Ms. Stone, Mr. Ray, Mr. Jones, and Mr. McCumber. Mr. Patrick, Ms. Jest, and Ms. McIntosh voted against the motion.

G. General Development Plan/Group Development

Mercer Plaza
Phase 2
140 Johnny Mercer Boulevard
PIN 1-10089-01-006
2.4 Acres
P-B-C/TC Zoning District
Davis Engineering, Inc., Engineer
Islands Development Corporation, Owner
MPC File No. P-040630-56740-1

Nature of Request: The petitioner is requesting MPC approval of a General Development Plan for an existing commercial development located on the north side of Johnny Mercer Boulevard approximately 625 feet west of Wilmington Island Road within a P-B-C/TC (Planned Community Business/Town Center) zoning district. No variances are requested.

Staff Recommendation: **Approval** of the proposed conceptual rendering of the structure and approval of the General Development Plan subject to the following conditions: 1) approval of the internal circulation pattern by the County Traffic Engineer; and, 2) approval of the General Development Plan by the County Engineer.

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

MPC Action: **The motion to approve the staff recommendation carried with none opposed.** Voting were Mr. Brown, Mr. Meyer, Ms. Stone, Mr. Lufburrow, Mr. Lutten, Ms. McIntosh, Mr. Ray, Mr. Jones, Mr. Patrick, Mr. McCumber, and Ms. Jest.

H. Specific Development Plan

Country Convenience Store #3
1102 E. Victory Drive
B-C Zoning District
Theresa Wexel, Agent
MPC File No. P-040713-34902-2

Nature of Request: A General Development Plan was approved on April 6, 2004 with the condition that the Specific Development Plan be returned for approval by the MPC. The petitioner is requesting approval of a Specific Development Plan to install site improvements on the property located at the northeast corner of Victory Drive and Waters Avenue. The site contains .41 acre and is zoned B-C (Community Business)

Staff Recommendation: **Approval** of the Specific Development Plan subject to the following conditions: 1) remove the wallpak lighting on the north and east sides of the building; 2) provide a description of the type of lighting located on the building canopy; 3) reduce the lighting under the gas canopy to achieve a lighting level of one footcandle or less at the property lines; 4) provide the dimensions of the gas canopy signage; and, 5) submit to staff a revised Specific Development Plan that reflects the changes requested.

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

MPC Action: **The motion to approve the staff recommendation carried.** Voting in favor of the motion were Mr. Brown, Mr. Meyer, Mr. Lufburrow, Ms. Stone, Mr. Luten, Ms. McIntosh, Mr. Ray, Mr. Jones, Mr. McCumber, and Mr. Patrick. Ms. Jest voted against the motion.

IV. Old Business

A. Staff Study – Text Amendment

Text Amendment to the Chatham County Zoning Ordinance
Re: Amend Section 4-5.2, B and I Use Schedule, to Allow Uses 52(a), 90(b), and 103(a) in P-I-L-T Zoning Districts and to Delete Use 104
MPC File No. Z-040716-33742-1

Issue: Amending the Chatham County Zoning Ordinance, Section 4-5.2, B and I Use Schedule, to allow Carpet Sales and Display (Use 52a); Processing, Sale and Display of Monuments and Stones (Use 90b); and Cabinet Shops (Use 103a) as matter-of-right uses within the P-I-L-T (Planned Light Industrial-Transitional) zoning district and to delete Principal Use Storage Yards (Use 104) from the list of matter-of-right uses allowed within the P-I-L-T district.

Policy Analysis: It is the policy of Chatham County to allow compatible uses within a zoning district, provided that the uses support the intent of the district. The intent of the Planned Light Industrial-Transitional zoning district is to allow a limited number of uses that do not operate in a manner that creates nuisances. Allowing the continued use of commercial and light industrial buildings within the P-I-L-T district would be consistent with this policy.

Staff Recommendation: **Approval** of a text amendment to the Chatham County Zoning Ordinance to allow Carpet Sales and Display (Use 52a) ; Processing, Sale and Display of Monuments and Stones (Use 90b); and Cabinet Shops (Use 103a) as matter-of-right uses and to delete Storage Yards (Use 104) as a matter-of-right use within the P-I-L-T (Planned Light Industrial-Transitional) zoning district.

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

MPC Action: The motion to approve the staff recommendation carried with none opposed. Voting were Mr. Brown, Mr. Meyer, Mr. Lufburrow, Ms. Stone, Mr. Luten, Ms. McIntosh, Mr. Ray, Mr. Jones, Mr. McCumber, Mr. Patrick, and Ms. Jest.

B. Staff Study – Map Amendment

Map Amendment to the Chatham County Zoning Ordinance
408, 412 and 414 Bonaventure Road
Re: Bonaventure Road Rezoning Study
MPC File No. Z-040616-52847-1

Issue: Appropriate zoning for three properties on the north side of Bonaventure Road that contain industrial uses and have dual zoning. The properties are presently zoned R-1 (One-Family Residential) and I-L (Light Industrial)

Policy Analysis: It is the policy of Chatham County to protect residential properties from the adverse effects of non-residential uses. Rezoning in conjunction with a text amendment (see MPC File No. Z-0406716-33742-1) will allow a limited range of non-residential uses and will allow the continued use of commercial and light industrial buildings and, by imposing site plan requirements, will protect nearby residential properties.

Staff Recommendation: Approval of rezoning to a P-I-L-T classification and approval of an amendment to the Chatham County Future Land Use Plan from Single-Family Residential to Light Industrial.

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

MPC Action: The motion to approve the staff recommendation carried with none opposed. Voting were Mr. Brown, Mr. Meyer, Mr. Luten, Mr. Lufburrow, Ms. McIntosh, Mr. Ray, Mr. Jones, Mr. McCumber, Mr. Patrick, and Ms. Jest. Ms. Stone was not in the room when the vote was taken.

V. Regular Business

A. Zoning Petitions – Map Amendments

1. Richard W. Collins, Agent
(for Housing Authority of Savannah, Owner)
MPC File No. Z-040402-55623-2

Issue: Rezoning from R-4 (Four-Family Residential) and R-B-1 (Residential-Business) zoning classifications to an RIP-B (Medium Density Residential) classification in conjunction with General Development Plan (General Plan) approval in accordance with Section 8-3031(D)(1)(a) subject to a finding of an “unusual or extraordinary condition.”

Policy Analysis: The development standards for the existing R-4 zoning district are not characteristic of the development pattern of the neighborhood. The proposed R-I-P-B district in conjunction with General Plan approval will allow greater compatibility and will be more restrictive with regard to allowed uses.

Staff Recommendation: **Approval** of the request to rezone the subject property from R-4 and R-B-1 classifications to an R-I-P-B classification in conjunction with approval of a General Development Plan in accordance with Section 8-3031(d)(1)(a).

Speaking about the petition: Dana Braun, agent for the Housing Authority of Savannah, described the efforts of to revitalize this area.

Barbara Oglesby, President of the Benjamin Van Clark Neighborhood Association, stated that although the residents have been kept informed about this project, more resident involvement in the process would be beneficial.

Mary Osborne, City Alderman for the 2nd District, stated that she is concerned about the density that would be created in this area.

Sydney J. Johnson, agent for owner of 804 Waters Avenue, raised concerns about eminent domain.

Marsha Verdree, Housing Authority, stated that it would not be a problem to address issues within the two week period before the next MPC meeting.

Mr. Jones **moved** to continue this item until September 7, 2004 in order to allow time for the residents to meet with staff and the petitioner to reach consensus. Ms. Stone seconded the motion.

Mr. Brown asked that specific directions be given to staff and the petitioner on the discussions and what comes back. Apply lessons that have been learned in other revitalized neighborhoods. How are densities handled in other neighborhoods? What are the building setbacks and the building orientations? How were the issues of driveways and parking handled, so that we can calculate how many on-street and off street parking spaces there are now and how many would there be after the development? What is the commitment on architectural elements such as, porches, gables, and columns? We should see building elevations that are very reflective in quality and physical traits typical of the neighborhood. What are the opportunities for homeownership and affordable housing? In summary, we should consider what is in the neighborhood now. It is a question of how the proposed units will affect the neighborhood.

Chairman Mackey asked that when the meeting is scheduled the Planning Commission is notified also.

MPC Action: **The motion carried with none opposed.** The motion was to continue the petition until September 7, 2004 in order for the petitioner to meet with residents of the area and staff. Issues to be addressed at the meeting are density, placement of buildings on lots, driveways, parkings, and architectural elements such as including building height. Voting were Mr. Brown, Mr. Meyer, Ms. Stone, Mr. Lufburrow, Mr. Lutten, Ms. McIntosh, Mr. Ray, Mr. Jones, Mr. McCumber, Mr. Patrick, and Ms. Jest.

AND

General Development Plan

Hope VI, Phase IV

Various Blocks of Waters Avenue, Graydon Street, Bolton Street & Ash Street

Housing Authority of Savannah, Applicant

Jay Maupin (EMC Engineering), Agent

Proposed R-I-P-B Zoning District

PIN Multiple (See Zoning Map. PIN 2-0042-05-029 not included.)

MPC File No. P-040714-49299-2

Nature of Request: The petitioner is requesting approval of a General Development Plan (General Plan) in conjunction with a rezoning petition to an R-I-P-B district in accordance with Section 8-3031(D)(1)(a) in order to construct single family attached residences. See MPC File No. Z-040402-55623-2. A variance is requested.

Staff Recommendation: **Approval** of the General Plan with the following conditions: 1) the front yard setback for all buildings shall be the average for all buildings located within 200 feet; 2) a minimum five foot side yard building setback shall be provided; 3) a minimum 15 foot rear yard building setback shall be provided; 4) the maximum allowable height shall not be greater than the height for a typical two-story buildings with the Van Clark neighborhood. The City's Historic Preservation Officer shall assist with this determination; 5) each off-street parking space shall be paved; 6) the following driveways shall be removed: Area 1, Sub-area E, the driveway in the rear of units 33 & 34; Area 2, sub-area B, the driveway off Duffy Street; and, Area 3, one drive aisle that is accessed from Ash Street; 7) one duplex shall be removed from Area 2, Sub-area A. The remaining duplex shall be oriented in the same manner as the duplex for Sub-area B. The same minimum setbacks shall apply and off-street parking shall be accessed from only the lane; 8) a recombination shall be required for all lots in Area 1 and Area 3; 9) the Stormwater Engineer shall determine whether a Drainage Plan will be required; and, 10) the Specific Development Plan shall return to the MPC for approval. All outstanding items and items to be revised shall appear on the plan or as an attachment to the plan.

MPC Action: The above referenced action applies to this petition also.

2. Phillip McCorkle, Agent
(for James F. Gowen and SunTrust Bank)
MPC File No. Z-040226-40548-2

Ms. Stone stated that she would **abstain** from discussing and voting on this petition because she owns property directly facing the subject property. She stepped down from the dais.

Mr. Lufburrow stated that he would **abstain** from discussing and voting on this petition because he owns property directly facing the subject property. He stepped down from the dais.

Issue: Rezoning from a C-M (Marsh Conservation) to a C-A (Agriculture-Conservation) classification in conjunction with Section 8-3031(D)(1)(a) of the Zoning Ordinance. A separate staff report has been prepared for the General Plan (MPC File No. 04-0226-53870-2).

Policy Analysis: Approval of a General Plan in conjunction with the requested rezoning can limit the use of the property and establish conditions for development in a manner that will protect the sensitive nature of the hammock environment.

Staff Recommendation: **Approval** of the request to rezone the subject property from a C-M classification to a P-C-A classification in conjunction with General Development Plan approval in accordance with Section 8-3031 (D)(1)(a).

AND

General Development Plan

Petit Guave Hammocks
Phillip R. McCorkle, Agent
Existing Zoning District: C-M
Proposed Zoning District: C-A
PIN: 2-0663-01-002 and 2-0664-02-001 (Uplands only)
MPC File No. P-040226-53870-2
(See MPC File No. Z-040226-40548-2 for rezoning)

Nature of Request: The applicant is requesting approval of a General Development Plan (General Plan) in conjunction with rezoning from a C-M (Marsh Conservation) district to a C-A (Agriculture-Conservation) District. (See MPC File No. Z-040226-40548-2). A General Plan must be approved in accordance with Section 8-3031(D)(1)(a).

Staff Recommendation: **Approval** of the General Plan in conjunction with rezoning from a C-M (Marsh Conservation) district to a C-A (Agriculture-Conservation) district in accordance with Section 8-3031(D)(1)(a) with the following conditions: 1) a subdivision shall be required for any subdivision of land. The General Plan requirements shall be in addition to the subdivision requirements; 2) the development buffer shall remain undisturbed. If clearing is desired, a Clearing Plan shall be approved by the MPC with

guidance from the City Arborist; 3) structure height shall not exceed 35 feet; 4) the method of trash removal from the hammocks shall be identified. Trash shall not be buried or burned; 5) an overhead utility line shall not be established between the smaller and the larger hammocks; and, 6) Conditions #3, #4, and #5 shall be shown on a revised General Plan. If the General Plan is approved by the Mayor and Aldermen, any additional conditions that might be required shall also be shown on a revised General Plan.

Speaking about the petition: Phillip McCorkle, agent, stated that the original application did not ask that the General Development Plan be considered at the same time to show what would be constructed on the hammock. The earlier petition just requested the rezoning.

Clete Bergen, representing the Girl Scouts and the Friends of Rose Dhu, expressed concerns that the State has not been properly notified of this petition. He was also concerned about the waiver of rights.

Ruby Harrington, member of the Property Committee for the Girls Scouts, stated that there are safety issues for the girls who use the camp.

Glen Darbyshire, representing the Historic Beaulieu and Montgomery Communities Association, Inc., opposed to the proposed rezoning. He also expressed concern about the wildlife that is native to the island.

Chris Klein, attorney for the Town of Vernonburg, expressed concern that additional septic tanks would pose a health concern related the water quality of the Vernon River.

Robert L. Jones, stated that it seems premature to act on this matter while the State is still examining the hammock issue.

Mr. Brown **moved** to approve the staff recommendation subject to the condition that the following planning issues be addressed: 1) would bridges be allowed? The plan should show the locations of the actual access points (docks or landings); 2) what is the visual impact of this development and how would the setback work? 3) the building footprints should be shown on the plan; 4) would temporary occupancy of the buildings be allowed? 5) which City services would be waived? 6) what standards of construction will apply to the septic systems? 7) would overhead utilities be allowed? 8) how will green space be preserved? Also, any revision to the plan should come back before the Planning Commission and the Mayor and Aldermen. Mr. McCumber seconded the motion.

Mr. Thomson stated that the General Development Plan is part of the zoning, so one vote is required.

MPC Action: **The motion failed.** The motion was to approve the staff recommendation subject to the condition that the following planning issues be addressed: 1) would bridges be allowed? The plan should show the locations of the actual access points (docks or landings); 2) what is the visual impact of this development and how would the setback work? 3) the building footprints should be shown on the plan; 4) would temporary occupancy of the buildings be allowed? 5) which City services would be waived? 6) what standards of construction will apply to the septic systems? 7) would overhead utilities be allowed? 8) how will green space be preserved? Also, any revision to the plan should come back before the Planning Commission and the Mayor and Aldermen. Voting in favor of the motion were Mr. Brown, and Mr. McCumber. Voting against the motion were Mr. Luten, Ms. McIntosh, Mr. Ray, Mr. Jones, Mr. Patrick, and Ms. Jest. Abstaining were Ms. Stone, Mr. Lufburrow, and Mr. Meyer due to the fact that Mr. Bergen represents a member of his family.

B. Major Subdivision/Preliminary Plan

Morningside Drive Subdivision
14 Morningside Drive
PIN 1-0034-01-001, 001A and 1-0035-01-008A
4.01 Acres – 9 Lots
R-1-A Zoning District
Thomas and Hutton Engineering Company, Surveyor/Engineer
Attorney Phillip McCorkle, Agent
The Habersham Group, Owner
MPC File Number S-040727-31978-1

Nature of Request: The petitioner is requesting approval of a Preliminary Plan for proposed residential development located on the north side of Morningside Drive approximately 500 feet east of Oemler Loop within an R-1-C (One-Family Residential 1.35 Units Per Net Acre) zoning district. No variances are requested.

Staff Recommendation: **Approval** of the proposed Preliminary Plan subject to the following condition: approval by the County Engineer.

Speaking about the petition: Phillip McCorkle, agent, asked that Commissioners who have visited the property disclose that information.

Emily Garrard, Assistant County Attorney, advised the Commission on ex parte contact.

Ms. Stone stated that she looked at the property. She had a conversation with a County Commissioner after the last vote. She indicated that she did not comment about how she felt about the matter.

Chairman Mackey stated that on the day of the meeting with neighbors at the site he was present. That date was March 20, 2004.

Ms. Jest stated that in preparation for this petition when it was a Sketch Plan she went out to the site. She also had telephone conversations with residents. She feels that she could hear both sides and render an impartial decision.

Speaking about the issue (cont'd):

Garrett Weeks, resident of Morningside Drive, opposed to the proposed subdivision.

Fae McDonald, resident Morningside Drive, presented an overview of the historic development pattern of the Morningside Drive area.

Neill McDonald, resident of Morningside Drive, stated that Section 702.04 was not part of the law when he was a member of the Planning Commission who moved to approve a subdivision in the area.

Robert Boatright, 23 Morningside Drive, lives diagonally across the street from the proposed subdivision, opposed to a nine-home subdivision.

Louie Lee, adjacent property owner, concerned about drainage.

Nick Stanley, Thomas & Hutton Engineering, project engineer, described the grading plan for the proposed development.

Maria del Rio Hoover, 46 Morningside Drive, opposed to the proposed subdivision.

William Baugh, 40 Morningside Drive, opposed to the proposed subdivision.

Steve Horton, area resident, noticed a lot for sale in the area for \$1,000,000.00. There is money to be made without putting so many lots in this area.

Marie Lee, area resident, a compromise would still jeopardize the area.

Ms. Jest **moved** to deny the petition based on Section 702.03 of the Chatham County Subdivision Regulations. Mr. Ray seconded the motion.

MPC Action: The motion carried. The motion was to deny the petition based on Section 702.03 of the Chatham County Subdivision Regulations. Voting were Mr. Lufburrow, Ms. Stone, Mr. Luten, Mr. Ray, Mr. Jones, Mr. McCumber, and Ms. Jest. Mr. Meyer, Mr. Patrick, Mr. Brown, and Ms. McIntosh were not in the room when the vote was taken.

VI. Other Business

Nominating Committee

Chairman Mackey stated that in order to comply with the MPC Bylaws, it is time to appoint a Nominating Committee. Appointed were Mr. Brown, Mr. Jones, and Mr. McCumber. Mr. Jones agreed to serve as Chair of the Nominating Committee.

VII. Adjournment

There being no further business to come before the Commission, the August 17, 2004 Regular Meeting was adjourned.

Respectfully submitted,

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

Note: Minutes not official until signed