

CHATHAM COUNTY-SAVANNAH METROPOLITAN PLANNING COMMISSION

MPC MINUTES

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

April 19, 2005

11:00 A.M.

Members Present: Timothy S. Mackey, Chairman
Patricia McIntosh, Vice Chairman
Lacy A. Manigault, Secretary
Robert Ray, Treasurer
Melissa Jest
Stephen R. Lufburrow
Lee Meyer
Freddie B. Patrick

Members not Present: Russ Abolt
Michael Brown
J. P. Jones
Alexander Luten
Walker McCumber
Jon N. Todd

Staff Present: Marilyn Gignilliat, Executive Assistant
Lynn Manrique, Site Plan and Subdivisions Secretary

I. Call to Order

Chairman Mackey called the meeting to order.

II. NOTICES, PROCLAMATIONS AND ACKNOWLEDGMENTS

A. Notice(s)

Recess to Executive Session.

Mr. Manigault **moved** to recess to Executive Session. Mr. Ray seconded the motion.

MPC Action: The motion carried with none opposed. Voting: Mr. Mackey, Ms. McIntosh, Mr. Manigault, Mr. Ray, Ms. Jest, Mr. Lufburrow, Mr. Meyer, Mr. Patrick.

Reconvene

Following Executive Session and the Briefing, the Planning Commission reconvened at 1:30 p.m. in the Arthur A. Mendonsa Hearing Room to conduct the business on the Final Agenda for the April 19, 2005, Regular Meeting.

Members Present: Timothy S. Mackey, Chairman
Patricia McIntosh, Vice Chairman
Lacy A. Manigault, Secretary
Robert Ray, Treasurer
Michael Brown
Melissa Jest
Stephen R. Lufburrow
Walker McCumber
Lee Meyer
Freddie B. Patrick
Jon N. Todd

Members not Present: Russ Abolt
J. P. Jones
Alexander Luten

MPC Staff Present: Thomas L. Thomson, P. E., AICP, Executive Director
Amanda Bunce, Development Services Planner
James Hansen, AICP, Development Services Planner
John Howell, Development Services Planner
Charlotte L. Moore, AICP, Director of Development Services
Gary Plumbley, Development Services Planner
Lynn Manrique, Site Plan and Subdivisions Secretary
Marilyn Gignilliat, Executive Assistant

Advisory Staff Present: Randolph Scott, City Zoning Inspector
Robert Sebek, County Zoning Administrator

II. NOTICES, PROCLAMATIONS AND ACKNOWLEDGMENTS

Chairman Mackey advised that a Procedures Committee, chaired by Lacy Manigault, has been established. Other members are Stephen Lufburrow, Melissa Jest, Freddie Patrick and Patricia McIntosh. In one month the committee will report back to the Planning Commission on procedures for evaluating the Executive Director.

Chairman Mackey extended the good thoughts and best wishes of the Commission for a speedy recovery to Commissioner John Paul Jones who is absent due to illness.

Mr. Brown **moved** that the Commissioners affirm that there was discussion only during this Session and that no votes or inappropriate action was taken. The motion was seconded by Mr. Meyer.

MPC Action: The motion carried with none opposed. Voting were Mr. Mackey, Ms. McIntosh, Mr. Manigault, Mr. Ray, Mr. Brown, Ms. Jest, Mr. Lufburrow, Mr. McCumber, Mr. Meyer, Mr. Patrick, and Mr. Todd.

III. CONSENT AGENDA

A. **Approval of the April 5, 2005, MPC Meeting Minutes and Briefing Minutes.**

Mr. Ray **moved** to approve the April 5, 2005, MPC Meeting Minutes and Briefing Minutes. Mr. McCumber seconded the motion.

MPC Action: The motion to approve the April 5, 2005 MPC Meeting Minutes and Briefing Minutes carried with none opposed. Voting were Mr. Mackey, Ms. McIntosh, Mr. Manigault, Mr. Ray, Mr. Brown, Ms. Jest, Mr. Lufburrow, Mr. McCumber, Mr. Meyer, Mr. Patrick, and Mr. Todd

B. **Major Subdivision/Sketch Plan**

The Reserve at Morningside
Formerly Morningside Drive Subdivision
714 Morningside Drive
R-1-A Zoning District
PIN 1-0034-01-001, 001A, and 1-0035-01-008A
Murray Marshall, Agent
Gary Plumbley, MPC Project Planner
MPC File No. S-040727-31978-2

Nature of Request: The petitioner is requesting approval of a Sketch 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 subject to approval by the County Engineer.

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

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

C. General Development Plan

Hope VI - Phase 5 (Senior Housing)
Henry Street
PUD-M-16 Zoning District
Marsha Verdree (Integral Properties, LLC), Agent
John Farmer (EMC Engineering), Engineer
Amanda Bunce, MPC Project Planner
MPC File No. P-050317-49784-2

Nature of Request: The petitioner is requesting approval of a General Development Plan (General Plan) in order to construct a senior citizen congregate housing facility within a PUD-M-16 (Planned Unit Development Multi-family-16 units per acre) zoning district. The petitioner is requesting the following variances: 1) to allow parking spaces and a dumpster within the development setbacks; 2) to reduce the width of the buffer adjacent to single-family residential; and 3) to reduce the number of required parking spaces.

Staff Recommendation: Approval of the General Development Plan including 1) a variance to allow 20 parking spaces and the dumpster to be completely located within the development setback and 15 parking spaces to be located one foot within the development setback; 2) a variance to reduce the required 50-foot-wide buffer along the western property line to 20 feet. The buffer shall include a six-foot-high opaque fence that is set back at least five feet from the property line; and, 3) a variance to eliminate 16 required parking spaces.

Speaking about the petition: Marsha Verdree, Integral Properties, LLC, Agent, stated that the change in the number of entrances was made to provide better security for the residents. She also clarified that the entrance drive would be one-way, east to west.

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

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

D General Development Plans / Group Development Plans

1. Oglethorpe Professional Offices
1 Oglethorpe Professional Boulevard
P-I-P Zoning District
Toss Allen (Southeast Environmental & Engineering), Agent
John Howell, MPC Project Planner
MPC File No. P-050329-37454-2

Nature of Request: The petitioner is requesting approval of a General Development Plan / Group Development Plan in order to construct two office buildings within a P-B-C (Planned

Community-Business) zoning district. The petitioner is requesting a variance to allow portions of two parking spaces to be located within the front yard setback.

Staff Recommendation: Approval of the General Development Plan / Group Development Plan including a variance to allow portions of two parking spaces within the front yard setback. Approval to be conditioned upon petitioner providing an amended plat or legal documentation that a cross access/dumpster easement has been recorded.

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

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

2. Gwinnett Street Office-Warehouse
Gwinnett Street
I-H Zoning District
Chad Zittrouer (Kern-Coleman & Co), Agent
John Howell, MPC Project Planner
MPC File No. P-050330-42139-2

Nature of Request: The petitioner is requesting approval of a General Development Plan / Group Development Plan in order to construct six office buildings within an I-H (Heavy Industrial) zoning district. No variances are requested.

Staff Recommendation: Approval of the General Development Plan / Group Development Plan.

Speaking about the Petition: John Kern of Kern-Coleman & Company, engineer for the developer demonstrated that the buffers and ingress/egress provided along with the layout of the development in relation to nearby railroad tracks serves to separate the development from the surrounding area.

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

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

E. Master Plan Revision

Highlands Master Plan Revision, Tracts
Benton Boulevard and Highlands Boulevard
PUD-C Zoning District
Terry Coleman, Agent
Gary Plumbley, MPC Project Planner
MPC File No. M-050330-41899-2

Nature of Request: The petitioner is requesting MPC approval of an amendment to the Master Plan for The Highlands, a planned residential and office development located west of Interstate 95 at its intersection with Jimmy DeLoach Parkway within a PUD-C (Planned Unit Development-Community) zoning district. No variances are requested

Staff Recommendation: **Denial** of an increase in the maximum permitted density of Tract E from 12 units per gross acre to 16 units per gross acre. Staff further recommends **approval** of a five-foot rear yard setback (from the required 25 feet) for all lots abutting the perimeter road on Tract K-1 and Tract K-2 from Highlands Boulevard to the proposed Jimmy DeLoach connector road south of Tract K-2 and **approval** of the amended Highlands Master Plan subject to the following conditions: 1) revise the Master Plan to show the Tract E with a maximum of 256 units. Also, amend the development data to reflect this change; 2) revise the Master Plan to show the Recreation Site adjacent to Tract L; 3) revise the Master Plan to show the land use of Tract N as Single-family Attached and/or Detached. Also change the color code of Tracts L, M and N to the orange color that reflects Single-family Attached and/or Detached uses; 4) increase the right-of-way width of the perimeter road on Tract K-1 and Tract K-2 to 70 feet from Highlands Boulevard to the proposed Jimmy DeLoach connector road south of Tract K-2. The pavement width within the 70-foot right-of-way must be not less than 37 feet as measured from the back of the curb on each side of the road. It is further recommended that the Jimmy DeLoach connector road located on the adjacent tract south of Tract K-2 (this tract is located within the corporate limits of Pooler) be designed and constructed as a collector road and the lots adjacent to this road have a setback line not less than 30 feet; 5) increase the front yard building setback along the lots abutting the 70-foot right-of-way to not less than 30 feet; and, 6) approval by the City Traffic Engineer.

Mr. Ray **moved** to continue the petition to the May 3, 2005 MPC Regular Meeting in order to resolve issues with the roadway. Ms. McIntosh seconded the motion.

MPC Action: **The motion carried with none opposed. The motion was to continue the petition to the May 3, 2005 MPC Regular Meeting in order to resolve issues with the roadway.** Voting were Mr. Mackey, Ms. McIntosh, Mr. Manigault, Mr. Ray, Mr. Brown, Ms. Jest, Mr. Lufburrow, Mr. McCumber, Mr. Meyer, Mr. Patrick, and Mr. Todd

V. OLD BUSINESS**A. Zoning Petition – Map Amendment**

Kathryn Hoover, Susan Cavin, Marie Rouleau, Petitioners
Harold Yellin, Agent
Jim Hansen, MPC Project Planner
MPC File No. Z-050210-42502-2

Issue: The petitioner is requesting rezoning of 1105-1123 Delesseps Avenue from R-6 (One-Family Residential) and B-N (Neighborhood Business) zoning classifications to a P-B-N (Planned Neighborhood Business) classification.

Policy Analysis: The proposed rezoning would establish a zoning district that allows uses that are incompatible with the adjoining residential neighborhood.

Staff Recommendation: Denial.

Speaking about the petition:

Harold Yellin, agent for the petitioner reviewed the zoning history of the neighborhood. The subject property is located at the intersection of two major arterials—Waters and DeLesseps. It is unrealistic to expect this site to be used for residential uses with Eckers facing it across Waters Avenue.

Trey Cook, Vice President of Savannah Tire stated that issues with the City regarding landscaping of another Savannah Tire site have been resolved. Orienting the building to face Waters Avenue would be more desirable but the property is not deep enough to do that.

Mr. Patrick asked that the record show that he objects strongly to the fact that this is a rezoning petition but has been treated as a site plan approval by the petitioner.

Ardis Wood, resident of Ardsley Park and member of the Olin Heights Neighborhood Association, supports the staff recommendation for denial.

Diana Monson Thibodaux, member of the Olin Heights Neighborhood Association, stated that a neighborhood meeting was held, which included residents from the Edgemore-Sackville Neighborhood, where the property is located. The majority of Olin Heights members supported the petition. Ms. Thibodaux also canvassed the area. She encountered no resident opposition to the proposed rezoning.

Harley Cook, President of Savannah Tire confirmed that a building facing Waters Avenue is impossible because of the depth of the property.

Mr. McCumber **moved** to continue the petition until May 17, 2005 in order to allow the petitioner to bring back more information on the inclusion and use of the former Mr. B's property. Mr. Brown seconded the motion. He asked that the petitioner explore the possibility of having a facility where repairs are done in an enclosed area to reduce noise.

MPC Action: The motion to continue the petition to May 17, 2005 carried. Voting in favor of the motion were Mr. Mackey, Mr. Manigault, Mr. Ray, Mr. Brown, Mr. Lufburrow, Mr. McCumber, Mr. Meyer, and Mr. Todd. Mr. Patrick, Ms. Jest, and Ms. McIntosh were opposed.

B. General Development Plan

National Wireless Construction, LLC
705 East Anderson Street
R-4 Zoning District
PIN 2-0054-12-0016
Hayden Horton (National Wireless Construction, LLC), Applicant
Jonathan Yates, Agent
Charlotte Moore, MPC Project Planner
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 stealth telecommunications tower within an R-4 (Four-family Residential) district. The petitioner also seeks approval of an antenna collocation for Cingular Wireless. All new wireless telecommunications towers, including tower farms and stealth towers, require approval by the MPC.

Staff Recommendation: Denial of the 120-foot stealth tower. **Approval** of the General Development Plan with a 90-foot stealth tower subject to the following conditions: 1) the ground equipment shall be located in an accessory building that includes a roof, and that conceals all equipment from the view of the public. The building shall be shown on a Specific Development Plan and building elevations must be provided; 2) provide a recorded copy of an amended plat or a deed showing an access and utility easement from the leased area to Atlantic Street prior to Specific Plan approval; 3) the City Engineer shall determine if improved access will be necessary because the access easement transects a swale; 4) provide a revised Landscape Plan that shows the Tree and Landscape Quality Points to be provided; and 5) A flag shall not be flown from the tower/pole. Staff further recommends **approval** of the variance to allow the stealth tower to be constructed with only two antenna collocations.

Speaking about the petition:

Jonathan Yates, agent for National Wireless Construction, stated that the definition of a stealth tower as provided in the local ordinance is that the telecommunications equipment inside the structure cannot be seen. The ground equipment will be totally screened by landscaping. Four carriers have committed to locating on this tower. Any generator would be enclosed in a building. Acoustical blankets would also be used to muffle any sounds.

Greg Knight, Radio Frequency Engineer for Cingular Wireless, stated that Savannah Electric utility poles could not be used because two 90-foot power poles would be required to provide the necessary coverage for Cingular. The other three interested carriers would also require two 90-foot poles. There are very few 90-foot power poles.

Senator Regina Thomas, 2nd Senate District, represents this area. She opposes the tower because of the many children and elderly who use the center. She has concerns about health problems that may be caused by emissions and noise. Inconvenience to residents during construction is also a concern.

Diana Monson Thibodaux, practices disability law and deals with many residents in this area. She spoke on behalf of residents who oppose the tower.

Mr. Patrick **moved** to deny a tower of any height in this location. Mr. Manigault seconded the motion.

MPC Action: The motion to deny a tower of any height in this location carried. Voting in favor of the motion were Mr. Mackey, Ms. McIntosh, Mr. Manigault, Mr. Ray, Mr. Brown, Ms. Jest, Mr. Meyer, and Mr. Patrick. Opposed were Mr. Lufburrow, Mr. McCumber, and Mr. Todd.

[Note: Further action on this petition continues on Page 13.]

VI. REGULAR BUSINESS**A. Zoning Petitions – Map Amendments**

1. John Kern (Kern-Coleman & Co.), Agent
Robert Chu, Owner
Amanda Bunce, MPC Project Planner
MPC File No. Z-050222-63781-1

Issue: The petitioner is requesting rezoning of 456 Johnny Mercer Boulevard from an R-2-A (Two-Family Residential Limited) zoning classification to a PUD-IS-B (Planned Unit Development-Institutional) classification.

Policy Analysis: The proposed PUD-IS-B classification is not consistent with the Islands Future Land Use Plan, which calls for Single-family Attached Residential for the subject property. However, the location of the property in relationship to the intersection of Johnny Mercer Boulevard and Penn Waller Road, the adjoining office land use to the west, the existing inclusion of the property within the Town Center Overlay district and the restrictions on development of the site in accordance with Section 8-3031 (D)(1) justify a change of the Future Land Use Plan to Commercial Office.

The MPC Staff recommends approval.

AND

General Development Plan

Office Building for Robert Chu
456 Johnny Mercer Boulevard
John Kern (Kern-Coleman & Co.), Agent
Amanda Bunce, MPC Project Planner
MPC File No. P-050316-36753-1
(See MPC File No. Z-050222-63781-1 for rezoning)

Nature of Request: The petitioner is requesting approval of a General Development Plan (General Plan) in conjunction with a rezoning from an R-2-A/TC (Two-family Residential-Limited / Town Center Overlay) classification to a PUD-IS-B/TC (Planned Unit Development-Institutional / Town center Overlay) classification. A General Plan must be approved in accordance with Section 8-3031(D)(1)(a). A variance of the buffer requirement and a variance to allow a portion of a parking space within the front yard setback area are requested.

Staff Recommendation: Approval of the General Plan in conjunction with rezoning from an R-2-A/TC (Two-family Residential / Town Center Overlay) classification to a PUD-IS-B/TC (Planned Unit Development Institution / Town Center Overlay) classification, including 1) a variance to allow a portion of a required parking space within the front yard setback; and 2) a variance to reduce the width of the required 50-foot-wide buffer to 25 feet. Approval shall be conditioned on a shared parking agreement being provided for the spaces located in part or in whole on the adjacent property.

Speaking about the petition: Phillip McCorkle, representing Robert Chu stated that he contacted Ms. Martin, a nearby resident with concerns about this project. Efforts undertaken to ensure her privacy were described. Mr. McCorkle has heard no complaints from any other landowner.

Jean Valentine, Islands Citizens for Logical Growth, said that she had received a call from Ms. Martin who had talked with Mr. McCorkle but had not made any agreements with him. She read a statement from Marianne Heimes who was unable to be present. Ms. Heimes is opposed to this development.

Mr. Meyer **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. Mackey, Mr. Manigault, Mr. Ray, Mr. Brown, Mr. Lufburrow, Mr. McCumber, Mr. Meyer, Mr. Patrick, and Mr. Todd. Opposed were Ms. Jest and Ms. McIntosh.

[Note: Further action on this petition continues on Page 14.]

2. Jeffery Dorsten, Petitioner
Murray Barnard, Agent
Amanda Bunce, MPC Project Planner
MPC File No. Z-040921-32472-2

Issue: The petitioner is requesting rezoning of 209 E. 40th Street from a TN-2 (Traditional Neighborhood-2) zoning classification to a TC-1 (Traditional Commercial-1) classification.

Policy Analysis: The proposed rezoning is not consistent with the Mid-City Land Use and Zoning Study Future Land Use Plan which calls for residential uses on the south side of 40th Street at this location. The proposed TC-1 district is not appropriate as it would extend uses that are incompatible with the surrounding residential development and further introduce commercial development in a residential area.

The MPC staff recommends **denial**.

AND

General Development Plan

Take Out Restaurant
209 E. 40th Street
Murray Barnard, Agent
Amanda Bunce, MPC Project Planner
MPC File No. P-050328-33000-2
(See MPC File No. Z-040921-32472-2 for rezoning)

Nature of Request: The petitioner is requesting approval of a General Development Plan (General Plan) in conjunction with a rezoning from a TN-2 (Traditional Neighborhood-2) classification to a TC-1 (Traditional Commercial-1) classification. (See MPC File No. Z-040921-32472-2). A General Plan must be approved in accordance with Section 8-3031(D)(1)(a). A variance is not requested.

Staff Recommendation: Denial of the General Development Plan.

Speaking about the petition: Tom Mahoney, Attorney, agent for the petitioner, reviewed the conditions under which the proposed restaurant would operate.

Charles Russo, Jr., stated that hours of operation would be probably about 11:00 a.m. until 5:30 p.m.

Virginia Mobley, Thomas Square Neighborhood Association, opposed this commercial use on an interior lot.

Yvonne McQueen, adjacent property owner, 211 East 40th Street, stated that she was not contacted about the project. She is opposed to this proposed use.

Mr. Meyer **moved** to approve the petitioner's request. Mr. McCumber seconded the motion.

MPC Action: The motion to approve the petitioner's request failed. Voting in favor of the motion were Mr. Meyer and Mr. McCumber. Opposed to the motion were Mr. Mackey, Ms. McIntosh, Mr. Manigault, Mr. Ray, Mr. Brown, Ms. Jest, Mr. Lufburrow, Mr. Patrick, and Mr. Todd.

Ms. Jest moved to approve the staff recommendation to deny the rezoning. Ms. McIntosh seconded the motion.

MPC Action: The motion to approve the staff recommendation carried. Voting in favor of the motion were Mr. Mackey, Ms. McIntosh, Mr. Manigault, Mr. Ray, Mr. Brown, Ms. Jest, Mr. Lufburrow, Mr. Patrick, and Mr. Todd. Opposed to the motion were Mr. Meyer and Mr. McCumber.

3. Tom Cobernus, Petitioner
Valerie Hinesley (Hinesley & Associates), Agent
Amanda Bunce, MPC Project Planner
MPC File No. Z-050308-53832-2

Issue: The petitioner is requesting rezoning of a portion of 1225 Fulton Road (7.59 acres of a 9.65-acre tract) from a PUD-B-C (Planned Unit Development-Community Business) zoning classification to a P-R-M-15 (Planned Multifamily Residential-15 units per net acre) classification.

Policy Analysis: The proposed rezoning is not consistent with the City's Future Land Use Plan which calls for retail/office/commercial at the southwest corner of Fulton Road and Navajo Road. However, the existing PUD-B-C district is more intensive than the requested P-R-M-15 district. The P-R-M-15 district will establish a zoning district that is more compatible with the surrounding neighborhood than the zoning that presently exists.

Staff Recommendation: Approval of the request to rezone 7.59 acres of the subject property from a PUD-B-C (Planned Unit Development-Community Business) classification to a P-R-M-15 (Planned Multifamily Residential-15 units per net acre) classification. Approval of a change of the Future Land Use Map designation from Retail/Office/Commercial to Multi-family Residential.

Speaking about the petition: Valerie Hinesley, agent for the petitioner, stated that a townhouse development would be quite compatible on this site.

Howard Spiva, adjacent property owner stated that the area is heavily commercial, not suitable for townhouse development. He added that a residential development at this location would adversely affect the value and uses of his commercial property.

Dwight Harris, Director of Corporate Real Estate for Colonial Group, stated that Colonial desired to see high quality development on this site. It was understood when the property was sold to Mr. Cobernus that the intent was to build condominiums.

Mr. McCumber **moved** to deny the petitioner's request. Mr. Manigault seconded the motion.

MPC Action: The motion to deny the petitioner's request failed. Voting in favor of the motion were Mr. McCumber and Mr. Manigault. Opposed to the motion were Mr. Mackey, Ms. McIntosh, Mr. Ray, Mr. Brown, Ms. Jest, Mr. Lufburrow, Mr. Patrick, and Mr. Todd. Mr. Meyer was not in the room when the vote was taken.

Ms. McIntosh **moved** to approve the staff recommendation. Ms. Jest seconded the motion.

MPC Action: The motion to approve the staff recommendation carried. Voting in favor of the motion were Mr. Mackey, Ms. McIntosh, Mr. Ray, Mr. Brown, Ms. Jest, Mr. Lufburrow, Mr. Patrick, and Mr. Todd. Opposed were Mr. McCumber and Mr. Manigault. Mr. Meyer was not in the room when the vote was taken.

[Continuation of action on National Wireless Construction, MPC File No. T-040702-52437-2, from Page 9]

Staff requested clarification on the justification for the denial.

Mr. Patrick replied that his reasons were a matter of use in a residential area that is not allowed and the tower, in his opinion, did not meet the qualifications of what is considered stealth. He then **moved** that these reasons be accepted as the grounds for denial. Ms. Jest seconded that motion.

MPC Action: The motion carried. The motion was to accept the reasons for denial that a matter of use in a residential area that is not allowed and the tower did not meet the qualifications of what is considered stealth. Voting in favor of the motion were Mr. Mackey, Ms. McIntosh, Mr. Manigault, Mr. Ray, Mr. Brown, Ms. Jest, and Mr. Patrick. Opposed to the motion were Mr. Lufburrow and Mr. Todd. Mr. McCumber and Mr. Meyer were not in the room when the vote was taken.

Speaking about the petition: Jonathan Yates, Agent for National Wireless Construction, objected. He asked that his objection be made part of the record. The vote was taken after the motion was made and the justifications were not provided appropriately under the appropriate sections of both Federal and State law.

[Continuation of Office building for Robert Chu MPC File No. P-050316-36753-1 from Page 10)

Ms. McIntosh moved that the Specific Development Plan be brought before the Commission for review and approval rather than approved at staff level. Ms. Jest seconded the motion.

MPC Action: The motion carried with none opposed. The motion was that the Specific Development Plan for be brought before the Commission for review and approval. Voting in favor of the motion were Mr. Mackey, Ms. McIntosh, Mr. Manigault, Mr. Ray, Mr. Brown, Ms. Jest, Mr. Lufburrow, Mr. Patrick, and Mr. Todd. Mr. McCumber and Mr. Meyer were not in the room when the vote was taken.

VII. OTHER BUSINESS

Tricentennial Plan Update Report

Tom Wilson stated that the public involvement phase of the planning process will start with a vision competition involving an individual writing an essay or creating an artistic product of some kind to express a vision for the Tricentennial in 2033. Staff would appreciate guidance and input from the Planning Commissioners.

Ms. Jest asked that the MPO and transportation-oriented planning efforts be addressed in this process.

Mr. Mackey invited his fellow Commissioners to the next MPO meeting on April 27, 2005, at 10:00 a.m. in the Arthur A. Mendonsa Hearing Room. He also asked Mr. Thomson to be sure that the County Commission, City Council and MPC board members be kept abreast of developments in transportation planning.

VIII. ADJOURNMENT

There being no further business to come before the Commission, the April 19, 2005, Regular Meeting was adjourned.

Respectfully submitted,

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

Note: Minutes not official until signed