

CHATHAM COUNTY-SAVANNAH METROPOLITAN PLANNING COMMISSION

MPC MINUTES

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

January 4, 2005

1:30 P.M.

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

MPC Staff Present: Thomas L. Thomson, Executive Director
Clyde M. Wester, Assistant to the Executive Director
Amanda Bunce, Development Services Planner
John Howell, Development Services Planner
Charlotte L. Moore, Director of Development Services
Gary Plumbley, Development Services Planner
Marilyn Gignilliat, Secretary

Advisory Staff Present: Tiras Petrea, City Zoning Inspector
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. Old Business

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

MPC File Number S-040727-31978-1

Nature of Request: The petitioner is requesting approval of a Preliminary Plan for a 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: The MPC Staff recommends **approval** of the proposed Preliminary Plan subject to the condition of approval by the County Engineer.

Speaking about the petition: Emily Garrard, Assistant County Attorney, explained the events which led to the item being placed on the agenda for approval. It is her opinion that all of the requirements for approval of the subdivision have been met.

Chairman Mackey stated that public hearings on this petition have been held. There would be no additional public comment taken on the matter.

Mr. Brown **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. Brown, Mr. Meyer, Mr. Lufburrow, Mr. Manigault, Mr. Luten, Ms. McIntosh, Mr. Ray, Mr. Jones, Mr. McCumber, Mr. Patrick, and Mr. Abolt. Ms. Jest was not in the room when the vote was taken.

III. Notices, Proclamations and Acknowledgments

A. Notice

The Personnel Committee will meet at 9:00 A.M. on Thursday, January 6, 2005 in the Jerry Surrency Conference Room.

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

A. Minor Subdivision/Sketch Plan

Fairway Oaks Subdivision
1303 Brightwood Drive
Lot 154
PIN 2-0124-02-025
R-6 Zoning District
EMC Engineering Company, Inc., Surveyor
John James Bogusewski, Owner
MPC File No. S-040527-5558-2

Chairman Mackey stated that this petition has been withdrawn.

B. Master Plan Revision/General Development Plan

McDonald's at Abercorn Common
White Bluff Road
B-C Zoning District
Jay Maupin, Agent
MPC File No. P-041213-39563-2

Chairman Mackey stated that a Restraining Order has been issued in this matter.

Speaking about the petition: Randy Peacock, project manager for Abercorn Commons, stated that the McDonald's could be built as proposed.

Mr. Ray **moved** to continue the petition until February 1, 2005, or later when the Restraining Order is lifted. Ms. McIntosh seconded the motion.

MPC Action: **The motion carried with none opposed.** The motion was to continue the petition until February 1, 2005, or later when the Restraining Order is lifted. Voting were Mr. Brown, Mr. Meyer, Mr. Manigault, Mr. Lufburrow, Mr. Luten, Ms. McIntosh, Mr. Ray, Mr. Jones, Mr. McCumber, Mr. Patrick, Ms. Jest, and Mr. Abolt.

IV. Consent Agenda

A. Approval of the December 21, 2004 MPC Meeting Minutes and Briefing Minutes

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

MPC Action: The motion to approve the December 21, 2004 MPC Meeting Minutes and Briefing Minutes carried with none opposed. Voting were Mr. Brown, Mr. Meyer, Mr. Manigault, Mr. Lufburrow, Mr. Lutten, Ms. McIntosh, Mr. Ray, Mr. Jones, Mr. McCumber, Mr. Patrick, Ms. Jest, and Mr. Abolt.

B. Minor Subdivision/Final Plat

Davis Tract Subdivision
102 Davis Road
PIN 1-1008-01-001, 002, and 016
4 lots – 47.43 acres
R-A Zoning District
Vincent Helmly, Surveyor
R.C. Davis and Kenneth Davis, Owners
MPC File No. S-041213-33336-1

Nature of Request: The petitioner is requesting MPC approval of a four-lot Minor Subdivision located on the north side of Quacco Road between Interstate 95 and Berwick Lakes Boulevard within an R-A zoning district. The petitioner is also requesting the following variances: 1) a two-lot variance from the maximum number of lots (six) that can be served by a private vehicular access and utility easement; and, 2) a variance from the requirement that a private vehicular access and utility easement that serves more than three lots must be paved.

Staff Recommendation: Denial of a two-lot variance from the maximum number of lots (six) that can be served by a private vehicular access and utility easement, denial of a variance from the requirement that a private vehicular access and utility easement serving more than three lots must be paved, and denial of the proposed Minor Subdivision based on the previously stated findings. Staff further recommends approval of a revised Minor Subdivision subject to the following conditions: 1) revise the Final Plat to relocate the proposed 60-foot wide private vehicular access and utility easement to a location not less than one foot north of Lot 2 and east of the lots identified as Phillips Paving Company, Inc. and Charles A. Brannen. This will result in maintaining the same number of lots (seven) served by the private vehicular access and utility easement and will eliminate the need for additional variances; 2) revise the Final Plat to change the eastern portion of the access easement to center on the common lot line of the adjacent tracts of land identified as R. C. Davis and Danny R. Kanupp and Charlene Kanupp; 3) show the signature of the owners of all lots on the Final Plat; 4) revise the Final Plat to identify Davis Road as a 60-foot wide private vehicular access and utility easement; 5) demonstrate to the satisfaction of the County Engineer that the site of the proposed subdivision does not contain a landfill. The County Engineer can defer the EAS requirement for Lot 3-A until such time as the lot is further subdivided or development permit is requested; 6) approval of a curb cut on Quacco Road for Lot 2 by the County Engineer; 7) revise the Final Plat to clarify that Lot 4 is an existing lot; 8) revise the Final Plat to show the address of all lots as follows: Lot 1 – 1340 Quacco Road; Lot 2 – 1334 Quacco Road; Lot 3-A – 102 Davis Road; Lot 3-B – 155 Davis Road; and, 8) approval by the Chatham County Health Department and the County Engineer.

Speaking about the petition: Earl Davis, petitioner, stated that he is in agreement with the staff recommendation. He also agreed to provide documentation to staff upon enrollment in the Conservation Reserve Program, which is a Federal program.

Mr. Lufburrow **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. Brown, Mr. Lufburrow, Mr. Meyer, Mr. Manigault, Mr. Luten, Ms. McIntosh, Mr. Ray, Mr. Jones, Mr. McCumber, Mr. Patrick, Ms. Jest, and Mr. Abolt.

C. Master Plan Revision and General Development Plan

Gateway Townhomes
Henderson Lakes Golf Community
151 Al Henderson Boulevard
231 Acres – Henderson Lakes Development (excluding golf course)
8.041 Acres – Area Being Amended
PUD-C Zoning District
Ryan Thompson, Thomas & Hutton Engineering, Agent
Titan Construction Company, Owner
MPC File No. M-041228-36507-1 and P-041215-39985-1

Nature of Request: The petitioner is requesting approval of a Master Plan Revision and a General Development Plan (General Plan) in order to construct 60 townhome units on the south side of Al Henderson Boulevard within a PUD-C (Planned Unit Development-Community) zoning district. No variance is requested.

Staff Recommendation: **Approval** of the Amended Henderson Lakes Master Plan subject to the following conditions: 1) approval by the County Engineer; 2) submit verification to the MPC staff that the proposed Master Plan revision has been approved by the Henderson Townhome Owners Association and the Henderson Homeowners Association; and, 3) provide a revised Land Use Map of the Henderson Lakes Master Plan area. Staff further recommends **approval** of the General Development Plan with the following condition: 1) a landscaped buffer between the right-of-way of Abercorn Street Extension and the detention pond shall be provided in order to screen the Henderson Townhomes from the highway. The buffer shall be of sufficient density to diffuse the view of the highway. 2) a 25 foot buffer area shall be maintained adjacent to the wetlands on the eastern portion of the site. The buffer shall be approved by the MPC staff.

Speaking about the petition: Ryan Thompson, Thomas & Hutton Engineering, stated that a permit, which was approved by the U. S. Army Corps of Engineers, allowed the wetland to be filled. The permit also removed the buffer requirement.

Ralph Forbes, Thomas & Hutton Engineering, stated that these are fresh water wetlands. They do not carry the same requirement as salt water wetlands.

Mr. Jones **moved** to continue the petition until January 18, 2005 in order for the Commission to receive clarification on the issue of the wetland buffer. Mr. Ray seconded the motion.

MPC Action: **The motion carried.** The motion was to continue the petition until January 18, 2005 in order for the Commission to receive clarification on the issue of the wetland buffer. Voting in favor of the motion were Mr. Meyer, Mr. Lufburrow, Mr. Manigault, Mr. Luten, Ms. McIntosh, Mr. Ray, Mr. Jones, Mr. Patrick, Ms. Jest, and Mr. Abolt. Mr. Brown and Mr. McCumber voted against the motion.

[Note: Further action on this petition is shown on Page 7]

V. Regular Business

General Development Plan/Group Development Plan

St. Francis Cabrini Day School Office
11500 Middleground Road
R-6 Zoning District
Mark Boyles, Agent
MPC File No. P-041014-53125-2

Nature of Request: The petitioner is requesting approval of a General Development Plan/Group Development Plan in order to construct an additional building for school classrooms and offices on a school/church campus within an R-6 (One-Family Residential) zoning district. A variance to waive a fence requirement within a buffer area is requested.

Staff Recommendation: **Approval** of the General Development Plan/Group Development Plan and **approval** of a variance to waive the fence requirement along the northern property line within a buffer area, with the following conditions: 1) revise the site data sheet to indicate that one parking space is required for each two employees; and, 2) plant additional wax myrtles within the buffer area between the retention basin and the residential property lines to the north. Plant locations are subject to the City Arborist approval.

Speaking about the petition: Evelyn Johnson, neighboring property owner, concerned about traffic exiting from the proposed school and about the proposed dumpster location.

Brian Felder, project architect, stated that the exiting traffic has been re-routed. This change was effective January 4, 2005. The proposed dumpster site has been changed to an area away from the Johnson residence. The issue of a fence has not come up.

Mr. McCumber **moved** to approve the staff recommendation. Mr. Lufburrow 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. Manigault, Mr. Lufburrow, Mr. Luten, Ms. McIntosh, Mr. Ray, Mr. McCumber, Mr. Patrick, Ms. Jest, and Mr. Abolt. Mr. Jones voted against the motion.

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Gateway Townhomes
Henderson Lakes Golf Community
151 Al Henderson Boulevard
231 Acres – Henderson Lakes Development (excluding golf course)
8.041 Acres – Area Being Amended
PUD-C Zoning District
Ryan Thompson, Thomas & Hutton Engineering, Agent
Titan Construction Company, Owner
MPC File No. M-041228-36507-1 and P-041215-39985-1

Mr. Thomson stated that the petitioner is willing to modify the site plan to accommodate a minimum buffer of 25 feet. The petitioner is requesting that the Commission reconsider the petition.

Mr. Ray **moved** to reconsider the petition. Ms. McIntosh seconded the motion.

MPC Action: **The motion to reconsider the petition for Gateway Townhomes carried.** Voting in favor of the motion were Mr. Brown, Mr. Lufburrow, Mr. Meyer, Mr. McCumber, Ms. McIntosh, and Mr. Ray. Voting against the motion were Mr. Manigault, Mr. Luten, Mr. Jones, Ms. Jest, and Mr. Abolt. Mr. Patrick was not in the room when the vote was taken.

Ms. Moore displayed the section of the Soil Erosion and Sedimentation Control Ordinance that related to this issue. The findings of the County Engineering staff included a requirement that the plan meet all buffer and setback requirements. The applicant has stated that the 25 foot buffer could be provided. Any variances would have to be granted by the State EPD and not the Planning Commission.

Speaking about the petition: Ralph Forbes, Thomas & Hutton Engineering, stated that as part of the permitting process, a set of construction plans must be filed through Natural Resources Conservation Service to obtain approval. If the requirements are not met, approval would not be granted.

Grant Beeson, Titan Construction Company, asked if it is possible to approve the plan with a contingency.

Chairman Mackey stated that the Commission must review a staff report in order to make an informed decision on the matter.

Mr. Lufburrow **moved** to continue the petition until January 18, 2005. Mr. Luten seconded the motion.

MPC Action: **The motion to continue the petition until January 18, 2005 carried with none opposed.** Voting were Mr. Brown, Mr. Meyer, Mr. Lufburrow, Mr. Manigault, Mr. Luten, Ms. McIntosh, Mr. Ray, Mr. Jones, Mr. McCumber, Ms. Jest, and Mr. Abolt. Mr. Patrick was not in the room when the vote was taken.

VI. Adjournment

There being no further business to come before the Commission, the January 4, 2005 Regular Meeting was adjourned.

Respectfully submitted,

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

Note: Minutes not official until signed