

**CHATHAM COUNTY-SAVANNAH METROPOLITAN PLANNING COMMISSION**

**MPC MINUTES**

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

**August 16, 2005**

**1:30 PM.**

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**Members Present:** Timothy S. Mackey, Chairman  
Lacy A. Manigault, Vice Chairman  
Stephen R. Lufburrow, Secretary  
Robert Ray, Treasurer  
Michael Brown  
Ben Farmer  
Melissa Jest  
John P. Jones  
Alexander Luten  
Walker McCumber  
Lee Meyer  
Freddie B. Patrick  
Jon N. Todd

**Members not Present:** Russ Abolt

**Staff Present:** Thomas L. Thomson, P. E., AICP, Executive Director  
Harmit Bedi, AICP, Deputy Executive Director  
Amanda Bunce, Development Services Planner  
James Hansen, AICP, Development Services Planner  
Charlotte L. Moore, AICP, Director of Development Services  
Gary Plumbley, Development Services Planner  
Beth Reiter, AICP, City Preservation Officer  
Marilyn Gignilliat, Executive Assistant  
Lynn Manrique, Administrative Assistant

**Advisory Staff Present:** Robert Sebek, County Zoning Administrator

**I. Call to Order**

Chairman Mackey called the meeting to order.

**II. Notices, Proclamations and Acknowledgments**

**A. Notice(s)**

Mr. Mackey announced the institution of the Savannah State University/MPC Intern Program. He introduced Dr. Carlton Brown, President of Savannah State, and Dr. Joseph T. Silver, Vice President for Academic Affairs, who welcomed the opportunity to partner with MPC in

providing their students with an overview of the functions and opportunities provided by a community planning body such as ours.

**B. Items(s) requested to be Removed from the Final Agenda.**

**1. Amended General Development Plan.**

Hope VI – Phase 5 (Senior Housing)  
Anderson Street  
PUD-M-16 Zoning District  
Cliff Kennedy (EMC Engineering), Engineer  
Marsha Verdree (Housing Authority), Agent  
Amanda Bunce, MPC Project Planner  
MPC File No. P-050317-49784-2

Variances requested.

The petitioner has requested that this item be continued until September 6, 2005.

Mr. Lufburrow **moved** to approve the petitioner's request to remove MPC File No. P-050317-49784-2 from the August 16, 2005, agenda and place it on the September 6, 2005, MPC agenda. Mr. Ray seconded the motion.

**MPC Action: The motion to remove MPC File No. P-050317-49784-2 from the August 16, 2005, agenda and place it on the September 6, 2005, MPC agenda carried with none opposed.** Voting were Mr. Mackey, Mr. Manigault, Mr. Lufburrow, Mr. Ray, Mr. Brown, Mr. Farmer, Ms. Jest, Mr. Jones, Mr. Luten, Mr. McCumber, Mr. Meyer, Mr. Patrick and Mr. Todd.

**III. Consent Agenda**

**A. Approval of the August 2, 2005, MPC Meeting Minutes and Briefing Minutes.**

Mr. Jones **moved** to approve the August 2, 2005, MPC Meeting Minutes and Briefing Minutes. Mr. Ray seconded the motion.

**MPC Action: The motion to approve the August 2, 2005, MPC Meeting Minutes and Briefing Minutes carried with one abstention.** Voting in favor of the motion were: Mr. Mackey, Mr. Manigault, Mr. Lufburrow, Mr. Ray, Mr. Brown, Mr. Farmer, Mr. Jones, Mr. Luten, Mr. McCumber, Mr. Meyer, Mr. Patrick and Mr. Todd. Ms. Jest abstained as she received an incomplete copy of the minutes.

**B. Approval of MPC Budget Adjustment Number 05-01.**

Mr. Ray **moved** to approve Budget Adjustment Number 05-01. Mr. Jones seconded the motion.

**MPC Action:** The motion to approve Budget Adjustment Number 05-01 carried with none opposed. Voting were Mr. Mackey, Mr. Manigault, Mr. Lufburrow, Mr. Ray, Mr. Brown, Mr. Farmer, Ms. Jest, Mr. Jones, Mr. Luten, Mr. McCumber, Mr. Meyer, Mr. Patrick and Mr. Todd.

**C. Zoning Petitions – Map Amendments**

1. Anthony & Susan Norton, Petitioners  
Mark Bryant, Agent  
Gary Plumbley, MPC Project Planner  
MPC File No. Z-050713-54715-2

**Issue:** Rezoning of a 0.62-acre site from an R-1-B/EO (Single-Family Residential/Environmental Overlay – 2.0 Units Per Net Acre) zoning classification to an R-1-A/EO (Single-Family Residential/Environmental Overlay – 3.5 Units Per Net Acre) zoning classification.

**Policy Analysis:** The proposed R-1-A classification would rezone the site to a zoning district which would allow infill development consistent with the predominant development pattern in the general vicinity and would not adversely impact the existing residential properties located within an R-1-B zoning district. The proposed R-1-A classification would also be consistent with Chatham County's Future Land Use Plan.

**Staff Recommendation:** Approval of the request to rezone the subject property from an R-1-B/EO (Single-Family Residential/Environmental Overlay – 2.0 units per net acre) to an R-1-A/EO (Single-Family Residential/Environmental Overlay – 3.5 units per net acre).

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

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

2. Salt Creek, LLC, Petitioner  
Bill Dempsey, Agent  
Gary Plumbley, MPC Project Planner  
MPC File No. Z-050725-50845-1

**Issue:** Rezoning of a 15-acre site from an R-A (Residential-Agriculture) zoning classification to a P-R-3-5 (Planned Multi-Family Residential – 5 units per net acre) classification.

**Policy Analysis:** The proposed P-R-3-5 classification would allow residential development at a higher density than needed to accommodate the proposed residential development. An alternate P-R-3-2.5 district would be consistent with Chatham County's Future Land Use Plan and would establish a zoning district that would ensure the continuation of low density residential development pattern in the general area.

**Staff Recommendation:** **Denial** of the request to rezone the subject property from an R-A classification to a P-R-3-5 classification. **Approval** of rezoning to an alternate P-R-3-2.5 classification.

**AND**

**Master Plan**

Barbour Point  
702 Derrick Inn Road  
PIN 1-1029-06-001  
17.78 Acres  
R-A Existing Zoning District  
P-R-3-3 Recommended Zoning District  
Dempsey Land Design, Land Planning  
Bill Dempsey, Agent  
Parallel Housing, Inc., Owner  
Gary Plumbley, MPC Project Planner  
MPC File No. M-050725-55024-1  
MPC Reference File No. Z-050725-50845-1

**Nature of Request:** The petitioner is requesting approval of a Master Plan for a proposed residential development to be located at the eastern terminus of Derrick Inn Road approximately 3,500 feet east of Ogeechee Road within a proposed P-R-3-3 (Planned Residential Multi-Family – 3 Units Per Net Acre) zoning district. A variance from providing sidewalks on both sides of the entire length of all private drives is requested.

**Staff Recommendation:** **Denial** of a variance from providing sidewalks on both sides of the entire length of all private drives. **Approval** of a variance from providing sidewalks on both sides of the short cul-de-sac private drives and the west side of the primary private drive. Staff further recommends **approval** of the proposed Master Plan subject to the following conditions: 1) Private drives shall have a pavement width of not less than 24 feet; 2) all structures shall be set back from the private drives not less than 20 feet; 3) a conventional

sidewalk must be installed on the west side of the primary private drive; 4) no detached garage shall extend beyond the front façade of the residential structure(s); 5) the areas identified as future development must be rezoned to a P-R-3-3 zoning classification and an amended Master Plan must be approved by the Metropolitan Planning Commission prior to developing these areas as part of Barbour Point; 6) the future dock must be approved by the Georgia Department of Natural Resources; 7) approval by the County Engineer; and 8) rezoning the site to a P-R-3-3 classification by the Chatham County Board of Commissioners.

**Speaking about the Petition:** Sarah Derrick Herring of 422 Derrick Inn Road spoke in opposition to this development. She had concerns about the impact of more traffic in the area and whether the development might elevate the value of surrounding property and result in higher taxes.

Bill Dempsey, land planner for this project, said that the owner of the property to be developed is keeping the tract where his home is located adjacent to the Derrick property for himself. He will be between the Derrick property and the condominium development. A neighborhood meeting was held on the site. Everyone in the area was invited; approximately 25 to 30 attended. Most seemed pleased that this would be condominiums rather than apartments.

Laura Derrick Webb of 430 Derrick Inn Road had concerns about the effect on the rural nature of the area.

Pastor Matthew Brown, Jr., First Union Baptist Church, said they bring at-risk young men into this tranquil setting in an effort to counsel and assist them. He fears the development will adversely impact this effort.

Harvey Gilbert, Gilbert Realty, is a development consultant on this project. He said the developers have been very sensitive to the neighborhood, contacting them, meeting with them and leaving numbers to call with questions. The plan is a very responsible plan and is almost a case study for sustainable development. This will be a low-density, low-impact community that will minimize impact on Derrick Inn Road. A conservation easement is planned for the marsh area.

Mr. Todd **moved** to approve the staff recommendation to rezone the property at 702 Derrick Inn Road from R-A to P-R-3-2.5 and to approve the staff recommendation for the Barbour Point Master Plan including **denial** of a variance from providing sidewalks on both sides of the entire length of all private drives and **approval** of a variance from providing sidewalks on both sides of the short cul-de-sac private drives and the west side of the primary private drive. Approval is subject to the following conditions: 1) Private drives shall have a pavement width of not less than 24 feet; 2) all structures shall be set back from the private drives not less than 20 feet; 3) a conventional sidewalk must be installed on the west side of

the primary private drive; 4) no detached garage shall extend beyond the front façade of the residential structure(s); 5) the areas identified as future development must be rezoned to a P-R-3-3 zoning classification and an amended Master Plan must be approved by the Metropolitan Planning Commission prior to developing these areas as part of Barbour Point; 6) the future dock must be approved by the Georgia Department of Natural Resources; 7) approval by the County Engineer; and 8) rezoning the site to a P-R-3-3 classification by the Chatham County Board of Commissioners. The proposed development must be served by Consolidated Utilities water and sanitary sewer system as recommended by the Chatham County Health Department. Mr. McCumber seconded the motion.

**MPC Action: The motion to approve the staff recommendation for the rezoning and the master plan carried.** Voting in favor of the motion were Mr. Mackey, Mr. Lufburrow, Mr. Ray, Mr. Brown, Mr. Farmer, Mr. McCumber, and Mr. Todd. Voting against the motion were Mr. Meyer, Ms. Jest, Mr. Manigault, Mr. Jones, Mr. Luten, and Mr. Patrick.

3. Gunn Meyerhoff Shay Architects, Petitioner  
Patrick Shay, Agent  
Jim Hansen, MPC Project Planner  
MPC File No. Z-050728-31062-2

**Issue:** At issue is the rezoning of approximately 0.31 acres from a P-B-G-2 (Planned General Business, Transition 2) classification to an R-I-P-B (Residential, Medium Density) classification.

**Policy Analysis:** The proposed rezoning is consistent with the City's Future Land Use Plan and will establish a zoning district that is more compatible for the surrounding neighborhood than the zoning that presently exists.

**Staff Recommendation: Approval** of the request to rezone the subject property from a P-B-G-2 classification to an R-I-P-B classification.

**Speaking about the petition:** Edward Brennan asked what was planned for this property. Patrick Shay, Agent, said the developer plans to put residential over retail or office at the street level. There will be storefronts on the Houston Street and Liberty Street sides with multi-family residential above that. Some underground parking may also be included.

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

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

**D. General Development Plan**

Sea Island Bank Drive-Up  
7402 Hodgson Memorial Drive  
PUD-B Zoning District  
Kevin Hayes (Kern-Coleman & Company), Agent  
Amanda Bunce, MPC Project Planner  
MPC File No. P-050721-37276-2

**Nature of Request:** The petitioner is requesting approval of a Specific Development Plan in order to construct a drive-up banking facility within a PUD-B-N (Planned Unit Development – Neighborhood Business) zoning district. The petitioner is requesting a variance to reduce the number of vehicle stacking spaces at each drive-thru lane.

**Staff Recommendation: Approval** of the Specific Development Plan and the variance to reduce the required vehicle stacking spaces from four to three.

**Speaking about the petition:** John Kern of Kern-Coleman, Agent, said this will be a commercial lending facility, not a regular banking branch and, with room for nine cars to queue in the parking bay, there should be no traffic issues.

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

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

**E. General Development Plans / Group Development Plans**

1. Remington Office Park  
Ogeechee Road  
P-B-C Zoning District  
Mark Crapps (Kern-Coleman & Company), Agent  
Jim Hansen, MPC Project Planner  
MPC File No. P-050415-59558-2

**Nature of Request:** The petitioner is requesting approval of a Master Plan/General Development Plan/Group Development in order to construct an office/commercial retail use within a P-B-C (Planned Community Business) zoning district.

**Staff Recommendation: Approval** of the Master Plan/General Plan/Group Development subject to the following conditions: 1) Cross-access easements shall be developed and recorded to allow vehicular movement within and between all lots of record. Written proof of the recorded easements shall be provided prior to issuance of any building permits. 2) The non-permitted signs currently existing on the property shall be removed. 3) Freestanding signage shall be limited to low-profile monument signs and such signage shall not exceed a

height of 10 feet and 60 square feet of sign area per sign face. One such sign shall be allowed for Lot A, and one such sign shall be allowed for Lot B. One low-profile directory monument sign shall be allowed for Lot C.

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, Mr. Manigault, Mr. Lufburrow, Mr. Ray, Mr. Brown, Mr. Farmer, Ms. Jest, Mr. Jones, Mr. Luten, Mr. McCumber, Mr. Patrick and Mr. Todd. Mr. Meyer was not present for the vote.

2. AT Systems, Inc.  
1871 Grove Point Road  
PUD-C Zoning District  
Mark Boyles (Saussy Engineering), Agent  
James Hansen, MPC Project Planner  
MPC File No. P-050617-34530-1

**Nature of Request:** The petitioner is requesting approval of a Specific Development/Group Development Plan in order to construct an office/warehouse within a PUD-C (Planned Unit Development-Community) zoning district. No variances are requested.

**Staff Recommendation: Approval** of the Specific Development/Group Development Plan subject to compliance with any conditions that may be required by County Engineering.

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

**MPC Action: The motion to approve staff recommendation carried with none opposed.** Voting were Mr. Mackey, Mr. Manigault, Mr. Lufburrow, Mr. Ray, Mr. Brown, Mr. Farmer, Ms. Jest, Mr. Jones, Mr. Luten, Mr. McCumber and Mr. Patrick. Mr. Meyer and Mr. Todd were not present for the vote.

#### IV. Old Business

##### A. Zoning Petition – Map Amendment

First Cousins Realty & Development, Petitioner  
Steve Wohlfeil, Hussey Gay Bell & DeYoung Engineering, Agent  
Gary Plumbley, MPC Project Planner  
MPC File No. Z-050615-52793-1

**Issue:** Rezoning of a 10-acre site from R-1 (Single-Family Residential – 5 Units Per Net Acre) and R-A (Residential Agriculture) zoning classifications to a P-R-3-10 (Planned Residential Multi-Family (Residential – 10 units per net acre) classification.

**Policy Analysis:** The proposed P-R-3-10 classification would rezone the site to a zoning district that permits multi-family residential uses at a density that is not compatible with the general development pattern along Garrard Avenue. The proposed P-R-3-10 classification is



not consistent with the Chatham County Future Land Use Map, which calls for Single-Family Residential. However, an alternate P-R-3-7.5 classification would provide alternative low to medium density single-family residential housing opportunities that would be more compatible with the zoning pattern in the general area.

**Staff Recommendation:** **Denial** of the request to rezone the subject property from R-A and R-1 classifications to a P-R-3-10 classification. **Approval** of rezoning to an alternate P-R-3-6 classification.

## AND

### Master Plan / General Development Plan

Gates of Garrard  
5107 Garrard Avenue  
P-R-3-6 Zoning District (proposed)  
PIN: 1-0789-01-007, 008 and 021  
Hussey Gay Bell & DeYoung, Engineer  
Steve Wohlfeil, Agent  
First Cousins Realty and Development, LLC, Petitioner  
William M. Manson, Owner  
Gary Plumbley, MPC Project Planner  
MPC File No. M-050810-60140-1 (in association with Z-050615-52793-1)

**Nature of Request:** The petitioner is requesting approval of a Master Plan/General Development Plan in association with a rezoning from R-1 (Single-Family Residential – 5 units per net acre) and R-A (Residential Agricultural) zoning classifications to a P-R-3-6 (Planned Residential Multi-Family Residential – 6 units per net acre) classification (see MPC file Z-050615-52793-1). No variances are requested.

**Staff Recommendation:** **Approval** of the Master Plan / General Development Plan subject to the following conditions: 1) Revise the Master Plan/General Development Plan to extend the sidewalks to provide pedestrian access on both sides of all private drives to Garrard Avenue. 2) Revise the Master Plan/General Development Plan to show a dumpster pad. The dumpster pad shall be located where it can be easily accessed for service; and, 3) Any change to the Master Plan/General Development Plan, other than minor changes that do not change the layout and design of the proposed development, must be approved by the Metropolitan Planning Commission and the Chatham County Board of Commissioners.

**Speaking about the petition:** Allen Harvey, 5003 Garrard Avenue, has lived on Garrard Avenue for 52 years. Southwest Bypass adjoins his property and there is a severe flooding problem. Mr. Thomson and Mr. Bedi said there is a County Engineering project planned to deepen the drainage ditch system in this area to alleviate the problem.

D. C. Fortner, 5011 Garrard Avenue, lives next to the Southwest Bypass and said that he has been fighting the flooding problem since 1992. He, too, is concerned about

the impact of this development on an already serious flooding situation.

Ed Bland, lives on Wildwood Drive between Garrard Avenue and Gamble Road. He is impressed with the development but is concerned that what is planned will actually be what is built. Mr. Plumbley advised that the petitioner has agreed to approval being conditioned on building only one-story townhomes. This will ensure the product is what has been promised.

W. C. Vandiver, 5303 Garrard Avenue said that at a community meeting residents were told that the improved ditches could take as long as ten years, depending on available funding.

Mr. Patrick **moved** to approve the staff recommendation to rezone to P-R-3-6 and to approve the Master Plan / General Development Plan subject to the conditions outlined in the staff recommendation. Further, the development shall be approved for one-story townhomes only. Mr. Lufburrow seconded the motion.

**MPC Action: The motion to approve the staff recommendation for rezoning to P-R-3-6 and Master Plan / General Development Plan approval for one-story townhomes only carried with none opposed.** Voting were Mr. Mackey, Mr. Manigault, Mr. Lufburrow, Mr. Ray, Mr. Brown, Mr. Farmer, Ms. Jest, Mr. Jones, Mr. Luten, Mr. McCumber, Mr. Meyer, Mr. Patrick and Mr. Todd.

**B. Victorian Planned Neighborhood Conservation District  
Certificate of Compatibility**

523 and 525 East Park Avenue  
1-R Zoning District  
Wayne Anderson and Rick Little, Petitioners  
Beth Reiter, Project Planner  
MPC File No. N-050630-55492-2

**Nature of Request:** The applicant is requesting Part I Height and Mass and Part II Design Detail approval for two two-story frame single-family residences at 523 and 525 East Park Avenue, including a two-story frame garage for each residence. Variances have been requested for each lot in order to reduce the five-foot side yard building setback requirement. This petition was continued by the MPC to allow staff an opportunity to meet with the Dixon Park Neighborhood Association.

**Staff Recommendation: Approval** of 1) A variance to reduce the required side yard setback from five feet to three feet to allow both residences to encroach two feet into the setback; and, 2) A variance to reduce the required side yard setback from five feet to zero feet to allow the easternmost garage to encroach five feet into the setback. This variance shall be allowed only if a construction and maintenance easement can be obtained from the adjacent property owner. The easement shall be by recorded deed or amended plat.

**Approval** of Part I and Part II with the conditions that the final window selection shall be submitted to staff for final approval prior to purchase.

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

**MPC Action: The motion to approve staff recommendation carried with one opposed.**

Voting in favor: Mr. Mackey, Mr. Manigault, Mr. Ray, Mr. Brown, Mr. Farmer, Ms. Jest, Mr. Luten, Mr. McCumber, Mr. Meyer, Mr. Patrick and Mr. Todd. Opposed: Mr. Jones. Mr. Lufburrow was not present for the vote.

## V. Regular Business

### A. Zoning Petitions – Map Amendments

1. Klas Anderson, Petitioner & Agent  
Jim Hansen, MPC Project Planner  
MPC File No. Z-050715-51856-2

**Issue:** At issue is the rezoning of approximately 0.27 acres from an R-6 (One-Family Residential) classification to a P-R-B-1 (Planned Residential Business) classification.

**Policy Analysis:** The proposed rezoning is consistent with the City's Future Land Use Plan and will establish a zoning district that will serve as an appropriate transition zone between intensely developed commercial uses and an established residential neighborhood.

**Staff Recommendation: Approval** of the request to rezone the subject property from R-6 to P-R-B-1.

Mr. Patrick **moved** to accept the staff recommendation with the added condition that the Specific Development Plan must come back to the Commission for review. Mr. Ray seconded the motion.

**MPC Action: The motion to approve the staff recommendation with the added condition that the Specific Development Plan must come back to the Commission for review carried with two opposed.**

Voting in favor of the motion were Mr. Mackey, Mr. Manigault, Mr. Lufburrow, Mr. Ray, Mr. Brown, Mr. Farmer, Mr. Luten, Mr. McCumber, Mr. Meyer, Mr. Patrick and Mr. Todd. Voting against the motion were Mr. Jones and Ms. Jest.

2. Pauline Woods, Petitioner  
Randall Davis, Agent  
Gary Plumbley, MPC Project Planner  
MPC File No. Z-050609-51501-1

**Issue:** Rezoning from R-1/EO (One-Family Residential/Environmental Overlay – 5 units per net acre) and P-R-3-5/EO (Planned Multi-Family Residential/Environmental Overlay – five units per net acre) classifications to a P-R-3-7.3/EO Planned Multi-Family Residential/Environmental Overlay – 7.3 units per net acre) classification.

**Policy Analysis:** The Islands Area Community Plan identifies the need to provide a range of housing types while controlling the density of development. Rezoning the site as requested would provide low to medium density residential that would be a continuation of the existing residential pattern in this area.

**Staff Recommendation: Approval** of the request to rezone the subject property from R-1/EO and P-R-3-5/EO classifications to a P-R-3-7.3/EO classification and an amendment to the Future Land Use Plan from “Residential Single-Family” to “Residential Single-Family Attached”.

**Speaking about the petition:** Harold Yellin, represents the owner, Pauline Woods, and the developer, Randy Davis. Duplexes and townhomes are already permitted as a matter of right. The issue today is how many should be allowed. The petition is compatible with surrounding development. Each unit will average 1,800 square feet, one and a half stories with a single garage. There will be 66 percent greenspace. A 26-inch live oak, a 38-inch live oak and a 45-inch live oak will be preserved. There will be no access from Wilmington Island Road because May Howard Elementary School is directly across the street and there should be no interference with the school traffic already there. Further, there is a curve at this point in Wilmington Island Road that would make ingress and egress dangerous. At the time the Islands Land Use Plan was done, this property did not exist as one piece as it does now. Combining it into one parcel created possibilities for development that did not exist when the Plan was conceived.

Tim Hampton, a resident on Dogwood Avenue, is concerned about additional traffic on Dogwood and its impact on Wilmington Island Road.

Marianne Heimes, who was the Chairman of the Islands Land Use Committee, said the Committee worked long and hard on the Plan. She fears the Plan is being eroded one bite at a time. She is also concerned about the impact on traffic in and out of May Howard School.

Jack Jones lives on Turner’s Rock Road approximately one mile from this location. He, too, is concerned that the Islands Land Use Plan is being slowly stripped away.

Jean Valentine was a member of the Islands Land Use Committee for five years. She believes a traffic study is needed for Wilmington Island Road. May Howard School, the library, two churches with pre-schools, Wilmington Plantation and the Wilmington Island Golf Club with 550

members are located on the road. The road and the development along it have become a safety issue. The Committee had hoped that this area would be used for affordable housing that the average person, a young couple or single could afford to purchase.

Cathy Dutson has lived on Dogwood Avenue since 1992. She is concerned about an increase in traffic on Dogwood adversely impacting the safety of her young children. There is already a problem with drivers speeding on this road.

Helen Stone, member of the County Commission, supports a traffic study for this area. No one anticipated at the time the Land Use Plan was created the rate of growth that has occurred since. In the event this petition is approved, Mr. Mackey asked Mr. Thomson to send a letter to the County Commission asking that such a study be conducted. Ms. Stone said that she would support that effort.

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

**MPC Action: The motion to approve the staff recommendation carried with two opposed.** Voting in favor of the motion were Mr. Mackey, Mr. Manigault, Mr. Lufburrow, Mr. Ray, Mr. Brown, Mr. Farmer, Mr. Jones, Mr. Luten, Mr. McCumber, Mr. Meyer and Mr. Todd. Voting against the motion were Mr. Patrick and Ms. Jest.

**B. Major Subdivision / Amended Preliminary Plan  
Rear Yard Variances**

The Enclave at Berwick Plantation  
Phase 3  
601 Enclave Boulevard  
PIN 1-1008-02-051  
99 lots – 133.7 acres  
PUD-C Zoning District  
Thomas & Hutton Engineering Company, Engineer  
Cristi Lawrence, Agent  
Genesis Designed Homes, Owner / Developer  
Gary Plumbley, MPC Project Planner  
MPC File Number S-050422-51082-1

**Nature of Request:** The petitioner is requesting approval of an amended Preliminary Plan for a 99-lot Major Subdivision located on both sides of Enclave Boulevard extended west of Berwick Boulevard approximately 2,990 feet north of Stonebridge Drive within a PUD-C (Planned Unit Development – Community) zoning district. The petitioner is requesting a five-foot rear yard setback variance (from the required 25 feet) for Lots 201 through 214, Lots 233 and 234, and Lots 240 through 251 and a 10-foot lot width variance (from the required 48 feet) for Lot 214;

**Staff Recommendation: Denial** of a five-foot rear yard setback variance (from the required 25 feet) for Lots 201 through 214, Lots 233 and 234, and Lots 240 through 251 and the amended Preliminary Plan.

**Speaking about the petition:** Cristi Lawrence, Thomas & Hutton Engineering Company, Agent said that Enclave Phase 3 has two products: single-family lots and carriage home lots (patio lots with zero lot lines). Typically, the rear yard setback is 25 feet, including the patio lots that abut single-family lots. The variance is requested only for patio lots abutting other patio lots.

Alan Pulaski, Genesis Real Estate Group, said the purpose of the carriage house development is to provide low-maintenance housing for buyers over the age of 55 who want to get away from large homes requiring a lot of upkeep. A market study was done which showed a need for this type of development. The kick-off of this product resulted in a 30 percent absorption rate. This will be a private residential community. The homeowners association will be responsible for maintaining streets, rights of way, drainage, sidewalks, etc. Genesis would be amenable to inserting a vegetative buffer or shadowbox fencing on these lots if such a compromise could be worked out with MPC staff.

Mr. Thomson recommended a continuance. He was involved with the developer in another phase of this where a similar variance was sought. However, that variance was for a townhome backing on a traditional single-family lot. He realized the difference between that request and this one when Ms. Lawrence and Mr. Pulaski made their presentations. He believes that in this set of circumstances with like products behind like products a variance and buffer might be appropriate, as long as buyers understand what they are getting. He would like time for developer and staff to work on a compromise.

Mr. Brown asked that staff also take another look at the amount of parking, how many off-street parking places are provided and where trash cans will sit. This is more of a concern to him than the setbacks.

Mr. Lufburrow **moved** to continue this petition until September 6, 2005, to allow staff and developer to work on a compromise. Mr. Patrick seconded the motion.

**MPC Action: The motion to continue the petition until September 6, 2005, carried with none opposed.** Voting were Mr. Mackey, Mr. Manigault, Mr. Lufburrow, Mr. Ray, Mr. Brown, Mr. Farmer, Ms. Jest, Mr. Jones, Mr. Luten, Mr. McCumber, Mr. Meyer, Mr. Patrick and Mr. Todd.

**C. General Development Plan / Specific Development Plan / Group Development Plan**

Sam's Club and Sam's Gas Station / Car Wash  
1975 East Montgomery Cross Road  
PUD-B-C / EO Zoning District  
Thomas Cetti (Thomas & Hutton Engineering), Engineer  
Phillip McCorkle, Agent  
Amanda Bunce, MPC Project Planner  
MPC File No. P-050713-34772-1

**Nature of Request:** The petitioner is requesting approval of a General Development Plan / Specific Development Plan / Group Development Plan in order to construct a Sam's Club, gas station and car wash within a PUD-B-C/EO (Planned Unit Development-Community Business / Environmental Overlay) zoning district. A variance is not requested.

**Staff Recommendation: Approval** of the General Development Plan / Specific Development Plan / Group Development Plan with the following conditions: 1) a recombination plat showing all easements shall be submitted and approved; 2) split-face CMU shall be used on all sides of the building, with the exception of the smooth face CMU stripes, in order for the color to appear uniform; and 3) Approval from the County Engineer, County Arborist and the City Water and Sewer Engineer.

**Speaking about the petition:** Phillip McCorkle, Agent, said that there had been some concerns expressed in the pre-meeting about the buffer. The plan has provided additional buffer to that approved on the master plan. There are three specimen oak trees, one of them 68 inches in diameter. These trees will be preserved and protected. The store was designed deeper than it is wide, giving an opportunity to better buffer the view from Lakeview. Due to complaints from Lakeview residents about noise from Wal-Mart's air conditioning units at night, the air conditioning units for Sam's were tucked into a corner with the 35-foot-high building helping to buffer the sound. On the east side of the property, the fence will be moved in 35-40 feet to go behind the sign, providing a full overstory and understory buffer like the one in front of the Wal-Mart. Seventeen of the 20 extra parking spaces will be removed to make room for a complete tree buffer with overstory and understory. This will completely buffer the buildings from view. There will be a 100-foot buffer across the whole front of the site. The issue of the 200,000 square footage is a non-issue. Size restrictions apply only to PUD-B zones adopted after March 14, 2003. Petitioner's traffic engineer and the Chatham County Engineer agree that the impact on traffic is acceptable. This is not a zoning petition. The ordinance states that the MPC shall approve a general development plan if it's a permitted use, which this is, and if the project conforms to the "development standards of this

chapter.” Staff has found the plan to be in conformance and no variances are requested.

Sid Nutting said that the northeast corner of the property was designated as an outparcel. He expressed concern about the buffer in that area. Mr. Brown said outparcels would need to be buffered from Montgomery Cross Road.

Gay Hewitt, a resident of the Sandfly area, is concerned about traffic safety as there will be cars turning in and out of the site at several entrances and exits located within a few hundred feet of each other. She said that traffic has intensified dramatically since the beginning of the 2005-2006 school year. She is concerned what impact opening of the new ramps for the section of Truman Parkway connecting Montgomery Cross Road and Whitfield Avenue will have on traffic in front of Wal-Mart/Sam’s. She is also concerned about trucks and RV vehicles being allowed to park overnight in the Wal-Mart parking lot. She understood when Wal-Mart was approved that that would not be allowed. She said the landscaping in the islands that are supposed to be greenspaces has not been completed by Wal-Mart but are filled with dead straw and trash. Mr. Manigault agreed that the landscaping has not been properly maintained. Mr. Lufburrow said that issues of enforcement should be addressed with Building Safety and Regulatory Services as Metropolitan Planning has no enforcement ability. Mr. Mackey asked that those Wal-Mart representatives present pay heed to these complaints and address them.

Abdul Amer works for A&R Engineering, the traffic engineer for this project. He performed the traffic study. The rating for the level of service for the intersection of Montgomery Cross Road and Varnedoe Drive is a “C.” After the opening of Sam’s Club, the level of service will remain a “C.” Mr. Amer believes the opening of Phase 4 of the Truman Parkway will have a positive impact on traffic flow on Montgomery Cross Road with a potential for a decrease in the amount of traffic.

Mr. Mackey reminded everyone that traffic issues fall under the jurisdiction of the County Engineer.

Herbert Kemp, a member of the Sandfly Community Betterment Association, said that their attorney asked that the briefs done when Wal-Mart was being approved be made a part of today’s record. He presented a copy to Mrs. Gignilliat to be included as part of the record. He said some



of the issues addressed during the Wal-Mart hearings are applicable to the Sam's Club review.

Cynthia McIver lives on Billings Road in Sandfly and is concerned with the increased traffic on Montgomery Cross Road. She has great difficulty turning into her road. She asked for a copy of the traffic study.

Helen Stone said residents have expressed concern to her regarding the left-turn lane on the easternmost part of the property. She has addressed this with the County Engineer and wants her concern to be part of the record.

Mr. Nutting said that some of the issues involved with Wal-Mart are also issues with Sam's Club. In 1989 then this site was rezoned it was zoned PUD-B-C with a maximum of 200,000 square feet. When the Kroger on Ferguson was proposed, the County Attorney allowed it to exceed those dimensions "in this case only" but now he has changed his opinion. Mr. Nutting said that State law requires that "proposed multi-phase projects should be reviewed in their entirety rather than phase by phase. However, if the applicant is requesting local government approvals for each phase individually, at such time when the combined phases meet or exceed the threshold, the proposed new phase plus any incompleated portions of the project is considered part of the new development subject to DRI review." "Proposed expansions of existing developments that combine any two portions of a development that have been built during the past five years cumulatively exceeding the DRI threshold must undergo a DRI review. In such instances, any incomplete portions of the existing development plus the proposed expansion are considered new development subject to the DRI review."

In response, Mr. Mackey advised that at 12:40 this afternoon while the commissioners were in their pre-meeting a fax was received from the Coastal Georgia Regional Development Center stating that "The DCA has made a determination based on information supplied by Counselor McCorkle that the Sam's Club project does not require a DRI review." Further, the County Attorney has advised that this project is in compliance with those issues mentioned by Mr. Nutting. It is incumbent on the Planning Commission to follow the advice of the County's legal counsel.

In an effort to clarify this issue, Mr. Thomson stated that the section that Mr. Nutting was reading from assumes that the DRI threshold would be exceeded; however, the standard of the DRI threshold that applied to this property has not been exceeded.

Ms. Bunce added that a master plan was approved for 409,000 square feet in 2001. At that time a DRI was required only for developments of 560,000 square feet or more. Therefore, a

DRI review was not required at that time. This project is vested under the rules that applied at the time of master plan approval. The 2005 requirements do not apply to this development. The development is still within the square footage approved under the master plan.

Mr. McCumber **moved** to approve the staff recommendation with the added condition of maintaining the buffer, specimen trees, overstory and understory along the northern and eastern borders and the southwest corner of the property as agreed to and amended by the applicant. Mr. Farmer seconded the motion.

**MPC Action: The motion to approve the staff recommendation with the added condition of maintaining the buffer, specimen trees, overstory and understory along the northern and eastern borders and the southwest corner of the property as agreed to and amended by the applicant carried with two opposed.** Voting in favor of the motion were Mr. Mackey, Mr. Manigault, Mr. Lufburrow, Mr. Ray, Mr. Brown, Mr. Farmer, Mr. McCumber, Mr. Meyer, Mr. Patrick and Mr. Todd. Voting against the motion were Mr. Jones and Mr. Luten. Ms. Jest was not present for the vote.

## **VI. Adjournment**

There being no further business to come before the Commission, the August 16, 2005, Regular Meeting was adjourned.

Respectfully submitted,

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

**Note: Minutes not official until signed**