

CHATHAM COUNTY-SAVANNAH METROPOLITAN PLANNING COMMISSION

MPC MINUTES

ARTHUR A. MENDONSA HEARING ROOM
110 EAST STATE STREET

March 7, 2006

1:30 PM

Members Present: Stephen R. Lufburrow, Chairman
Lee Meyer, Vice Chairman
Jon Todd, Secretary
Robert Ray, Treasurer
Lacy A. Manigault
Douglas Bean
Michael Brown
W. Shedrick Coleman
Ben Farmer
Russ Abolt
Walker McCumber
Timothy S. Mackey
Susan Myers

Members Not Present: Melissa Jest

Staff Present: Thomas L. Thomson, P. E., AICP, Executive Director
Harmit Bedi, AICP, Deputy Executive Director
Jim Hansen, AICP Director of Development Services
Charlotte L. Moore, AICP, Director of Special Projects
Dennis Hutton, Director of Comprehensive Planning
Alan Bray, Land Use Planner
Courtland Hyser, Land Use Planner
Gary Plumbley, Development Services Planner
Amanda Bunce, Development Services Planner
Deborah Burke, Development Services Planner
Marilyn Gignilliat, Executive Assistant
Constance B. Morgan, Administrative Assistant

Advisory Staff Present: Robert Sebek, Chatham County Zoning Administrator
Randolph Scott, Department of Inspections

I. Call to Order and Welcome

Chairman Lufburrow called the meeting to order and explained the agenda for the benefit of those who were attending the meeting for the first time. He asked that everyone stand for a pledge of allegiance and a moment of prayer.

II. NOTICES, PROCLAMATIONS AND ACKNOWLEDGMENTS

A. Proclamation(s)

Resolution of Appreciation for Thomas D. Wilson

Chairman Lufburrow presented a Resolution of Appreciation to Thomas D. Wilson in gratitude for his service at the Metropolitan Planning Commission.

III. CONSENT AGENDA

A. Approval of the February 21, 2006 MPC Meeting Minutes and Briefing Minutes.

Mr. Manigault **moved** to approve the February 21, 2006 MPC Meeting Minutes and Briefing Minutes. Mr. Ray seconded the motion.

MPC ACTION: The motion to approve the February 21, 2006 MPC Meeting Minutes and Briefing Minutes carried with none opposed. Voting were Mr. Lufburrow, Mr. Todd, Mr. Ray, Mr. Brown, Mr. Abolt, Mr. Mackey, Mr. Manigault, Mr. McCumber, Ms. Myers, Mr. Farmer, Mr. Bean, and Mr. Coleman. Mr. Meyer was not in the room when the vote was taken.

B. Zoning Petition – Map Amendment

0 Harbor Street and 1250 President Street
Woodchips Export Corp., Owner
Ralph Forbes, Thomas & Hutton, Agent
Charlotte Moore, MPC Project Planner
MPC File No. Z-060215-87801-2

Issue: Rezoning from P-B-G (Planned-General Business) and I-L (Light Industrial) classifications to a PUD-MXU (Planned Unit Development-Mixed Use) 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 area and that requires a master planning process to create a unified development.

Staff Recommendation: APPROVAL of the request to rezone the subject property from P-B-G and I-L classifications to a PUD-MXU classification.
Mr. Todd **moved** to accept staff recommendation for approval. Mr. Coleman seconded the motion.

MPC ACTION: The motion to accept staff recommendation for approval carried with none opposed. Voting were Mr. Lufburrow, Mr. Todd, Mr. Ray, Mr. Brown, Mr. Abolt, Mr. Mackey, Mr. Manigault, Mr. McCumber, Ms. Myers, Mr. Farmer, Mr. Bean, and Mr. Coleman. Mr. Meyer was not in the room when the vote was taken.

C. General Development Plan

Tradeport Business Center – Phase 1
580 Jimmy DeLoach Parkway
PUD-C Zoning District
Chad Zittrouer, Kern-Coleman & Co, LLC, Engineer/Agent
Commonwealth Commercial Properties, Owner
Amanda Bunce, MPC Project Planner
MPC File No. P-051028-34019-2

Nature of Request: The petitioner is requesting approval of a General Development Plan in order to construct a warehouse within a PUD–C (Planned Unit Development Community) zoning district. No variances are requested.

Staff Recommendation: **Approval** of the General Development Plan.

Mr. Todd **moved** to accept staff recommendation for approval. Mr. Farmer seconded the motion.

MPC ACTION: **The motion to accept staff recommendation for approval carried with none opposed.** Voting were Mr. Lufburrow, Mr. Todd, Mr. Ray, Mr. Brown, Mr. Abolt, Mr. Mackey, Mr. Manigault, Mr. McCumber, Ms. Myers, Mr. Farmer, Mr. Bean, and Mr. Coleman. Mr. Meyer and Mr. Abolt were not in the room when the vote was taken.

D. Major Subdivision/Concept Plan

Argyle Lake
589 Bush Road
PINS 1-1036-01-013, 013B, and 1-1035-01-001
14 Lots- 7.08 Acres
R-A/CO Zoning District
EMC Engineering Company, Engineer
Dan Fischer, Agent
Bart Redmond, Owner/ Developer
Gary Plumbley, MPC Project Planner
MPC File No. S-060222-6558-2

Nature of Request: The petitioner is requesting approval of a Concept Plan for a proposed residential development located on the east side of Bush Road approximately 720 feet north of Fort Argyle Road within an R-A/CO (residential agriculture, annexed) zoning district. The petitioner is also requesting the following variances; 1) a 20 foot right of way width variance (from the required 60 feet) for the proposed residential street; and 2) a variance from the requirement that sidewalks be constructed on both sides of the entire length of the proposed street. The petitioner is proposing to install sidewalks on the southwest side only.

Staff Recommendation: Approval of a 20 foot right of way width variance (from the required 60 feet) for the proposed residential constructed on both sides of the entire length of the proposed street. The petitioner is proposing to install sidewalks on the southwest side only. Staff further recommends **approval** of the proposed Concept Plan subject to the following condition; **approval** by the City Review Departments.

Mr. Farmer **moved** to accept staff recommendation for approval. Mr. Ray seconded the motion.

MPC ACTION: The motion to accept staff recommendation for approval carried with none opposed. Voting were Mr. Lufburrow, Mr. Todd, Mr. Ray, Mr. Brown, Mr. Abolt, Mr. Mackey, Mr. Manigault Mr. McCumber, Ms. Myers, Mr. Farmer, Mr. Bean, and Mr. Coleman. Mr. Meyer and Mr. Abolt were not in the room when the vote was taken.

E. Approval of Committee Appointments

Chairman Lufburrow asked that Susan Myers be added to the By-Law Committee. There were no other changes to the Committee appointments.

Ms. Myers **moved** to approve the Committee Appointments with the new addition of Commissioner Susan Myers added to the By- Law Committee. Mr. Ray seconded the motion.

MPC ACTION: The motion to accept the approval of the Committee Appointments subject to the addition of Commissioner Susan Myer to the By-Law Committee carried with none opposed. Voting were Mr. Lufburrow, Mr. Todd, Mr. Ray, Mr. Brown, Mr. Abolt, Mr. Mackey, Mr. Manigault, Mr. McCumber, Ms. Myers, Mr. Farmer, Mr. Bean, and Mr. Coleman. Mr. Meyer and Mr. Abolt were not in the room when the vote was taken.

F. Approval of the March 14, 2006 Planning Session Agenda

Mr. Todd **moved** to accept the March 14, 2006 Planning Session Agenda as submitted. Mr. Ray seconded the motion.

MPC ACTION: The motion to approve the March 14, 2006 Planning Session Agenda carried with none opposed. Voting were Mr. Lufburrow, Mr. Todd, Mr. Ray, Mr. Brown, Mr. Abolt, Mr. Mackey, Mr. Manigault, Mr. McCumber, Ms. Myers, Mr. Farmer, Mr. Bean, and Mr. Coleman. Mr. Meyer and Mr. Abolt were not in the room when the vote was taken.

IV. OLD BUSINESS

A. Specific Development Plan

Petition of Integral Properties, LLC, Petitioner
Marsha Verdree, Agent
MPC File No. Z-051219-52118-2
(MPC File Link No. Z-040402-55623-2)

Issue: Amending an approved General Development Plan (General Plan) that was approved in conjunction with rezoning of the subject property to an RIP-B (Medium Density Residential) classification per section 8-3030(D)(1)(a) of the Zoning Ordinance. A variance is requested to allow a portion of three residential units to encroach 10 feet into a minimum 15 foot rear yard setback, which was established at the time of rezoning

Policy Analysis: Allowing a 10 foot encroachment into a required 15 foot rear yard setback would be contrary the purpose of the Zoning Ordinance. An alternative is available that would not require any variances and not reduce the number of units to be provided.

Staff Recommendation: Denial of the variance to encroach 10 feet into a 15 foot rear yard setback.

Mr. Brown **moved** to accept staff recommendation for approval subject to the conditions that petitioner and staff work together to modify the porch designs and roof slopes. Mr. Mackey seconded the motion.

Speaking to the Petition: Marsha Verdree, Agent, stated petitioner has agreed to work with MPC to make modifications as specified but could not be made at this time. The petitioner would be able to make the demand of the gable roof on the porch design, however due to the results of previous soil testing the petitioner will not be able to make their previous deadline. The Housing Authority has hired its own environmentalist to retest the soil and is now waiting for the results of a second test. Due to this testing schedule the petitioner will be unable to make the closing deadline schedule for March 31, 2006.

MPC ACTION: The motion to approve staff recommendation subject to conditions carried with none opposed. The conditions were that the petitioner and staff work together to modify the porch designs and roof slopes. Voting were Mr. Lufburrow, Mr. Todd, Mr. Ray, Mr. Brown, Mr. Abolt, Mr. Mackey, Mr. Manigault, Mr. McCumber, Ms. Myers, Mr. Farmer, Mr. Bean, and Mr. Coleman. Mr. Meyer was not in the room when the vote was taken.

V. REGULAR BUSINESS

A. Amended General Development Plan

Hope VI, Phase IV
Various Blocks of Waters Avenue, Graydon Street, Bolton Street & Ash Street
RIP-B Zoning District (with General Development Plan as per Section 8-3031(D) (1)a)
Marsha Verdree (Integral Properties, LLC), Applicant and Agent
Charlotte Moore, MPC Project Planner
MPC File No. P-051130-35638-2 (MPC File Link: P-040714-49299-2)

Nature of Request: The petitioner is requesting approval of a variance.

Staff Recommendation: Denial of the petitioner’s request for a variance..

Speaking on the Petition: Marsha Verdree, Agent commented after meeting with the new owner and viewing the property it was bought to her attention that the windows on the south side were bedrooms and at this time she determined this was too close. At this point she stated she was willing to go with the alternative and do the right thing which would be to move the building away as far as possible.

Mr. Brown **moved** to accept staff recommendation of denial of the petitioner’s request for a variance. Mr. Todd seconded the motion.

MPC ACTION: The motion to accept staff recommendation for denial of the petitioners request carried with none opposed. Voting were Mr. Lufburrow, Mr. Todd, Mr. Ray, Mr. Brown, Mr. Abolt, Mr. Mackey, Mr. Manigault, Mr. McCumber, Ms. Myers, Mr. Farmer, Mr. Bean, and Mr. Coleman. Mr. Meyer was not in the room when the vote was taken.

B. Zoning Petition – Map Amendment

408 and 412 Edgewater Road
Amy Brannen, Owner
Randall Davis, Agent
Debbie Burke, MPC Project Planner
MPC File No. Z-060215-86812-2

Issue: Rezoning of 4.64 acres from an R-6 (One-Family Residential) zoning classification to an R-6-B (One-Family Semi attached Residential) zoning classification.

Policy Analysis: The proposed rezoning is inconsistent with the Future Land Use Plan as well as the existing development patterns in the area.

Staff Recommendation: Denial of the request to rezone the subject property from the R-6 classification to an R-6-B classification

Speaking on the Petition:

Mr. Harold Yellin, Agent stated the petitioner and residents of the neighborhood have met with a positive outcome. There were only two concerns from the residents; to be allowed to tie into the utilities and erecting a fence. The petitioner has agreed to both issues. The petitioner prefers duplex versus single family in order to provide more affordable housing and is not in agreement with staff recommendation for denial. The petitioner is requesting approval of the petition.

Mr. Robert Love, Property owner, voiced concerns regarding continued accessibility to his land in the event he decides to develop the property and access to the sewer easement. He also listed among his request a driveway curb on Edgewater Court, permission to cut the fence and notice written in the deeds of the property owners that may not be in agreement with the through traffic onto their property and he stated he would like a government official to ensure it in writing. He concluded he is in favor of the development but does not want to be land locked.

Mr. Al Cooper, Representative for Mr. Davis, informed the Board the subject property (L-Shaped Road) belongs to parcel numbers five, six, two and three. The four parcels include the unnamed road. This road belongs to the property owners. It is not a City road.

Mr. Wendell Hill, Land owner, stated he is in opposition of the petition. As a fireman, he stated it has become more difficult to enter onto the property because of the increase in parking on both sides of the road.

Mr. Mackey **moved** to continue the petition until April 4, 2006. Mr. Brown seconded the motion.

MPC ACTION: The motion to continue the petition to the April 4, 2006 Regular MPC Meeting in order to allow dialogue between the staff, the petitioner and the land owners concerning the issues on density, parking and emergency vehicle access carried with none opposed. Voting were Mr. Lufburrow, Mr. Mr. Todd, Mr. Ray, Mr. Brown, Mr. Abolt, Mr. Mackey, Mr. Manigault, Mr. McCumber, Ms. Myers, Mr. Farmer, Mr. Bean, and Mr. Coleman. Mr. Meyer was not in the room when the vote was taken.

C. Amended Specific Development Plan

Hollow Oak Borrow Pit (Time Extension)
2841 Fort Argyle Road
PD-R-SM Zoning District
James Wrenn, Owner
Debbie Burke, MPC Project Planner
MPC File No. P-060201-59855-1

Nature of Request: The petitioner is requesting approval of an Amended Specific Development Plan in order to continue utilizing the property as a borrow pit / inert landfill within a P-D-R (Planned Development-Reclamation) zoning district.

Staff Recommendation: **Approval** of the Amended Specific Development Plan with the following conditions: 1) the revised Amended Specific Development Plan shall be recorded in accordance with the requirements of the P-D-R requirements. 2) Relevant conditions of the MPC Decisions of December 6, 1988 (1, 3, 4, 5, and 10) and December 18, 1990 (1 and 2) shall continue to be enforced (See Attached). 3) add note to the Amended Specific Development Plan to state that, "Upon cessation of fill operations, such acreage shall be graded to blend into the surrounding topography and planted with a suitable vegetative cover and left in a mowable condition 4) revise note regarding hours of operation to state that, "Time of Operation: Activities shall be conducted only during daylight hours between 7:00 A.M. and 7:00 P.M. Monday through Saturday. 5) the land fill operations shall be completed and the landfill area closed out with all necessary state and local approvals by April 2008, 6) the applicant shall be responsible for maintaining Fort Argyle Road for a quarter of a mile in each direction of the driveway to the site in regards to any impacts associated with the borrow pit or landfill activities. The applicant shall document the existing condition of the road and shall be responsible for keeping the road clean and in good or comparable to the existing condition. 7) the applicant shall disclose the fact that the subject property was utilized as a landfill on any recorded subdivision plat or deed associated with the property or part thereof and 8) the approval is subject to approval by the County Engineer.

Ms. Burke stated for the record that changes had been made to item number six during the pre-meeting to include: the applicant shall be responsible for maintaining Fort Argyle Road for a quarter of a mile in each direction of the driveway to the site in regards to any impacts associated with the borrow pit or landfill activities. The applicant shall document the existing condition of the road and shall be responsible for keeping the road clean and in good or comparable to the existing condition.

Speaking on the Petition:

James Wrenn, Owner, stated on the issue of coverage there is a 30 day dirt coverage not allowing any trash to be exposed that must be adhered to. He addressed the time issue and stated he would not be opened on Saturdays and Sundays. He would however open on Saturdays for special circumstances only. He also stated in response to item number six this would be imposing an additional burden on him but agreed to the conditions.

Mr. Bean **moved** to accept staff recommendation for approval with an adjustment to item number four. The adjustment would be the time of operation activities shall be conducted only during daylight hours between 7:00 A.M. and 7:00 P.M. Monday through Saturday.

MPC ACTION: The motion to approve staff recommendation subject to conditions carried with none opposed. The conditions were the amendments to item # 4) Hours of Operations from 7:00 A.M. to 7:00 P.M. Monday through Saturday and item # 6 the added addition that the applicant shall be responsible for maintaining Fort Argyle Road for a quarter mile in each direction of the driveway to the site in regards to any impacts associated with the borrow pit or landfill activities. The applicant shall document the existing conditions of the road and shall be responsible for keeping the road clean and in good or comparable to the existing condition. Voting were Mr. Lufburrow, Mr. Todd, Mr. Ray, Mr. Brown, Mr. Abolt, Mr. Mackey, Mr. Manigault, Mr. McCumber, Ms. Myers, Mr. Farmer, Mr. Bean, Mr. Coleman, and Mr. Meyer.

VII. OTHER BUSINESS

Chairman Lufburrow asked if there was any other business to come before the Commission.

Mr. Bean stated a stakeholder in a recent action by the Board felt they had not been given the opportunity to be a part of the process. Because of this error he asked that the board would rescind its vote.

Chairman Lufburrow stated the options available to the Board are: 1) rescind the vote on the entire Comprehensive Plan; 2) Place the item on a future agenda and give the opportunity for all stakeholders to be properly noticed and included in the process; and 3) take no action and leave the decision of the last meeting to stand. He then recommended that the Board leave the action as it was at the last meeting making no changes and that the vote stands that was made at the last meeting.

Mr. Bean stated in response that the issue is not the Board decision. The issue is the message the Board is sending. He stated he does not recommend that Board change its decision but he does recommend that the stakeholders be given the equal opportunity to be a part of the process. He then **moved** to have the Board rescind its vote made on February 21, 2006 on the Comprehensive Plan.

The motion to rescind the vote failed for lack of a second.

Mr. McCumber moved to recess to Executive Session to discuss a personnel matter. Mr. Ray seconded the motion. Voting were Mr. Lufburrow, Mr. Todd, Mr. Ray, Mr. Brown, Mr. Abolt, Mr. Mackey, Mr. Manigault, Mr. McCumber, Ms. Myers, Mr. Farmer, Mr. Bean, Mr. Coleman, and Mr. Meyer.

VIII. RECESS TO EXECUTIVE SESSION

The Commission reconvened from Executive Session.

Chairman Lufburrow stated that the Board's only discussion was that of personnel matters and an affidavit was signed accordingly.

IX. Adjournment

There being no further business to come before the Commission, the March 7, 2006, Regular MPC Meeting was adjourned.

Respectfully submitted,

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

Note: Minutes not official until signed