

# CHATHAM COUNTY-SAVANNAH METROPOLITAN PLANNING COMMISSION

## MPC MINUTES

ARTHUR A. MENDONSA HEARING ROOM  
110 EAST STATE STREET

May 2, 2006

1:30 PM

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

**Members Not Present:** Russ Abolt

**Staff Present:** Thomas L. Thomson, P. E., AICP, Executive Director  
Harmit Bedi, AICP, Deputy Executive Director  
James Hansen, AICP, Director, Development Services  
Gary Plumbley, Development Services Planner  
Amanda Bunce, AICP, Development Services Planner  
Marilyn Gignilliat, Executive Assistant  
Constance Morgan, Administrative Assistant

**Advisory Staff Present:** Robert Sebek, Chatham County Zoning Administrator

### I. CALL TO ORDER AND WELCOME

Chairman Lufburrow called the meeting to order and asked everyone to stand for the Pledge of Allegiance and a brief prayer. He explained the agenda for the benefit of those who were attending the meeting for the first time.

## II. NOTICES, PROCLAMATIONS AND ACKNOWLEDGMENTS

### A. Notice(s)

MPC Bylaws Committee will meet Tuesday, May 16, 2006, at 11:00 A.M. in the J.P. Jones Conference Room.

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

3 Columbus Drive  
James T. Grantham Sr., Owner  
Debbie Burke, MPC Project Planner  
MPC File No. Z-060410-53777-2

The petitioner is requesting rezoning of 3 Columbus Drive from R-6 (One-Family Residential) zoning classification to a P-RT (Planned Residential Transition) classification.

This item has been requested to be removed from the Final Agenda at the petitioner's request and reschedule for May 16, 2006 Regular Meeting.

Mr. Meyer **moved** to approve petitioner's request to remove this item from the Final Agenda and rescheduled to the May 16, 2006 Regular Meeting. Mr. Ray seconded the motion.

**MPC ACTION: The motion carried with none opposed. The motion was to approve the petitioner's request to remove MPC File No. Z-060410-53777-2 from the Final Agenda and reschedule it to the May 16, 2006 Regular Meeting.** Voting were Mr. Lufburrow, Mr. Meyer, Mr. McCumber, Mr. Manigault, Mr. Coleman, Mr. Farmer, Mr. Todd, Mr. Ray, Ms. Myers, Ms. Jest, Mr. Mackey, Mr. Brown, and Mr. Bean.

## III. CONSENT AGENDA

### A. Approval of the April 18, 2006 MPC Meeting Minutes and Briefing Minutes.

Mr. Todd **moved** to approve the April 18, 2006 MPC Meeting Minutes and Briefing Minutes. Mr. Ray seconded the motion.

**MPC ACTION: The motion to approve the April 18, 2006 MPC Meeting Minutes and Briefing Minutes carried with none opposed.** Voting were Mr. Lufburrow, Mr. Meyer, Mr. McCumber, Mr. Manigault, Mr. Coleman, Mr. Farmer, Mr. Todd, Mr. Ray, Ms. Myers, Ms. Jest, Mr. Mackey, Mr. Brown, and Mr. Bean.

**B. Zoning Petition – Map Amendment**

308 West Taylor Street  
Dominic Applegate, RYBA Enterprises, Owner  
Harold Yellin, Agent  
Jim Hansen, MPC Project Planner  
MPC File No. Z-060412-30861-2

**Issue:** The petitioner is seeking to rezone a 3,300 square foot parcel from a B-C (Community Business) classification to an R-I-P-A (Residential-Medium Density) classification.

**Policy Analysis:** The proposed rezoning is not consistent with the existing Future Land Use Plan. However, the proposal is consistent with the proposed update to the General Plan and is consistent with the MLK/Montgomery Street Corridor Plan. The proposed rezoning will establish a district that is more compatible for the surrounding neighborhood than the zoning that presently exists.

**Staff Recommendation:** **Approval** of the request to rezone the subject property from a B-C classification to an R-I-P-A classification.

Mr. Todd **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. Lufburrow, Mr. Meyer, Mr. McCumber, Mr. Manigault, Mr. Coleman, Mr. Farmer, Mr. Todd, Mr. Ray, Ms. Myers, Ms. Jest, Mr. Mackey, Mr. Brown, and Mr. Bean.

Mr. Todd **moved** to suspend the rules and place the items under Old Business at the end of the agenda. Mr. Farmer seconded the motion.

**MPC ACTION: The motion carried with none opposed. The motion was to suspend the rules and place the items under Old Business at the end of the agenda.** Voting were Mr. Lufburrow, Mr. Meyer, Mr. McCumber, Mr. Manigault, Mr. Coleman, Mr. Farmer, Mr. Todd, Mr. Ray, Ms. Myers, Ms. Jest, Mr. Mackey, Mr. Brown, and Mr. Bean

**IV. REGULAR BUSINESS****A. Zoning Petition – Map Amendment**

802 Fort Argyle Road-Belford PUD  
William Grainger, Owner  
Dana P. Hornkohl, P.E, Thomas & Hutton Engineering, Co, Agent  
Amanda Bunce, MPC Project Planner  
MPC File No. Z-060412-30205-2

**Issue:** The petitioner is requesting the rezoning of property at 802 Fort Argyle Road from a RA-CO (Residential Agriculture-County) classification to a PUD (Planned Unit Development) classification which includes a Master Plan.

**Policy Analysis:** Zoning to a PUD will allow the development of the property to be unified, coordinated and phased based on available facilities. A PUD classification will also encourage flexibility, diversity and integration of uses and development standards that would not otherwise be allowed by the Zoning Ordinance. The Master Plan will serve as the Future Land Use Map for this parcel.

**Recommendation:** **Approval** of the request to rezone the subject property from a RA-CO (Residential-Agriculture, Annexed) classification to a PUD (Planned Unit Development) classification.

**Speaking on the petition:** **Linda Barnes**, 548 Bush Road, stated her concerns about the impact this development would have on the Savannah Ogeechee Canal restoration. She raised questions on the annexation of the subject property and how it would be patrolled and or protected.

Mr. Meyer **moved** to approve the staff recommendation subject to the condition that proper amount of right-of-way is designated on the Fort Argyle Road or any other arterial corridors and any subdivision plans provide proper buffering of the single family units from the roadways. Mr. Mackey seconded the motion.

**MPC ACTION: The motion to accept staff recommendation for approval subject to conditions carried with none opposed.** The conditions were that proper amount of right of way is designated on the Fort Argyle Road or any other arterial corridors and any subdivision plans provide proper buffering of the single family units from the roadways. Voting were Mr. Lufburrow, Mr. Meyer, Mr. McCumber, Mr. Manigault, Mr. Coleman, Mr. Farmer, Mr. Todd, Mr. Ray, Ms. Myers, Ms. Jest, Mr. Mackey, Mr. Brown, and Mr. Bean

## **B. Major Subdivision/ Concept Plan**

Belford Subdivision- Parcel 1  
802 Fort Argyle Road  
PIN 1-1037 -01-008 (portion)  
298 Lots- 111.1 Acres  
R-A/CO Zoning District  
Thomas & Hutton Engineering, Co., Engineer  
Dana P. Hornkohl, P.E., Agent  
William Grainger, Owner/ Developer  
Gary Plumbley, MPC Project Planner  
MPC File No. S-060417-40151-2

**Nature of Request:** The petitioner is requesting approval of a Concept Plan for a proposed single family residential development located approximately 1,350 feet north of Fort Argyle Road and 1,850 feet west of Bush Road within an R-A/CO (Residential Agriculture-Annexed) zoning district. No variances are requested.

**Recommendation: Approval** of the proposed Concept Plan subject to the following conditions: 1) revise the Concept Plan to include the area of the northernmost detention pond within the limits of this development. In absence of this, identify the method by which the ownership and maintenance responsibility will be shared by the owners of detention pond; 2) identify all areas other than platted lots and road rights-of way as common area. In addition, provide a note that all common area will be owned and maintained by the Belford Tract 1 Homeowners Association (insert the actual name if different); 3) revise note 8 on the Concept plan to eliminate the reference to single family attached (townhome) products. There are no townhome lots proposed for this development. In addition, single family attached lots are not permitted in an R-A/CO zoning district; 4) the approval of this concept Plan does not approve or imply the approval of any variance from the required development standards. Also, the reference made in Note 5 of the Concept Plan regarding the adjustment of lot lines to accommodate a specific building product does not approve or imply approval of the creation of a substandard lot; 5) revise the Concept Plan to identify all buffers as vegetative buffers; and, 6) approval by the City review departments including approval of the submitted Traffic Study by the City Traffic Engineer.

**Speaking on the Petition:** Dana Hornkohl, agent agreed that prioritizing of the right-of-way should be based on the traffic study once the study is complete.

Mr. Mackey **moved** to accept staff recommendation with an amendment that the appropriate right-of-way width of the spine road be based in conjunction with the approval of the traffic study for this development . Mr. Manigault seconded the motion.

**MPC ACTION: The motion to accept staff recommendation for approval with an amendment carried with none opposed.** The amendment was the appropriate right-of-way width of the spine road based in conjunction with the approval of the traffic study for this development. Voting were Mr. Lufburrow, Mr. Meyer, Mr. McCumber, Mr. Manigault, Mr. Coleman, Mr. Farmer, Mr. Todd, Mr. Ray, Ms. Myers, Ms. Jest, Mr. Mackey, Mr. Brown, and Mr. Bean

### **C. Approval of the May 9, 2006 Comprehensive Planning Meeting Agenda.**

Mr. Todd **moved** to approve the May 9, 2006 Comprehensive Planning Meeting Agenda. Mr. Ray seconded the motion.

**MPC ACTION: The motion to approve the May 9, 2006 Comprehensive Planning Meeting Agenda carried with none opposed.** Voting were: Mr. Lufburrow, Mr. Meyer, Mr. McCumber, Mr. Manigault, Mr. Coleman, Mr. Farmer, Mr. Todd, Mr. Ray, Ms. Myers, Ms. Jest, Mr. Mackey, Mr. Brown, and Mr. Bean

**V. OLD BUSINESS****A. Master Plan**

The Village at Southbridge  
705 Berwick Boulevard  
PIN 1-1008 -02-047  
88.7 Upland Acres  
PUD-C Zoning District  
Terry R. Lee, Jr., Thomas & Hutton Engineering, Agent  
Sivica Communities, Inc., Owner  
Gary Plumbley, MPC Project Planner  
MPC File No. M-060302-47595-1

**Nature of Request:** The petitioner is requesting approval of a Master Plan for a proposed residential development to be located on the west side of Berwick Boulevard at its intersection with Woodland Creek Road approximately 735 feet north of Woodchuck Hill Road within a PUD-C (Planned Unit Development-Community) zoning district. The petitioner is also requesting approval of the following variances: 1) a 10 foot lot width variance from the required 60 feet for 72 conventional single family detached lots; 2) a 250 square foot lot area variance (from the required 6,000 square feet) for 72 conventional single family detached lots; 3) a five foot rear yard set back variance (from the required 25 feet) for all lots that do not abut a residential (398); 4) a five foot front yard setback variance (from the required 25 feet) for 60 of the 72 conventional single family detached lots and 127 of the 157 front loaded townhome lots; 5) a 10 foot front yard set back variance (from the required 25 feet) for 268 of the 274 rear loaded townhome lots; 6) a 10 foot right-of-way width variance (from the required 60 feet) for five proposed private roads; and 7) a four foot right-of-way width variance (from the required 60 feet) for one proposed private road.

**Staff Recommendation:** **Approval** of a 10 foot lot width variance (from the required 60 feet) for 72 conventional single family detached lots; a 250 square foot lot area variance (from the required 6,000 square feet) for 72 lots; a five rear yard setback variance (from the required 25 feet) for all lots; a five foot front yard setback variance (from the required 25 feet) for 173 lots; a 10 foot front yard set back variance (from the required 25 feet) for 224 lots; a 10 foot right-of-way width variance (from the required 60 feet) for five proposed private roads; and a four foot right-of-way width variance (from the required 60 feet) for one proposed private road based on the previously stated findings. Staff further recommends **approval** of the proposed Master Plan subject to the following conditions: the approval of the requested variances is conditioned upon the approval by the County Engineer of the construction drawings including the Grading and Drainage plan, the Paving Plan, and the location of all required utilities; 2) approval of the construction plans by the County Engineer

**Speaking on the Petition:**

**Philip McCorkle, Agent** explained the reasons for the petitioner's request for variances. He expressed the concerns on design standards, lot sizes, parking and the overall character of the neighborhood. In addition he noted concerns regarding the wetlands, recreational areas, and additional parking for visitors.

**Jeff Jepson**, Southbridge Development Inc, stated the plan has been modified to minimize garages and to give more architectural design to those that face the street. Additional amenities such as walking trails, playgrounds and half acre lakes have also been added. He explained that the variances that are requested are a tool to bridge the gap between current design standards and development standards and what is actually written in the ordinance. He stated the petitioner has met all the guidelines required and at this point he feels the plan has merits and would like a vote for approval of the variances requested.

**Dean Kicklighter**, Chatham County Commissioner 7th District, stated if a group comes before the Board with the request that meets all legal requirements of the current ordinances the Board is legally required to approve the request however; because the variances were requested it is the duty of the Board to look to protect all property rights. He concluded because the residents of Southbridge have invested so much into their property they expect a larger return in the future but this development will cause a decline in their property value. On behalf of the residents of Southbridge he asked that the petitioners request for a variance be denied.

**George Kleeman**, attorney, stated the proposed development will not be in keeping with the character of this neighborhood. He asked that the Commission decline the request for a variance.

**Don Watson**, Southbridge resident, stated he is in favor of the development. The developer has seemed to do everything to bring the property value up in Southbridge. He feels this is the best plan for this development and asked that the petition be approved.

**Laurie Bourne**, Southbridge resident stated the density and the safety is the issue and not the loveliness of the development. She hoped no other development will have to face this issue. If this had been a known quantity the residents would have not have made such a major investment in Southbridge.

**Lloyd Johnson**, Southbridge resident, stated the vast majority of Southbridge residents did not know of this development until two weeks ago, but within the past 48 hours over 400 petitions have been obtained in opposition of the new development. In summary he stated the proposal was flawed in its concept, design, and its implementation and should be rejected.

**Paul Byall**, Southbridge resident stated he could easily gain over 800 signatures if given the time.

**Clark Brockman**, Southbridge resident stated he was told when he purchased his property he would have privacy and no neighbors. He was opposed to variances for aesthetic purposes that do not meet the standards of the neighborhood and asked the petition be denied.

**Donald Gross**, Southbridge resident asked the zoning density for this particular tract land when it was annexed into Southbridge. He was told this property would look just like Southbridge and it does not conform to Southbridge Homeowners Association guidelines. He stated he felt as though he had been misled and urged the Commission to deny the petition.

**Jeff Jepson** Southbridge Developer Inc. stated in response to Mr. Gross, the overall density to Southbridge PUD was approved in 1987. This shift of density was removed and reduced from the Southbridge PUD and put onto Tract K. At no point in time has there ever been an increase in density requested by Southbridge or approved by the MPC Board. Southbridge density was reduced within that PUD having purchased an additional three acres and allocated that density to Tract K. This was done because there were 350-400 developable acres in Southbridge. It was agreed that it would be much better to develop Southbridge similar to what has been developed in the past and take the density that has been previously approved and shift that density over 2,000 ft away on Tract K. In summary there has never been an increase in density.

**Leah Gross**, Southbridge resident, stated residents are not against building on Tract K but would like the development to remain with the character of the neighborhood. She asked that the developers protect the homes of the existing residents. She concluded she would not want to sell her home but would if this type of development is allowed.



**Carole Hardy**, Southbridge resident, stated concerns regarding the density.

**Sandy Helmly**, Southbridge resident, appreciates the concerns for the trees but stated her concerns regarding the lack of front yard and/or backyard space for children to play. Without space in the yards the children will have to walk through the wetlands and high traffic areas of the neighborhood in order to access recreational areas.

**Resident did not identify himself**, but stated the residents of Southbridge have put the developer on notice. They will have to be more communicative with the residents in the future.

**Phillip McCorkle**, agent, stated that Sivica has presented a very good plan for this development which would be an asset to Southbridge and would like a vote. His client is not interested in a continuance.

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

**MPC ACTION: The motion to approve staff recommendation carried.** Voting in favor of the motion were Mr. Lufburrow, Mr. McCumber, Ms. Myers, Mr. Mackey, Mr. Brown Mr. Todd and Mr. Bean. Voting against the motion were Mr. Meyer, Mr. Ray, Mr. Farmer, Mr. Coleman, Ms. Jest and Mr. Manigault.

## **VI. OTHER BUSINESS**

None.

## **VII. ADJOURNMENT**

There being no further business to come before the Commission, the May 2, 2006 Regular Meeting was adjourned.

Respectfully submitted,

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

**Note: Minutes not official until signed**