

CHATHAM COUNTY-SAVANNAH METROPOLITAN PLANNING COMMISSION

MPC MINUTES

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

March 15, 2005

1:30 P.M.

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

Members not Present: Russ Abolt
Michael Brown

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
Gary Plumbley, Development Services Planner
Marilyn Gignilliat, Executive Assistant
Constance Morgan, Secretary

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 citizens who are attending the meeting for the first time.

II. Notices, Proclamations and Acknowledgments

A. Items Requested to be Removed from the Final Agenda

Zoning Petitions – Map Amendments

1. Kathryn Hoover, Susan Cavin, Marie Rouleau, Petitioners
Harold Yellin, Agent
1105-1123 Delesseps Avenue
Jim Hansen, MPC Project Planner
MPC File No. Z-050210-42502-2

The petitioner has requested that this item be continued to the April 5, 2005 Regular Meeting.

2. Trinity Worship and Praise Ministries, Petitioner
Pastor Larry Pounds, Agent
22 Windsor Road
Jim Hansen, MPC Project Planner
MPC File No. Z-050111-50231-1

The petitioner has requested that this item be continued to the April 5, 2005 Regular Meeting.

Mr. Jones **moved** to approve the petitioners' requests to continue MPC File No. Z-050210-42502-2 and MPC File No. Z-050111-50231-1 to the April 5, 2005 Regular Meeting. Mr. McCumber seconded the motion.

MPC Action: **The motion carried with none opposed.** The motion was to continue MPC File No. Z-050210-42502-2 and MPC File No. Z-050111-50231-1 to the April 5, 2005 Regular Meeting. Voting were Mr. Lufburrow, Mr. Meyer, Mr. Manigault, Mr. Luten, Ms. McIntosh, Mr. Mackey, Mr. Ray, Mr. Jones, Mr. McCumber, Mr. Patrick, and Ms. Jest.

B. Acknowledgement

Chairman Mackey introduced Constance Morgan, who is attending her first MPC meeting. Ms. Morgan is assisting staff with administrative duties.

III. Consent Agenda

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

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

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

B. Old Business

Amended Master Plan/General Development Plan

Abercorn Common (Formerly Abercorn Plaza)

7804 Abercorn Street

PINS: 20560-01-001, 003, 004, 005, 006, 008, 009, 009A, 009B, 009C, 009D, 010, 013, 014, 015, and 2-0590- -01-002, 007, 008

B-C Zoning District

MPC File No. P-041227-39163-2

MPC Reference File No. P-021202-37229-2

EMC Engineering Services, Inc., Engineer

Charlotte Moore, MPC Project Planner

Nature of Request: The petitioner is requesting approval of an Amended Master Plan for a proposed retail shopping center located at 7804 Abercorn Street. The property is bounded by Abercorn Street, White Bluff Road, and Fairmont Avenue and is located within a B-C (Community Business) zoning district. The petitioner is also requesting the following variances: 1) a variance to allow more than 12 successive parking spaces without a planting island; and, 2) a variance to allow parking within a required building setback line.

Staff Recommendation: **Approval** of the Amended Master Plan subject to the following conditions: 1) the Amended Master Plan indicates that there are 45 more parking spaces than the approved Master Plan. Verify the location of the additional spaces; and, 2) approval by the City Review Departments. Staff further recommends **approval** of a variance to allow more than 12 successive parking spaces without a planting island and approval of a variance to allow parking within a required building setback area, and **approval** of the proposed General Development Plan, subject to the following conditions: 1) compliance with all conditions of the Amended General Development Plan/Group Development Plan Decision dated July 6, 2004; 2) a freestanding principal use sign will not be allowed for either of the two additional sites that are incorporated into the Master Plan. Fascia signage will be permitted in conjunction with the sign standards for development within a B-C zoning district. The approved directory signs will also be available for uses on each site; and, 3) approval by the City Review Departments.

Speaking about the petition: Alex Salgueiro, owner of Burger King franchises for Savannah and Chatham County, raised issues about the access to his property. He agreed to meet with staff and the other property owners.

Jay Maupin, EMC Engineering, agent for petitioner, stated that there is no recorded cross easement. The law suit over this matter was dropped without prejudice.

Chris Caragher, consultant to Melaver, Inc., developer, stated that Burger King property is not an outparcel to the area being developed. There is no litigation currently on the table regarding this issue. He was in agreement to a meeting with staff and other property owners.

Mr. Jones **moved** to continue the petition until the April 5, 2005 Regular Meeting in order for Mr. Thomson to meet with the property owners to work toward resolution of the cross access issue into the subject property. Ms. Jest seconded the motion.

MPC Action: **The motion carried with none opposed.** The motion was to continue the petition until the April 5, 2005 Regular Meeting in order for Mr. Thomson to meet with the property owners to work toward resolution of the cross access issue into the subject property. Voting were Mr. Meyer, Mr. Lufburrow, Mr. Manigault, Mr. Luten, Ms. McIntosh, Mr. Mackey, Mr. Ray, Mr. Jones, Mr. McCumber, Mr. Patrick, and Ms. Jest.

C. Master Plan/General Development Plan

Lawrel Hill Village – Phase I
Little Neck Road
P-B-C Zoning District
Edwin Feiler (Henderson Property Holdings, LLC), Agent
Amanda Bunce, MPC Project Planner
MPC File No: M-041116-35569-1

Nature of Request: The petitioner is requesting approval of a Master Plan and a General Development Plan/Group Development Plan for Phase 1 in order to construct a commercial development within a P-B-C (Planned Community Business) zoning district. A variance is not requested.

Staff Recommendation: **Approval** of the Master Plan and the General Development Plan/Group Development Plan for Phase 1 with the following conditions: 1) the petitioner shall show to the satisfaction of the County Engineer that adequate area for maneuvering has been provided for the two dumpsters located between the office/retail buildings; 2) a landscape island shall be added to the row of parking on the west side of the western office/commercial building and the row of parking on the east side of the eastern office/commercial building; 3) the modifications to the access drives shall be shown on the Specific Plan ; 4) the area between the two office/retail buildings shall be designated as employee parking only; 5) any road improvements required by the County Engineer shall be shown on the Specific Plan; and, 6) a traffic study, if required by the County Engineer, shall be completed prior to Specific Plan submittal.

Speaking about the petition: Ed Feiler, developer, addressed questions about connectivity of the proposed development.

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. Meyer, Mr. Lufburrow, Mr. Luten, Mr. Manigault, Ms. McIntosh, Mr. Mackey, Mr. Ray, Mr. Jones, Mr. McCumber, Mr. Patrick, and Ms. Jest.

D. Minor Subdivision/Final Plat

Marador Nursery Subdivision
9961 and 9969 Whitfield Avenue
2 lots – 12.619 acres
PIN 1-0575-01-014
R-1/EO zoning district
Kern-Coleman and Company, Surveyor
Stone and Company, Owner
Gary Plumbley, MPC Project Planner
MPC File No. S-050304-31494-1

Nature of Request: The petitioner is requesting approval of a Final Plat for a two-lot Minor Subdivision located on the north side of Whitfield Avenue approximately 525 feet west of Cartwright Street within an R-1/EO (Single Family Residential – Environmental Overlay) zoning district. The petitioner is also requesting the following variance: an 83 foot variance from the maximum permitted length of 750 feet for a private vehicular access and utility easement.

Staff Recommendation: **Approval** of an 83 foot variance from the maximum permitted length of 750 feet for a private vehicular access and utility easement. Staff further recommends **approval** of the proposed Minor Subdivision subject to the following conditions: 1) revise the Final Plat to show 15 feet dedicated as additional right-of-way on Lot 1 along Whitfield Avenue. This condition may be omitted upon a finding by the County Engineer that the additional right-of-way is not needed; 2) revise the Final Plat to establish a 50 foot corridor buffer on Lot 1 adjacent to Whitfield Avenue; 3) revise the Final Plat to eliminate the portion of the 50 foot vegetative buffer from the portion of Lot 2 adjacent to the 22 foot private vehicular access and utility easement; 4) show a front yard building setback line on Lot 1 along Whitfield Avenue. The setback line shall be 55 feet from the centerline of Whitfield Avenue but not less than 25 feet; 5) revise the Final Plat to show a 50 foot setback and a 35 foot marsh buffer (located within the 50 foot setback) adjacent to the salt marsh on Lot 2; 6) show the signature of a Georgia Registered Land Surveyor (across the State of Georgia Seal) and the owner on the Final Plat; 7) provide the following notes on the Final Plat: "The 22 foot private vehicular access and utility easement shall be for the use of and maintained by the owners of both lots within this subdivision and shall not become the responsibility of Chatham County." "Portions of this subdivision may be wetlands as defined by the federal government. All such wetlands are under the jurisdiction of the U.S. Army Corps of

Engineers. Lot owners are subject to penalty by law for disturbance to these protected areas without proper permit application and approval.” “All existing trees and shrubs four inches or more (DBH) shall remain in the corridor buffer;” 8) show the address of each lot on the Final Plat as follows: Lot 1 – 9961 Whitfield Avenue, Lot 2 – 9969 Whitfield Avenue; and, 9) approval by the Chatham County Health Department and the County Engineer.

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

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

IV. OLD BUSINESS

None.

V. REGULAR BUSINESS

A. Major Subdivision/Sketch Plan

LaRoche Avenue Subdivision
6407 LaRoche Avenue
PINs 1-0364-01-002B, -008, -053, -054
R-1/EO Zoning District
Jay Maupin, ENC engineering, Agent
Herb River Bend, LLC, Owner
MPC File No. S-050224-3968-1

Nature of Request: The petitioner is requesting approval of a Sketch Pan for a single family residential development located between LaRoche Avenue and Howard Foss Drive approximately 360 feet south of Majestic Oaks Drive within an R-1/EO (Single Family Residential-Environmental Overlay) zoning district. The petitioner is also requesting the following variances: 1) a variance from providing sidewalks on the east side of LaRoche Avenue; and, 2) a variance from providing sidewalks on the north side of the Howard Foss Drive entry road from Howard Foss Drive to its intersection with the bi-directional street adjacent to Lot 44.

Staff Recommendation: **Approval** of a variance from providing sidewalks on the east side of LaRoche Avenue and a variance from providing sidewalks on the north side of the Howard Foss Drive entry road from Howard Foss Drive to its intersection with the bi-directional street adjacent to Lot 44, based on the previously stated findings. Staff further recommends **approval** of the Sketch Plan subject to the following conditions: 1) revise the Sketch Plan to show sidewalks along the entire width of the site on the east side of Howard Foss Drive and the south side of the Howard Foss Drive entrance road; 2) revise the Sketch Plan to increase the pavement width of the proposed bi-directional street to not less than 26 feet as measured from the back of the curb. A variance, if requested, may be approved by the Planning Commission upon a finding by the County Engineer that the proposed width of 22 feet will accommodate the vehicular traffic generated by this development; 3) revise the

Sketch Plan to increase the stacking lanes on the LaRoche Avenue entrance road to not less than 50 feet. Also provide a turnaround on both entrance roads to accommodate vehicles that enter the site by mistake; 4) the increased paving within the street rights-of-way will reduce the amount of greenspace. Additional greenspace must be provided to maintain not less than 25 percent of the site area; and, 5) approval by the Chatham County Engineer.

Speaking about the petition:

Jay Yost, 22 Wild Oak Road, stated that he is in favor of the proposed subdivision. He was seeking information on the view from the back of his property onto the new homes.

Rob Brannen, agent for the owners, addressed questions about access to the proposed subdivision.

Jay Maupin, EMC Engineering, project engineer, stated that he would seek input from the County Engineer regarding the drainage issues in the area.

Cherie Markesteyn, 117 Windfield Drive, was seeking information on drainage issues in the area. She asked to be notified of future meetings on this subdivision.

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

B. Minor Subdivision/Final Plat

Lot 1, Carrier Subdivision
269C Bradley Creek Road
PIN 1-0136-01-005
2 lots – 1.04 acres
R-1-A Zoning District
Roby Morgan, EMC Engineering, Agent
Clifford and Patricia Meads, Owners
Amanda Bunce, MPC Project Planner
MPC File No. S-050218-39369-1

Nature of Request: The petitioner is requesting approval of a Final Plat for a two-lot Minor Subdivision located on Bradley Point Road, within an R-1-A (One-Family Residential) zoning district. Variances to forgo the paving requirement and exceed the maximum number of lots served by a private access easement are being requested.

Staff Recommendation: **Approval** of the proposed Final Plat, subject to the following conditions: 1) show the signature of the owner and a Georgia Registered Land Surveyor (across the State of Georgia seal) on the Final Plat; 2) demonstrate to the satisfaction of the County Engineer that the site of the proposed subdivision does not contain a landfill; 3) the

access easement shall be centered on the common property line of Lots 1-A and 1-B and extended for a distance of at least 25 feet; 4) the entire access easement shall be field surveyed; 5) all properties served by the access easement shall be shown on the Final Plat and included as part of the subdivision. All owners of these properties shall sign the Final Plat; 6) the two properties from which the access easement is proposed to be removed shall also be shown on the Final Plat. The owner of those properties shall sign the Final Plat; 7) the following notes shall be added to the Final Plat: a) "The sole purpose for the inclusion of the properties along the access easement in the subdivision is the establishment of the 22 foot wide access easement.;" b) the owner of any property within the subdivision shall have the right to improve the access easement along any portion of the easement or the entire length thereof as required by the County Engineer." 8) no further subdivision of property along this access easement shall occur unless the access road is paved; 9) show the address of each lot on the Final Plat as follows: Lot 1-A – 270 Bradley Point Road, Lot 1-B - 269 Bradley Point Road; and, 10) approval by the Chatham County Health Department and the County Engineer.

Speaking about the petition:

John Wiley, real estate agent, stated that it would be beneficial if the neighbors would come together to fix the road problem.

Richard Hill, 706 Bradley Point Road, stated that the neighborhood has a reputation for privacy and lush vegetation. Subdivision of a one acre lot would destroy the area.

Jack McCall, 268a Bradley Point Road, stated that there is a maintenance contract with the County to maintain the road. Residents will hold a meeting to determine what improvements could be made to the road.

Katherine Guest, 269 Bradley Point Road, stated that if approved the subdivision would remove a means of access to her property. She and her husband have no intention of signing the Final Plat.

Mr. McCumber **moved** to deny the petition based on information heard at this meeting. Mr. Jones seconded the motion.

MPC Action: **The motion to deny the petition carried with none opposed.** Voting were Mr. Lufburrow, Mr. Meyer, Mr. Manigault, Mr. Luten, Ms. McIntosh, Mr. Mackey, Mr. Ray, Mr. Jones, Mr. McCumber, Mr. Patrick, and Ms. Jest.

C. General Development Plan

FMB's Sacred Ink
1101 E. Montgomery Cross Road
B-C Zoning District
PIN 2-0494-05-022
Harold Yellin, Agent
Charlotte Moore, MPC Project Planner
MPC File No. P-050223-60850-2

Nature of Request: The petitioner is requesting approval to establish a tattoo studio within an existing shopping center located at the southeast corner of East Montgomery Cross Road and Whitfield Avenue. The following variances are requested; 1) to reduce the required separation distance between a tattoo studio and residentially zoned districts, residential uses, and churches; and, 2) to eliminate the plan submittal requirements of the Planned Development District.

Staff Recommendation: **Approval** of the tattoo studio at 1101 East Montgomery Cross Road, including a variance from the Planned Development District submittal requirements.

Speaking about the petition: Harold Yellin, agent, described the conditions under which petitions for tattoo parlors were approved on previous occasions.

Marianne Heimes, Islands resident, stated that there may be a better term for this business other than tattoo parlor. She suggested the term tattoo studio.

Mr. Jones **moved** to deny the petition. Ms. Jest seconded the motion.

MPC Action: **The motion to deny the petition failed.** Voting in favor of the motion were Mr. Luten, Mr. Ray, Mr. Jones, Ms. Jest, and Mr. Manigault. Voting against the motion were Mr. McCumber, Mr. Patrick, Mr. Lufburrow, Mr. Meyer, Ms. McIntosh, and Mr. Mackey.

Mr. Patrick **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. McCumber, Mr. Patrick, Mr. Lufburrow, Mr. Meyer, Ms. McIntosh, and Mr. Mackey. Voting against the motion were Mr. Luten, Mr. Ray, Mr. Jones, Ms. Jest, and Mr. Manigault.

D. Sign Plan

Abercorn Walk
5525 Abercorn Street
B-C Zoning District
PIN 2-0130-01-008
MPC File No. P-050215-48877-2
Charlotte Moore, MPC Project Planner

Nature of Request: The petitioner is requesting approval to place additional panels on an existing freestanding directory sign. The petitioner requests variances to: 1) reduce the distance separation requirement between directory signs; and, 2) exceed the amount of allowable sign area.

Staff Recommendation: **Denial** of the 90 square foot sign panel. **Approval** of the Sign Plan with the following variances and conditions: 1) a variance to allow two directory signs within 390 linear feet on two separate lots of record; 2) a variance to increase the allowable sign area for the existing directory sign from 250 square feet to 370 square feet; and, 3) a variance to increase the allowable sign height for the directory sign from 40 feet to 43.7 feet

Speaking about the petition: Brad Stutts, Project Manager, Edens & Avant, described the intent of the signs that are proposed for the development.

Mr. Ray **moved** to approve the staff recommendation, including the variances. Mr. Jones seconded the motion.

MPC Action: **The motion to approve the staff recommendation, including the variances, carried with none opposed.** Voting were Mr. Meyer, Mr. Lufburrow, Mr. Manigault, Ms. McIntosh, Mr. Mackey, Mr. Ray, and Mr. McCumber. Mr. Luten and Ms. Jest were not in the room when the vote was taken.

E. Zoning Petitions – Text Amendments

1. Text Amendment to the City Zoning Ordinance
Re: Amendment to Section 8-3025(b) to allow Use 62
(locksmith, gunsmith and similar activities) in the
B-N (Neighborhood Business) district
Bruce T. & Zelma A. Rahn, Petitioners
Jim Hansen, MPC Project Planner
MPC File No. Z-050222-64461-2

Issue: A petition to amend Section 8-3025(b) of the City of Savannah Zoning Ordinance to allow Use 62 (locksmith, gunsmith, and similar activities) in the B-N (Neighborhood Business) district.

Policy Analysis: The B-N district is designed to provide neighborhood-scale services to areas of from 3,000 to 5,000 population. Locksmithing is a neighborhood service. A change in the Zoning Ordinance to allow locksmiths in the B-N zone will not have detrimental effects upon surrounding uses or land areas.

Staff Recommendation: **Approval** of the petitioner's request to amend Section 8-3025(b) to add Use 62 (locksmith, gunsmith and other similar activities) to the list of uses allowed in the B-N district.

Speaking about the petition: Bruce Rahn, petitioner, stated that locksmithing is a neighborhood service.

Mr. Patrick **moved** to approve an alternate text amendment to amend Section 8-3025(b) to add Use 62 to the list of uses allowed in the B-N district, provided that a gunsmith shall require Zoning Board of Appeals approval in accordance with Section 8-3163(b). Mr. Ray seconded the motion.

MPC Action: **The motion carried with none opposed.** Voting were Mr. Lufburrow, Mr. Manigault, Mr. Luten, Ms. McIntosh, Mr. Mackey, Mr. Ray, Mr. Jones, Mr. McCumber, and Mr. Patrick. Mr. Meyer and Ms. Jest were not in the room when the vote was taken.

2. Text Amendment to the City Zoning Ordinance
JCW Construction, Petitioner
Text Amendment to the City of Savannah Zoning Ordinance
Re: Amend Section 8-3036 (Planned Unit Development – Community)
Subsection (b), Residential
Gary Plumbley, MPC Project Planner
MPC File No. Z-050222-64998-2

Issue: Amending Section 8-3036(b) of the City of Savannah Zoning Ordinance to change the building coverage standard for single family detached lots within the Planned Unit Development-Community zoning district.

Policy Analysis: Amending the maximum lot coverage for single family detached lots in the newer developments will eliminate the need for variances and accommodate the market conditions for single family homes.

Staff Recommendation: **Approve** an amendment to Section. 8-3035, Planned Unit Development Multifamily, B. Development Standards, Subsection C. 1. a. (1) as follows:

REPEAL

Sec. 8-3035, Planned Unit Development - Multifamily, B., Development Standards, Subsection C. 1.

a. (1)

- (1) Single-Family detached dwellings in accordance with the R-6 (one-family residential) zoning district.

ENACT

Sec. 8-3035, Planned Unit Development - Multifamily, B., Development Standards, Subsection C. 1.

a. (1)

- (1) *Single-Family detached dwellings in accordance with the R-6 (one-family residential) zoning district, provided however, the maximum lot coverage for single family detached lots shall be 40 percent based on a minimum lot size of 6,000 square feet. For single family detached lots less than 6,000 square feet in size, the maximum lot area coverage may be increased by the percentage difference between 6,000 square feet and the smaller lot.*

Staff further recommends that the Chatham County Zoning Ordinance, Sec. 4-6.67, Planned Unit Development (PUD-M) b. Permitted Uses (2) and (3) be amended as follows:

REPEAL

- (2) Single-family detached dwellings (under R-1 standards).
- (3) Single-family detached and semi-detached dwellings (under P-R-1-S standards, excluding the minimum two acre district requirement).

ENACT

- (2) *Single-family detached dwellings (under R-1 standards). For single family detached lots less than 6,000 square feet in size, the maximum lot area coverage may be increased by the percentage difference between 6,000 square feet and the smaller lot.*
- (3) *Single-family detached and semi-detached dwellings (under P-R-1-S standards, excluding the minimum two acre district requirement). For single family detached lots less than 6,000 square feet in size, the maximum lot area coverage may be increased by the percentage difference between 6,000 square feet and the smaller lot.*

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. Meyer, Mr. Lufburrow, Mr. Manigault, Mr. Luten, Mr. Mackey, Mr. Ray, Mr. Jones, and Mr. McCumber. Mr. Patrick and Ms. McIntosh voted against the motion. Ms. Jest was not in the room when the vote was taken.

F. Staff Studies – Text Amendments

1. Text Amendment to the Chatham County Zoning Ordinance
Re: Amend Section 5, Exceptions and Modifications
Subsection 5-4, Substandard Lots of Record
Gary Plumbley, MPC Project Planner
MPC File No. Z-050228-59697-1

Issue: Amending Section 5, Exceptions and Modifications, Subsection 5-4, Substandard Lots of Record of the Chatham County Zoning Ordinance to provide a method to determine the maximum lot area coverage for existing single family detached lots that do not comply with the minimum lot area requirement for the zoning district in which they are located.

Policy Analysis: Amending the maximum lot coverage for substandard single family detached lots would eliminate ongoing requests for lot coverage variances and would establish a reasonable buildable area for future single family homes on existing substandard lots.

Staff Recommendation: Approval to amend Section 5, Exceptions and Modifications, Subsection 5-4 as follows, and also to amend the city of Savannah Zoning Ordinance for the same purpose.

REPEAL

Sec. 5-4 Substandard Lots of Record.

Lots of record which existed at the time of the adoption of this Ordinance which have an area and/or width which is less than that required to a lot as defined by the Ordinance shall be subject to the following exceptions to or modifications of the Ordinance.

Sec. 5-4.1 Adjoining Lots of Record.

When two or more adjoining lots of record with continuous frontage are in one ownership at any time after the adoption of the Ordinance, and when each of the adjoining lots of record is less than 5,000 square feet in area and/or is less than 50 feet in width, then such adjoining lots in one ownership shall be combined into one or more lots of record, each having an area and width required by this Ordinance for the zoning district in which such lots are located; provided, however, that when such combination of lots would create a single lot having a width 90 feet or more and an area of 9,000 square feet or more, then such lot may be divided into two lots of equal width and area provided each of the two lots shall be served by public water and public sewers.

Sec. 5-4.2 Side Yard Requirements.

When a lot as permitted by this Ordinance has a lot width of 40 feet or less, then the Zoning Administrator shall be authorized to reduce the side yard requirements for such a lot of record; provided, however, that there shall be not less than five (5) feet between buildings.

Sec. 5-4.3 Tracts of Land Not Meeting Minimum Lot Size Requirements.

Except as set forth in Sec. 5-4.1 above, in any district in which single-family dwellings are permitted, any lot of record existing at the time of the adoption of these Regulations, or any tract of land which is created through a taking by a governmental body either by condemnation or acquisition, which has an area or a width which is less than that required by these Regulations may be used as a building site for a one-family dwelling provided that if such lot is not served by public water and public sewers, then the application for a permit to construct a dwelling on the lot shall be approved by the Chatham County Health Department.

ENACT**Sec. 5-4 Substandard Lots of Record.**

Lots of record which existed at the time of the adoption of this Ordinance which have an area and/or width which is less than that required to a lot as defined by the Ordinance shall be subject to the following exceptions to or modifications of the Ordinance.

Sec. 5-4.1 Adjoining Lots of Record.

When two or more adjoining lots of record with continuous frontage are in one ownership at any time after the adoption of the Ordinance, and when each of the adjoining lots of record is less than 5,000 square feet in area and/or is less than 50 feet in width, then such adjoining lots in one ownership shall be combined into one or more lots of record, each having an area and width required by this Ordinance for the zoning district in which such lots are located; provided, however, that when such combination of lots would create a single lot having a width 90 feet or more and an area of 9,000 square feet or more, then such lot may be divided into two lots of equal width and area provided each of the two lots shall be served by public water and public sewers.

Sec. 5-4.2 Side Yard Requirements.

When a lot as permitted by this Ordinance has a lot width of 40 feet or less, then the Zoning Administrator shall be authorized to reduce the side yard requirements for such a lot of record; provided, however, that there shall be not less than five (5) feet between buildings.

Sec. 5-4.3 Tracts of Land Not Meeting Minimum Lot Size Requirements.

Except as set forth in Sec. 5-4.1 above, in any district in which single-family dwellings are permitted, any lot of record existing at the time of the adoption of these Regulations, or any tract of land which is created through a taking by a governmental body either by condemnation or acquisition, which has an area or a width which is less than that required by these Regulations may be used as a building site for a one-family dwelling provided that if such lot is not served by public water and public sewers, then the application for a permit to construct a dwelling on the lot shall be approved by the Chatham County Health Department.

Sec. 5-4.4 Maximum Lot Area Coverage for Existing Single Family Substandard Lots

For existing single family detached lots less than 6,000 square feet in size, the maximum lot area coverage may be increased by the percentage difference between 6,000 square feet and the smaller lot (Example: 6,000 S.F. – 4,000 S.F. – Percentage Difference is 33.3 %).

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

MPC Action: The motion to approve the staff recommendation to amend the County and the City Zoning Ordinances carried with none opposed. Voting were Mr. Meyer, Mr. Lufburrow, Mr. Manigault, Mr. Luten, Ms. McIntosh, Mr. Mackey, Mr. Ray, Mr. Jones, Mr. McCumber, and Mr. Patrick. Ms. Jest was not in the room when the vote was taken.

2. Text Amendment to the City Zoning Ordinance
Re: Amendments to Various Sections of the City of Savannah
Subdivision Regulations
Amanda Bunce, MPC Project Planner
MPC File No. Z-041130-33062-2

Issue: Amending various sections of the City of Savannah Subdivision Regulations.

Policy Analysis: The majority of the proposed changes to the Subdivision Regulations do not change the requirements or the meaning of the ordinance. Many of the changes reflect policies that are currently in practice, but have not yet been codified. The most substantial change is the increase in the minimum street centerline elevations from 7.5 MSL to 9.5 MSL. A provision is included that would allow the centerline to fall between 7.5 and 9.5 MSL if the engineer can show that flooding would not occur. The purpose of this change is to limit the occurrence of flooding on new streets.

Staff Recommendation: Approval of the amendments to various sections of the City of Savannah Subdivision Regulations.

Mr. Lufburrow **moved** to continue this matter to the May 10, 2005 Planning Meeting. During the time the petition is continued, he asked that additional information be provided to better inform the Board on exactly what is involved in the determination of showing all wetlands, as referred to in Section 8-2043 (a)(1)(h) of the document that is before the Board today. He would like a greater understanding of what this additional requirement would entail. Mr. Ray seconded the motion.

MPC Action: The motion carried with none opposed. The motion was to continue the matter to the May 10, 2005 Planning Meeting. During the time the petition is continued, he asked that additional information be provided to better inform the Board on exactly what is involved in the determination of showing all wetlands, as referred to in Section 8-2043 (a)(1)(h) of the document that is before the Board today. He would like a greater understanding of what this additional requirement would entail. Voting were Mr. Meyer, Mr. Lufburrow, Mr. Manigault, Mr. Luten, Ms. McIntosh, Mr. Mackey, Mr. Ray, Mr. Jones, Mr. McCumber, and Mr. Patrick. Ms. Jest was not in the room when the vote was taken.

Mr. Patrick requested that in the future, text amendments be discussed at Planning Meetings unless the amendment is tied to a specific petition or it is an emergency situation.

Chairman Mackey stated that it was the consensus of the Board to approve this request.

G. Multiple Points of Access to New Subdivisions

Mr. Thomson stated that the staff study was revised to incorporate comments from the Board that were obtained at the last Planning Meeting. Mr. Wester added that a statement of goals was included, as requested by Mr. Brown at the Planning Meeting. Other changes were reviewed.

Chairman Mackey stated that it would be helpful to have the document reviewed by the City Attorney and the County Attorney.

Mr. Thomson added that this item is on the agenda for the March 25, 2005 meeting of the MPC/Builders Committee. The matter would be sent for legal review as requested. When a draft is close to approval, it would be circulated for review to the emergency personnel who review subdivisions. Their feedback would be incorporated into a final document.

VI. Other Business

Retirement of Clyde Wester

Mr. Thomson announced that Mr. Wester has decided to retire from the MPC on March 31, 2005 after 34 years of dedicated service.

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Chairman Mackey added that Mr. Wester would be greatly missed by the Board and staff. He has worked tirelessly for this agency and for the community.

Mr. Jones noted that Mr. Wester has worked with six previous Executive Directors. Mr. Wester has been a mainstay of the organization. Although Mr. Wester's experience would be missed, the agency is fortunate to have such a dedicated staff.

VII. ADJOURNMENT

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

Respectfully submitted,

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

Note: Minutes not official until signed