

CHATHAM COUNTY-SAVANNAH METROPOLITAN PLANNING COMMISSION

MPC MINUTES

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

February 15, 2005

1:30 P.M.

Members Present: Timothy S. Mackey, Chairman
Lacy A. Manigault, Secretary
Robert Ray, Treasurer
Michael Brown
Melissa Jest
J. P. Jones
Stephen R. Lufburrow
Walker McCumber
Lee Meyer
Freddie B. Patrick

Members not Present: Patricia McIntosh, Vice Chairman
Russ Abolt
Alexander S. Luten

MPC Staff Present: Thomas L. Thomson, Executive Director
Clyde M. Wester, Deputy Executive Director
Amanda Bunce, Development Services Planner
James Hansen, Development Services Planner
Charlotte L. Moore, Director of Development Services
Marilyn Gignilliat, Executive Assistant

Advisory Staff Present: Tom Todaro, City Zoning Administrator
Robert Sebek, County Zoning Administrator

I. Call to Order

Chairman Mackey called the meeting to order. He explained the agenda for the benefit of those citizens who are attending the meeting for the first time.

II. Notices, Proclamations and Acknowledgments

- A. Finance Committee Meeting March 1, 2005 11:00 A.M.
J. P. Jones Conference Room
- B. Items Requested to be Removed from the Final Agenda

None

III. Consent Agenda

- A. Approval of the February 1, 2005 MPC Meeting Minutes and Briefing Minutes

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

MPC Action: The motion to approve the February 1, 2005 MPC Meeting Minutes and Briefing Minutes carried with none opposed. Voting were Mr. Brown, Mr. Meyer, Mr. Lufburrow, Mr. Manigault, Mr. Mackey, Mr. Ray, Mr. Jones, Mr. McCumber, Mr. Patrick, and Ms. Jest.

- B. Sketch Plan

Salt Creek Landing Subdivision – Phase 2
171 Saltlanding Circle
PIN 1-0991C-01-001A (Portion)
17.0 Acres – 64 Lots
R-A Zoning District
MPC File Number S-050126-39434-1
MPC Reference File No. S-040428-37113-1 and S-040823-39384-1
Hussey, Gay, Bell, and DeYoung Engineering Company, Engineer
Steve Wohlfeil, Agent
Konter Development, Inc., Owner

Nature of Request: The petitioner is requesting approval of a Sketch Plan for proposed residential development located on the east side of Saltlanding Circle extended, north of Cottonvale Road, within an R-A (Residential-Agriculture) zoning district. No variances are requested.

Staff Recommendation: **Approval** of the Sketch Plan subject to the following conditions: 1) the Final Plat for Salt Creek Landing Phase I must be revised prior to the sale of any lot by the developer. The revision must include the revised layout of the affected lots and the platting of the right-of-way for the extension of Saltlanding Circle to the limits of Phase I. The Final Plat must also clarify that Saltlanding Circle will be extended to serve future development; 2) revise the Lot numbers in Phase 2 to be consecutive with Phase I. In addition, revise the addresses and street name for the affected lots in Phase I (see attached Address Sheet). The new street name must be approved by the MPC staff; and, 3) approval by the County Engineer.

Mr. Meyer **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. Brown, Mr. Meyer, Mr. Lufburrow, Mr. Manigault, Mr. Mackey, Mr. Ray, Mr. Jones, Mr. McCumber, Mr. Patrick, and Ms. Jest.

C. General Development Plan

Hidden Pointe Townhomes – Phase I
12226 Navajo Road
Valerie Hinesley, Agent
P-R-M-25 and P-R-M-15 Zoning Districts
PINs: 2-0860A-03-001, 2-0862-02-010, -011, -011A, -012
MPC File No. P-050126-65142-2

Nature of Request: The petitioner is requesting approval of a General Development Plan in order to construct 36 townhome units within P-R-M-25 (Planned Multifamily Residential-25 units per net acre) and P-R-M-15 (Planned Multifamily Residential-15 units per net acre) zoning districts. The petitioner is requesting buffer and fence setback variances.

Staff Recommendation: Approval of a five foot variance for the portion of the 15 foot wide planted area for the Type B buffer adjacent to the entrance walk and driveway for Unit 1 of Building A; approval of a 2-4 foot fence setback for a portion of the fence adjacent to the cul-de-sac and approval of the General Development Plan with the following condition: on the Specific Development Plan, plantings must be provided within the entire 15 foot wide planted area of the Type B buffer, except for the area adjacent to the driveway entrance walk for Unit I of building a where a 10 foot wide planted area must be provided.

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

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

D. Approval of 2005 MPC Budget

Mr. Ray stated that this item is received for information only. The budget would be voted on at the next Regular Meeting.

IV. Old Business

None

V. Regular Business

A. Zoning Petition – Map Amendment

Trinity Worship and Praise Ministries, Petitioner
22 Windsor Road
Pastor Larry Pounds, Agent
MPC File No. Z-050111-50231-2

Issue: The petitioner proposes rezoning 1.7 acres of land from a B-N (Neighborhood Business) classification to a B-N-1 (Neighborhood Business-Limited) classification.

Policy Analysis: The proposed zoning is consistent with the City's Future Land Use Map. The proposed B-N-1 district would provide a better transition to the adjoining residential area than the existing B-N district.

Staff Recommendation: **Approval** of the request to rezone the subject property from a B-N (Neighborhood Business) classification to a B-N-1 (Neighborhood Business - Limited classification).

Speaking about the petition:

Pastor Larry Pounds, agent, stated that there is adequate parking for the parishioners. The church is leasing the building with an option to buy.

Tony Thomas, Alderman 6th district, stated that parking will become an issue. A continuance would provide the opportunity for certain legal issues to be addressed.

Harold Yellin, agent for the owner of the shopping center adjacent to the subject property. His client is not opposed to the church next door if it could be done in a manner that protects the property rights of the church and his client. A continuance would provide the opportunity to study certain legal issues.

Ed Hill stated that, as the owner of property to the rear of the subject property, he is also concerned about the effect that the proposed rezoning would have upon his property.

Mr. Patrick **moved** to continue the petition until March 15, 2005 in order for all parties to meet and discuss the impacts of the proposed rezoning. Staff is to facilitate this meeting. The motion further requested that all parties provide a list of legal issues that are to be addressed by the City Attorney prior to the matter returning to the Planning Commission. Mr. Meyer seconded the motion.

MPC Action: **The motion carried with none opposed.** The motion was to continue the petition until March 15, 2005 in order for all parties to meet and discuss the impacts of the proposed rezoning. Staff is to facilitate this meeting. The motion further requested that all parties provide a list of legal issues that are to be addressed by the City Attorney prior to the matter returning to the Planning Commission. Voting were Mr. Brown, Mr. Meyer, Mr. Manigault, Mr. Mackey, Mr. Ray, Mr. Jones, Mr. McCumber, Mr. Patrick, and Ms. Jest.

B. General Development Plan

Reid's Residence
994 Stiles Avenue
PIN 2-0046-04-014 and 017
0.13 Acres
B-C Zoning District
MPC File Number P-050125-40790-2
Alpha-Omega Engineering Company, Engineer
Marlon Jackson, Agent
James Reid, Owner

Nature of Request: The petitioner is requesting approval of a General Development Plan for a proposed mixed use development to be located on the east side of Stiles Avenue and the north side of Springfield Street approximately 350 feet south of West Gwinnett Street within a B-C (Community Business) zoning district. The petitioner is also requesting the following variances: 1) a 15 foot buffer variance (from the required 15 feet), including the elimination of the required six foot high privacy fence, along the eastern property line; 2) a 15 foot buffer variance (from the required 15 feet), including elimination of the required six foot high privacy fence, along the southern property line; 3) a 14 foot front yard variance (from the required 35 feet) along the western property line adjacent to Stiles Avenue; 4) a 10 foot rear yard variance (from the required 25 feet) along the eastern property line adjacent to the abutting residential lot; and, 5) a nine foot side yard variance (from the required 10 feet) along the southern property line adjacent to the abutting residential lot.

Staff Recommendation: **Approval** of a 15 foot buffer variance (from the required 15 feet), including the elimination of the required six foot high privacy fence along the eastern property line; a 15 foot buffer variance (from the required 15 feet), including elimination of the required six foot high privacy fence, along the southern property line; a 14 foot front yard variance (from the required 35 feet) along the western property line adjacent to Stiles Avenue; a 10 foot rear yard variance (from the required 25 feet) along the eastern property line adjacent to the abutting residential lot' and, a 9 foot side yard variance (from the required 10 feet) along the southern property line adjacent to the abutting residential lot. Staff further recommends **approval** of the General Development Plan subject to the following conditions: 1) revise the General Development Plan to relocate the paved driveway and parking to provide space for a three foot Type G Buffer on each side of the parking area adjacent to the eastern and western property line. In addition, flip the handicapped space and ramp; 2) revise the paving details to provide adequate safeguards, as determined by the City Arborist, for two existing trees located adjacent to the eastern property line. Such protective measures may include the use of porous paving near the trees or modifying the driveway to provide a

flared single width driveway instead of a double width driveway; 3) relocate the unpaved parking space in alignment with and five feet south of the handicapped ramp; and, 4) approval by the City of Savannah review departments.

Speaking about the issue:

Marlon Jackson, agent, stated that the neighboring property owners to use their property for maintenance access. He is in agreement to obtain this in writing.

James Reid, owner, stated that the entire project is new construction in order to tutor students in his home. He is in agreement with obtaining written agreements from his neighbors regarding maintenance access.

Mr. Brown **moved** to approve the staff recommendation subject to the condition that a maintenance easement be established on the adjacent lot to the south. Mr. McCumber seconded the motion.

MPC Action: The motion carried. The motion was to approve the staff recommendation for approval of a 15 foot buffer variance (from the required 15 feet), including the elimination of the required six foot high privacy fence along the eastern property line; a 15 foot buffer variance (from the required 15 feet), including elimination of the required six foot high privacy fence, along the southern property line; a 14 foot front yard variance (from the required 35 feet) along the western property line adjacent to Stiles Avenue; a 10 foot rear yard variance (from the required 25 feet) along the eastern property line adjacent to the abutting residential lot' and, a 9 foot side yard variance (from the required 10 feet) along the southern property line adjacent to the abutting residential lot. The motion further approves the General Development Plan subject to the following conditions: 1) revise the General Development Plan to relocate the paved driveway and parking to provide space for a three foot Type G Buffer (on each side of the parking area adjacent to the eastern and western property line). In addition, flip the handicapped space and ramp; 2) revise the paving details to provide adequate safeguards, as determined by the City Arborist, for two existing trees located adjacent to the eastern property line. Such protective measures may include the use of porous paving near the trees or modifying the driveway to provide a flared single width driveway instead of a double width driveway; 3) relocate the unpaved parking space in alignment with and five feet south of the handicapped ramp; 4) submit a Final Plat for a minor recombination subdivision to recombine both lots into a unified site. Show a 21 foot front yard building setback line along Stiles Avenue. The Final Plat must also establish a maintenance easement on the adjacent lot to the south. The maintenance easement shall be not less than three feet in width along the entire length of the proposed structure. The maintenance easement shall be shown on the Final Plat, including the signature of the owner; and, 5) approval by the City of Savannah review departments. Voting in favor of the motion were Mr. Brown, Mr. Lufburrow, Mr. Manigault, Mr. Mackey, Mr. Ray, and Mr. McCumber. Voting against the motion were Mr. Jones, Mr. Patrick, and Ms. Jest.

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

Mr. Lufburrow stated that he owns property near the subject property. He submitted a Conflict of Interest Statement, stepped down from the dais, and **abstained** from voting on MPC File No. Z-040226-40548-2 and MPC File No. P-040226-53870-2

Issue: Rezoning from a C-M (Marsh Conservation) to a C-A (Agriculture Conservation) classification in conjunction with General Development Plan approval in accordance with Section 8-3031(D)(1) of the Zoning Ordinance. A separate staff report has been prepared for the General Plan (MPC File No. P-040226-53870-2).

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 C-A classification in conjunction with General Development Plan approval in accordance with Section 8-3031(d)(1)(a).

Speaking about the issue:

Phillip McCorkle, agent, stated that the petitioner has met or exceeded the requirements of the Coastal Zone Hammock Study. He was in agreement to record a waiver of services if required to do so by the City Attorney.

Glen Darbyshire, agent for Historic Beaulieu/Montgomery Community, urged tighter restrictions on the size of the view corridors. If this were approved, he requested conditions that would exclude the small island, make conservation easements binding, no outdoor fires, restrict outdoor lighting, and that there be no commercial uses.

Michael Williams, property manager for the Girl Scout Council of Savannah, was concerned about the electric supply to the islands and the waiver of services. There are many unresolved issues to be studied.

Ruby Harrington, Girl Scout, was concerned about the safety of Girl Scouts while they are using the Rose Dhu camp facility.

Henry Morgan, interested party, stated that the Crown Grant documents must be studied to determine ownership of the hammocks.

Stephen Lufburrow stated that valid concerns have been raised. Professionals are hired to decide permit related questions. He believes that the petitioner has the right to develop both hammocks.

Christopher Klein, agent for the Town of Vernonburg, was concerned about water quality of the Vernon River. Sufficient detail on this project has not been provided.

Mr. Meyer **moved** to continue the petition until March 15, 2005 in order to obtain an interpretation from the City Attorney on the legal issues related to the waiver of services. Ms. Jest seconded the motion.

MPC Action: The motion to continue the petition until March 15, 2005 failed.

Voting in favor of the motion were Mr. Manigault, Mr. Patrick, Mr. Meyer, Ms. Jest. Voting against the motion were Mr. Brown, Mr. Mackey, Mr. Ray, Mr. Jones, and Mr. McCumber. Mr. Lufburrow abstained from voting.

Mr. Brown **moved** to approve the staff recommendation subject to the conditions that the structures would be restricted to the form shown on the site plan plus a 15% cap on the additional area under roof that could be constructed in the future and 90 degree view corridors for each structure, to be monitored by the petitioner under the supervision of the City Arborist. Mr. Ray seconded the motion.

MPC Action: The motion carried. The motion was to approve the staff recommendation subject to the additional conditions that the structures would be restricted to the form as shown on the site plan plus a 15% cap on the additional area under roof that could be constructed into the future and 90 degree view corridors for each structure to be monitored by the petitioner under the supervision of the City Arborist. Voting in favor of the motion were Mr. Brown, Mr. Mackey, Mr. Ray, Mr. McCumber, and Mr. Jones, Voting against the motion were Mr. Manigault, Mr. Meyer, Mr. Patrick, and Ms. Jest. Mr. Lufburrow abstained from voting.

AND

General Development Plan

Petit Guave Hammocks

Phillip R. McCorkle, Agent

Proposed C-A Zoning district

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) Note #9 shall be revised to include a provision that trash shall not be burned. If the rezoning and General Plan is approved, a revised General Plan shall be submitted to MPC and City Engineering; and, 3) if the General Plan is approved by the Mayor and Aldermen, and additional conditions are required, the conditions shall be shown on a revised General Plan that shall be submitted to the MPC.

Approval of the General Development Plan was included in the previous motion on MPC File No. Z-040226-40548-2.

C. Options to Address the Morningside Drive Court Case

Mr. Wester stated that staff recommends selecting Alternative 3, which is the creation of a zoning overlay, as the preferred approach to address the vagueness in the County Subdivision Regulations.

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

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

VI. ADJOURNMENT

There being no further business to come before the Commission, the February 15, 2005 Regular Meeting was adjourned.

Respectfully submitted,

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

Note: Minutes not official until signed