

CHATHAM COUNTY-SAVANNAH METROPOLITAN PLANNING COMMISSION

MPC MINUTES

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

June 7, 2005

1:30 PM.

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

Members not Present: Russ Abolt
Alexander Luten

Staff Present: Thomas L. Thomson, P. E., AICP, Executive Director
James Hansen, AICP, Development Services Planner
Charlotte L. Moore, AICP, Director of Development Services
Gary Plumbley, Development Services Planner
Constance Morgan, Zoning Secretary
Marilyn Gignilliat, Executive Assistant

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 citizens who were attending the meeting for the first time.

II. Consent Agenda

A. Approval of the May 17, 2005, MPC Meeting Minutes and Briefing Minutes.

Mr. Jones **moved** to approve the May 17, 2005, MPC Meeting Minutes and Briefing Minutes. Mr. Ray seconded the motion.

MPC Action: The motion to approve the May 17, 2005 MPC Meeting Minutes and Briefing Minutes carried with none opposed. Voting were Mr. Mackey, Ms. Jest, Mr. Manigault, Mr. Ray, Mr. Jones, Mr. Lufburrow, Mr. Meyer Mr. McCumber, Mr. Patrick and Mr. Todd. Mr. Brown was not in the room when the vote was taken.

B. Zoning Petition Map Amendments

Stuart Abel, III Construction Company, Petitioner
Stuart Abel, III, Agent
Gary Plumbley, MPC Project Planner
MPC File No. Z-050511-32894-2

Issue: The petitioner is requesting rezoning of 6302 Chief O.F. Love Road from a PDR-SM (Planned Development Reclamation-Surface Mining) zoning classification to an R-6 (One Family Residential) Classification.

Staff Recommendation: Approval of the request to rezone the subject property from PDR-SM-CO and P-B-C-CO classifications to an R-6 classification.

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

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

C. Master Plan

NorthPort Master Plan
Proposed Private Road Connecting to Highway 21
I-H Zoning District
Dan Gay (Thomas & Hutton Engineering), Agent
Jim Hansen, MPC Project Planner
MPC File No. M-050518-35157-1

Issue: The petitioner is requesting approval of a Master Plan for a tract of land known as North Port within an I-H (Heavy Industrial) zoning district. The property is located east of O'Leary Road (adjacent to Interstate 95) and south of EM Industries Boulevard.

Staff Recommendation: Approval of the Master Plan.

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

MPC Action: The motion to approve staff recommendation of a Master Plan for a tract of Land known as NorthPort **carried with none opposed.** **Voting were:** Mr. Mackey Mr. Ray, Mr. Manigault, Mr. Meyer, Mr. Lufburrow, Mr. Jones. Mr. Brown, Mr. McCumber, Mr. Patrick, Ms. Jest, and Mr. Todd.

D. Requesting Approval for the Executive Director and MPC Chairman to Sign the 2006 Planning (PL) Funds Contract

Issue: A request is made for the Board to Authorize the Executive Director and the Board Chairman to sign the 2006 Planning (PL) Contract.

Mr. Patrick **moved** to have the Executive Director and the Chairman sign the Planning Contract. Mr. Jones seconded the motion.

MPC Action: **The motion to authorize the signatures for the Chairman and the Executive Director for the Planning Funds Contract carried with none opposed.** Voting were: Mr. Mackey, Mr. Manigault, Mr. Meyer, Mr. Brown, Ms. Jest, Mr. Ray, Mr. Jones, Mr. McCumber, Mr. Patrick, Mr. Todd, and Mr. Lufburrow.

2. 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

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

Staff Recommendation: **Denial** of the request to rezone the subject property from R-6 and B-N classifications to a P-B-N classification.

Ms. Jest **moved** to defer this item until the action on the Savannah Tire Development Plan is heard. Mr. Ray seconded the motion.

MPC Action: The motion to hold this item until the action on the General Development Plan for Savannah Tire is taken **carried with none opposed.** Voting were: Mr. Mackey, Mr. Brown, Mr. Meyer, Mr. Lufburrow, Mr. Manigault, Ms. Jest, Mr. Jones, Mr. Ray, Mr. McCumber, Mr. Patrick, and Mr. Todd.

III. Regular Business

A. Zoning Petition-Map Amendment

David Fritts, Owners
Gary Sanders (Ciphers Design Co.), Agent
Jim Hansen, MPC Project Planner
MPC File No. Z-050519-86472-2

The petitioner is requesting rezoning of 8 West 37th Street from a TN-2 (Traditional Neighborhood-2) zoning classification to a TC-1 (Traditional Commercial 1) classification.

Staff Recommendation: **Denial** of the request to rezone the subject property from a TN-2 (Traditional Neighborhood) zoning district to a TC-1 (Traditional Commercial-Neighborhood) zoning classification

Speaking on the petition:

Gary Sanders, Ciphers Design Co, stated the petitioner's idea is not to change the uses. In order to achieve full development of this space the petitioner is requesting a rezoning; for without it, this space can not be utilized.

Virginia Mobley, Thomas Square Resident & Neighborhood Association President, commends the renovation of the building. It has had an impact on the area. The plan should be given the opportunity to work. With creativity and patience on the owner's part this can go a long way. She requested the Board be patient and not grant the rezoning.

Ardis Wood, concerned citizen, suggested using the space for extra storage for the residents of the building or use its attic space for special occasions". This is usable space.

Mr. Meyer **moved** for a continuance to June 21, 2005. Mr. Lufburrow seconded the motion.

MPC Action: **The motion carried.** The motion was to continue to the June 21, 2005 MPC Regular Meeting. Voting in favor of the motion was: Mr. Meyer, Mr. Brown, Mr. Manigault, Mr. Ray, Mr. Mackey and Mr. Jones. Those opposed were Mr. Lufburrow, Ms. Jest, Mr. McCumber, and Mr. Patrick. Mr. Todd was not in the room.

B. General Development Plans

Savannah Tire Brake and Alignment Center
4300 Block of Waters Avenue
B-N Zoning District
Dan Gay (Thomas & Hutton Engineering), Agent
Jim Hansen, MPC Project Planner
MPC File No. P-050509-33050-2

Issue: The petitioner is requesting approval of a General Development Plan (General Plan) in order to construct a retail automotive part and tire store within B-N (Neighborhood Business) and R-6 (One-Family Residential) zoning districts. Variances are requested

Staff Recommendation: **Approval** of the General Plan with variance requested.

Speaking on the petition

Harold Yellin, Agent, stated the petitioner is eliminating any notion of rezoning and returning only with a site plan. The petitioner has listened to the neighbors and he has responded. He now asks that the Board approves the MPC recommendation.

Trey Cook, Petitioner, stated it had been recommended that he close the lane to fit the building on the property. He has tried to make everyone happy and hopes the Board realizes this, and that it is considered during its recommendation.

Mr. Thomson stated a modified plan would be forthcoming, therefore, staff would like the opportunity to review the plan in full. He suggested that the residents who are present be permitted to speak on the petition and continue the petition.

Speaking on the petition:

Diana Thibodaux, resident, stated in the interest of those that have not had the opportunity to speak before on this petition she reserves her comments for the two weeks continuance allowing them to speak at this time.

Dianne Lemley, Neighborhood Resident, stated she too would like to reserve her comments for the two weeks.

Barry Brown, Neighborhood Resident, questioned how much of a congested area this might create for the garbage trucks and other traffic going back and forth into the lane.

Trey Cook, petitioner, described the entrance and exit points for the proposed development.

Ardis Wood, concerned citizen, expressed concern about the issue of how commercialism is moving more and more into residential spaces. She asked that this is part of your consideration during the Tricentennial Planning.

Mr. Lufburrow **moved** to continue the petition to June 21, 2005 Regular MPC Meeting.
Mr. Patrick seconded the motion.

MPC Action: The motion to continue the petition to June 21, 2005 Regular MPC Meeting **carried with none opposed.** **Voting were:** Mr. Lufburrow, Mr. Ray, Mr. Jones, Mr. Todd, Mr. Patrick. Mr. Brown, Mr. Meyer, Mr. Manigault, Mr. Mackey, Mr. McCumber, and Ms. Jest.

2. Wendy's/BP Station at Gateway Savannah
East Gateway Boulevard
P-B-C Zoning District
Chad Zittrouer (Kern-Coleman & Co), Agent
Gary Plumbley, MPC Project Planner
MPC File No. P-050518-34631-1

Nature of Request: The petitioner is requesting approval of a General Development Plan (General Plan) for a proposed commercial development to be located at the northeast corner of Gateway Boulevard and the Abercorn Street frontage road within a P-B-C (Planned Community Business) zoning district. Variances are requested.

Staff Recommendation: Denial of a one (1) foot drive aisle width variance (from the required 20 feet) on the southeast portion of the site; a variance to allow six (6) required parking spaces within the 20 foot development set back; a one and three-tenths (1.3) percent green space variance (from the minimum required 20 percent); and, a variance to allow the construction of a drive aisle and off-street parking spaces within a landscape, drainage, and open space based on the previous stated findings. Staff further recommends denial of the proposed General Development Plan.

Speaking on the petition Harold Yellin, Agent, stated his client would like a continuance in order to do a joint petition (between Wendy's and their neighbor) with a landscape plan for more footage or no petition at all.

Mr. Patrick **moved** to continue the petition in two weeks. Mr. Ray seconded the motion.

MPC Action: The motion to continue to the June 21, 2005 Regular MPC Meeting **carried with none opposed**. Voting were: Ms. Jest, Mr. Mackey, Mr. Manigault, Mr. Brown, Mr. Meyer, Mr. Todd, Mr. McCumber, Mr. Ray, Mr. Jones, Mr. Patrick, and Mr. Lufburrow.

C. Telecommunications Facilities

1. New Telecommunications Facility at St. Pius X Family Resource Center
705 East Anderson Street
R-4 Zoning District
Hayden Horton (National Wireless Construction, LLC), Applicant
Jonathan Yates, Agent
Charlotte Moore, MPC Project Planner
MPC File No. P-050427-54009-2

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. A previous application for this site was denied by the MPC on April 19, 2005.

Staff Recommendation: **Approval** of the Cingular Wireless collocation on the 123 foot tall stealth tower with the following conditions: 1) 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. 2) The City Engineer shall determine if improved access will be necessary because the access easement transects a swale. If improvements are required, the Specific Plan shall reflect this. 3) Provide a revised Landscape Plan that shows the Tree and Landscape Quality Points to be provided. 4) Provide an updated determination from the FAA as to possible air navigation hazards due to the change of tower height. 5) The tower shall be painted grey instead of white.

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

Speaking on the Petition:

Jonathan Yates, Agent, stated his client fully accepts staff's recommendation, including all conditions.

Regina Thomas, Senator, voiced concerns with the unseen health issues that may plague the residents of this community. She requested the Board not grant the petitioner's request and deny the petition.

Verlinda Slaughter, Midtown Neighborhood Association President, asked that the Board show compassion to the residents of the area and vowed to bring in 10% or more of that population that are in opposition of the Petition.

Mr. Meyer **moved** to continue the petition for 60 days until resolution on health issues could be obtained that are important to this community. Mr. Patrick seconded the motion.

Speaking on the Petition

Jim Doss, Atlanta, stated that his search for other sites have deemed futile.

Dianne Thiboduax, concerned citizen, Neighbors do not want these towers in their neighborhood either. She asked the Board to be deliberate and deny this petition.

MPC ACTION: **The motion carried. The motion was to continue the Telecommunications Facility Petition for 60 days to do diligence on alternative sites.** Voting in favor of the motion were Mr. Meyer, Mr. Jones, Mr. Manigault, Mr. Ray, Ms. Jest and Mr. Patrick. Those opposed were Mr. Brown, Mr. Lufburrow, Mr. McCumber and Mr. Todd.

Mr. Manigault **moved** to reconsider the petition. Mr. Ray seconded the motion.

MPC Action: The motion to reconsider the petition carried with none opposed.

Voting were: Mr. Todd, Mr. Patrick, Mr. Brown, Mr. Lufburrow, Mr. Meyer, Mr. Ray, Mr. Jones, Mr. Manigault, Mr. Mackey, Ms. Jest and Mr. McCumber

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

MPC Action: The motion to approve the staff recommendation failed. Voting in favor of the motion were: Mr. Lufburrow, Mr. Ray, Mr. McCumber, and Mr. Todd. Voting against the motion were: Mr. Manigault, Mr. Jones, Mr. Meyer, and Ms. Jest. Mr. Mackey broke the tie by voting against the motion. Mr. Brown and Mr. Patrick were not in the room when the vote was taken.

D. Report of the Nominating Committee

Mr. Jones report that the Nominating Committee has recommended Mr. Manigault for Vice Chairman to the Board and Mr. Lufburrow for Secretary.

VI. Adjournment

There being no further business to come before the Commission, the June 7, 2005, Regular Meeting was adjourned.

Respectfully submitted,

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

Note: Minutes not official until signed