

CHATHAM COUNTY-SAVANNAH METROPOLITAN PLANNING COMMISSION

MPC MINUTES

ARTHUR A. MENDONSA HEARING ROOM
110 EAST STATE STREET

May 16, 2006

1:30 PM

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

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, Development Services Planner
Deborah Rayman-Burke, AICP, Development Services Planner
Sarah Ward, City Preservation Specialist
Courtland Hyser, Land Use Planner
Marilyn Gignilliat, Executive Assistant
Lynn Manrique, 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 Invocation. 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)

Finance Committee will meet Tuesday, June 6, 2006, at 11:00 a.m. in the J. P. Jones Conference Room.

B. Items Requested to be Removed from the Final Agenda.

1. Telecommunications Facility

New Telecommunications Facility
0 Spring Hill Road
R-6 Zoning District
Hayden Horton (National Wireless Construction, LLC), Applicant
Jonathan Yates, Agent
Jim Hansen, MPC Project Planner
MPC File No. T-060320-57975-2

This item has been requested to be removed from the Final Agenda at the petitioner's request and rescheduled for the June 6, 2006, Regular Meeting.

Mr. Mackey **moved** to approve petitioner's request to remove this item from the Final Agenda and reschedule it for the June 6, 2006, Regular Meeting. Mr. Ray seconded the motion.

MPC Action: The motion carried with none opposed. Voting were Mr. Lufburrow, Mr. Meyer, Mr. Todd, Mr. Ray, Mr. Bean, Mr. Brown, Mr. Coleman, Mr. Farmer, Ms. Jest, Mr. McCumber, Mr. Mackey, Mr. Manigault and Ms. Myers.

2. Zoning Petition – Map Amendment

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

This item has been requested to be removed from the Final Agenda at the petitioner's request and rescheduled for the June 6, 2006, Regular Meeting.

Mr. Todd **moved** to approve petitioner's request to remove this item from the Final Agenda and reschedule it for the June 6, 2006, Regular Meeting. Mr. Ray seconded the motion.

MPC Action: The motion carried with none opposed. Voting were Mr. Lufburrow, Mr. Meyer, Mr. Todd, Mr. Ray, Mr. Bean, Mr. Brown, Mr. Coleman, Mr. Farmer, Ms. Jest, Mr. McCumber, Mr. Mackey, Mr. Manigault and Ms. Myers.

III. Special Motion

Mr. Farmer **moved** to suspend the rules and allot time under Other Business at the end of this Regular Meeting Final Agenda to allow additional discussion about the Village at Southbridge. Each side will have ten minutes to comment. Ms. Jest seconded the motion.

In response to questions as to whether this was a reconsideration or merely discussion, Chairman Lufburrow said that the County Attorney has ruled that the Planning Commission cannot reconsider the petition. This will be a discussion item only.

MPC Action: The motion carried with three opposed. Voting in favor: Mr. Lufburrow, Mr. Meyer, Mr. Todd, Mr. Ray, Mr. Bean, Mr. Coleman, Mr. Farmer, Ms. Jest, Mr. Manigault and Ms. Myers. Opposed: Mr. Brown, Mr. McCumber and Mr. Mackey.

IV. Consent Agenda

A. Approval of the May 2, 2006, MPC Meeting Minutes and Briefing Minutes.

Mr. Todd **moved** to approve the May 2, 2006, MPC Meeting Minutes and Briefing Minutes. Mr. Mackey seconded the motion.

MPC Action: The motion carried with none opposed. Voting were Mr. Lufburrow, Mr. Meyer, Mr. Todd, Mr. Ray, Mr. Bean, Mr. Brown, Mr. Coleman, Mr. Farmer, Ms. Jest, Mr. McCumber, Mr. Mackey, Mr. Manigault and Ms. Myers.

V. Additional Item Requested to be Removed from the Final Agenda. (This Item was not addressed with the other Items Requested to be Removed from the Final Agenda).

General Development Plan

St. Andrews School Unified Campus Plan
601 Penn Waller Road
PUD-IS/EO Zoning District
PIN: 1-0062-01-002
Hussey, Gay, Bell & DeYoung, Engineer
Steven C. Wohlfeil, PE, Agent
St. Andrews on the Marsh, Inc., Owner/Petitioner
Gary Plumbley, MPC Project Planner
MPC File No. P-060427-48535-1

This item has been requested to be removed from the Final Agenda at the petitioner's request and rescheduled for the June 6, 2006, Regular Meeting.

Mr. Mackey **moved** to approve petitioner's request to remove this item from the Final Agenda and reschedule it for the June 6, 2006, Regular Meeting. Mr. Todd seconded the motion.

MPC Action: The motion carried with none opposed. Voting were Mr. Lufburrow, Mr. Meyer, Mr. Todd, Mr. Ray, Mr. Bean, Mr. Brown, Mr. Coleman, Mr. Farmer, Ms. Jest, Mr. McCumber, Mr. Mackey, Mr. Manigault and Ms. Myers.

VI. Return to Consent Agenda

B. Amended Master Plan / General Development Plan

Gates of Garrard
5103 Garrard Avenue
P-R -3-6 Zoning District (Proposed)
PIN: 10789-01-007, 008, 020, 021
MPC File No. M-060410-60053-1 (in association with Z-060330-42309-1)
MPC Reference File No. M-050810-60140-1
Hussey, Gay, Bell & DeYoung, Engineer
Joel Martin, Agent
First Cousins Realty and Development, LLC, Owner/Petitioner
Gary Plumbley, MPC Project Planner

Nature of Request: The petitioner is requesting approval of an amended Master Plan/General Development Plan in association with a rezoning from R-1 (Single Family Residential – 5 units per net acre) zoning classification to a P-R-3-6 (Planned Residential Multi-Family Residential – 6 units per net acre) classification (see MPC file Z-060330-42309-1). No variances are requested.

Staff Recommendation: Approval of the amended Master Plan / General Development Plan subject to the following conditions: 1) revise the Master Plan/General Development Plan to extend the sidewalks to provide pedestrian access on both sides of all private drives; and 2) approval by the Chatham County Engineer. The following conditions must be addressed in conjunction with the Specific Development Plan: 1) Approval by the MPC staff of a Lighting Plan including a photometric plan. The Lighting Plan shall identify the location of all exterior light standards and fixtures. All exterior lights shall utilize fully shielded fixtures to minimize glare on surrounding uses and rights-of-way. "Fully shielded fixtures" shall mean fixtures that incorporate a structural shield to prevent light dispersion above the horizontal plane from the lowest light-emitting point of the fixture. 2) Review and approval by the County Arborist and the MPC of a detailed Landscape and Tree Plan, including the buffers adjacent to all property lines. The buffers shall be identified as enhanced vegetative buffers and when mature, shall be of sufficient density as determined by the County Arborist, to provide an adequate screen to the adjacent properties and road rights-of-way. The purpose of the visual buffer shall be to diffuse the view between adjoining properties and not to create a totally opaque visual screen. 3) Approval by the City water and sewer engineer of the extension of the water and sewer lines including all

applicable fees. 4) Approval by the County Engineer of the construction plans, including the Grading and Drainage.

Note: If the amended Master Plan/General Development Plan is approved by MPC, rezoning of the subject property to a P-R-3-6 classification must be approved by the County Commission, otherwise the amended Master Plan/General Development Plan is invalid.

and

Zoning Petition – Map Amendment

5103 Garrard Avenue
Joel Martin, First Cousins Realty and Development, LLC, Owner/Petitioner
Gary Plumbley, MPC Project Planner
MPC File No. Z-060330-42309-1

Issue: Rezoning of a 2.37-acre site from R-1 (Single-family Residential-Five Units per Net Acre) zoning classification to a P-R-3-6 (Planned Multi-family Residential-Six Units per Net Acre) classification.

Policy Analysis: The proposed P-R-3-6 classification is not consistent with the Chatham County Future Land Use Map, which calls for Single-family Residential. However, the proposed P-R-3-6 classification would rezone the site to a zoning district that permits single-family and multi-family residential uses at a density that is compatible with the general development pattern along Garrard Avenue and would provide alternate types of housing.

Staff Recommendation: **Approval** of the request to rezone the subject property from an R-1 (Single-family Residential-Five Units per Net Acre) classification to a P-R-3-6 (Planned Residential Multi-family Residential-Six Units per Net Acre) classification and an amendment to the Future Land Use Plan from “Residential Single-family” to “Residential Single-family Attached.”

Mr. Todd **moved** to accept the staff recommendation for approval of the Amended Master Plan/General Development Plan subject to the conditions set forth in the Staff Report and to accept the staff recommendation to approve the request to rezone the subject property from an R-1 (Single-family Residential-Five Units per Net Acre) classification to a P-R-3-6 (Planned Residential Multi-family Residential-Six Units per Net Acre) classification and amend the Future Land Use Plan from “Residential Single-family” to “Residential Single-family Attached.” Mr. Mackey seconded the motion.

MPC Action: **The motion to accept the staff recommendation for 1) Amended Master Plan/General Development Plan approval subject to conditions, 2) rezoning from an R-1 classification to a P-R-3-6 classification as requested by petitioner, and 3) amending the Future Land Use Plan to reflect the requested rezoning, carried with one opposed.** Voting in Favor: Mr. Lufburrow, Mr. Meyer, Mr. Todd, Mr. Ray, Mr. Bean,

Mr. Brown, Mr. Coleman, Mr. Farmer, Mr. McCumber, Mr. Mackey, Mr. Manigault and Ms. Myers. Opposed: Ms. Jest.

C. Zoning Petition – Map Amendment

462-470 Martin Luther King, Jr., Boulevard
Walter O. Evans, Petitioner
Courtland Hyser, MPC Project Planner
MPC File No. Z-060428-33946-2

Issue: The petitioner is requesting rezoning 462-470 Martin Luther King, Jr., Boulevard from a B-C (Community-Business) zoning classification to a B-C-1 (Central Business) classification.

Policy Analysis: The proposed rezoning would result in development that is consistent with established historic development patterns along Martin Luther King, Jr., Boulevard. The rezoning is also consistent with the land use policies set forth by two unadopted plans: the Tricentennial Plan and the MLK/Montgomery Corridor Plan. The enhanced mixed use development potential of the B-C-1 zoning district 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 B-C to B-C-1.

Mr. Mackey **moved** to accept the staff recommendation. Mr. McCumber seconded the motion.

MPC Action: **The motion carried with none opposed.** Voting were Mr. Lufburrow, Mr. Meyer, Mr. Todd, Mr. Ray, Mr. Bean, Mr. Brown, Mr. Coleman, Mr. Farmer, Ms. Jest, Mr. McCumber, Mr. Mackey, Mr. Manigault and Ms. Myers.

D. Victorian Planned Neighborhood Conservation District/Certificate of Compatibility for New Construction

Fabrizio Venetico, Petitioner
V & W Properties, LLC, Owner
321 East Waldburg Street
2-R Zoning District
PIN: 2-0044-28-001
Sarah P. Ward, MPC Project Planner
MPC File No. N-060501-53640-2

Nature of Request: The applicant is requesting approval for new construction of a row of four residential units on the property at 321 East Waldburg Street, on the southwest corner of Habersham and East Waldburg Streets. The multi-family development will contain four two-bedroom units with four off-street parking spaces on the lane. The lot will remain as a single lot and the building will be subdivided into a condominium regime. The following

variances are requested: 1) a 29-foot rear yard setback variance: and 2) a three-foot side yard setback variance is requested on the north.

Staff Recommendation: Approval subject to the following conditions: 1) a 29-foot rear yard setback variance, 2) a three-foot side yard setback variance on the north, 3) all window extrusions shall be covered with appropriate moldings and surrounds.; and 4) The parking spaces shall be shifted west as far as possible with screening on the east and plans shall be submitted to staff for approval.

Mr. Meyer **moved** to accept the staff recommendation subject to the conditions set forth in the recommendation. Mr. Bean seconded the motion.

MPC Action: The motion carried with none opposed. Voting were Mr. Lufburrow, Mr. Meyer, Mr. Todd, Mr. Ray, Mr. Bean, Mr. Brown, Mr. Farmer, Ms. Jest, Mr. McCumber, Mr. Mackey, Mr. Manigault and Ms. Myers. Mr. Coleman recused himself due to the involvement of his firm with this project.

E. General Development Plan/Group Development Plans

1. Springs at Chatham Parkway
1685 Chatham Parkway
PUD-M-18 Zoning District
PIN: 2-0835-01-004, 001B
EMC Engineering Services, Inc., Engineer
Mark Mobley & Tre Wilkins, Agents
Continental 195 Fund, LLC, Owner
Amanda Bunch, MPC Project Planner
MPC File No. P-060427-35351-2

Nature of Request: The petitioner is requesting approval of a General Development Plan/Group Development Plan in order to construct an apartment complex within a PUD-M-18 (Planned Unit Development-Multifamily, 18 units per net acre) zoning district. No variances are requested.

Staff Recommendation: Approval of the General Development Plan, Group Development Plan subject to the following conditions: 1) a tree island shall be provided in the row of parking in front of the clubhouse. 2) The dog park shall be ADA accessible.

The Specific Development Plan shall be in compliance with the approved General Development Plan and shall include the following: 1) A Landscape Plan, including a Tree Establishment and Tree Protection Plan. The City Arborist shall review the Landscape Plan. 2) A Water and Sewer Plan. The City Water and Sewer Engineer shall review the Water and Sewer Plan. 3) A Drainage Plan. The City Stormwater Engineer shall review the Drainage Plan. The detention pond must be sodded or hydro-seeded. 4) Building Exterior Elevations. New and refurbished buildings shall be compatible with adjacent or surrounding development in terms of building orientation, scale and exterior construction materials, including texture and color. 5) A Lighting Plan. MPC staff shall review the Lighting Plan. The Lighting Plan shall identify the location of all exterior light standards and

fixtures. All exterior lights shall utilize fully shielded fixtures to minimize glare on surrounding uses and rights-of-way. "Fully shielded fixtures" shall mean fixtures that incorporate a structural shield to prevent light dispersion above the horizontal plane from the lowest light-emitting point of the fixture. Exterior light posts higher than 15 feet must not be located on the same island as canopy trees. 6) A Signage Plan. MPC staff shall review the Signage Plan. The freestanding sign must be a monument style sign no more than eight feet in height with a maximum of 30 square feet of sign copy area. 7) A Dumpster Plan. The dumpster enclosure shall be of the same material as the primary building unless alternate materials are approved by the MPC or the MPC staff. Gates shall utilize heavy-duty steel posts and frames. A six-foot by twelve-foot concrete apron must be constructed in front of the dumpster pad in order to support the weight of the trucks. Metal bollards to protect the screening wall or fence of the dumpster must be provided.

Mr. Todd **moved** to accept the staff recommendation subject to the conditions set forth in the Staff Report. Mr. Coleman seconded the motion.

MPC Action: The motion carried with none opposed. Voting were Mr. Lufburrow, Mr. Meyer, Mr. Todd, Mr. Ray, Mr. Bean, Mr. Brown, Mr. Coleman, Mr. Farmer, Ms. Jest, Mr. McCumber, Mr. Mackey, Mr. Manigault and Ms. Myers.

2. Saseen Bonding Company Office Complex
1061 Carl Griffin Drive
PUD-B-R Zoning District
PIN: 2-0832-01-001
Joseph White (Carter & Sloope), Engineer/Agent
Saseen Management, Inc., Owner
Amanda Bunce, MPC Project Planner
MPC File No. P-060424-37433-2

Nature of Request: The petitioner is requesting approval of a General Development Plan/Group Development Plan in order to construct three office buildings within a PUD-BR (Planned Unit Development-Regional Business) zoning district. No variances are requested.

Staff Recommendation: Approval of the General Development Plan / Group Development Plan subject to the condition that the Specific Development Plan shall be in compliance with the approved General Development Plan and shall include the following: 1) A Landscape Plan, including a Tree Establishment and Tree Protection Plan. The City Arborist shall review the Landscape Plan. 2) A Water and Sewer Plan. The City Water and Sewer Engineer shall review the Water and Sewer Plan. 3) A Drainage Plan. The City Stormwater Engineer shall review the Drainage Plan. The detention pond must be sodded or hydro-seeded. 4) Building Exterior Elevations. New and refurbished buildings shall be compatible with adjacent or surrounding development in terms of building orientation, scale and exterior construction materials, including texture and color. 5) A Lighting Plan. MPC staff shall review the Lighting Plan. The Lighting Plan shall identify the location of all exterior light standards and fixtures. All exterior lights shall utilize fully shielded fixtures to minimize glare on surrounding uses and rights-of-way. "Fully shielded fixtures" shall mean fixtures that incorporate a structural shield to prevent light dispersion

above the horizontal plane from the lowest light-emitting point of the fixture. Exterior light posts higher than 15 feet must not be located on the same island as canopy trees. 6) A Signage Plan. MPC staff shall review the Signage Plan. 7) A Dumpster Plan. The dumpster enclosure shall be of the same material as the primary building unless alternate materials are approved by the MPC or the MPC staff. Gates shall utilize heavy-duty steel posts and frames. A six-foot by twelve-foot concrete apron must be constructed in front of the dumpster pad in order to support the weight of the trucks. Metal bollards to protect the screening wall or fence of the dumpster must be provided.

Mr. Todd **moved** to accept the staff recommendation for approval subject to the conditions set forth in the Staff Report. Mr. Meyer seconded the motion. Ms. Jest asked that the motion include the stipulation that staff discuss with petitioner about preserving the underbrush along the Carl Griffin Road frontage and that petitioner and staff explore how to improve pedestrian access into the development from the bus stop. Mr. Todd and Mr. Meyer agreed to make this part of the motion.

MPC Action: The motion carried with none opposed. Voting were Mr. Lufburrow, Mr. Meyer, Mr. Todd, Mr. Ray, Mr. Bean, Mr. Brown, Mr. Coleman, Mr. Farmer, Ms. Jest, Mr. McCumber, Mr. Mackey, Mr. Manigault and Ms. Myers.

F. Amended Master Plan

Constantine Tract Borrow Pit
4704 Ogeechee Road
P-D-R Zoning District
PIN: 2-0937-01-001
17-16 Developers, Inc., Owner
Phillip R. McCorkle, Agent
Gary Plumbley, MPC Project Planner
MPC File No. M-060504-41035-2

Nature of Request: The petitioner is requesting approval of an Amended Specific Development Plan in order to extend the expiration date for mining activities and to amend the future land use plan for the subject site located on the north side of Ogeechee Road approximately 675 feet east of Fall Avenue within a P-D-R (Planned Development-Reclamation) zoning district. The petitioner is also requesting a 50 to 75-foot variance from the required 75-foot-wide perimeter buffer adjacent to the area to be mined.

Staff Recommendation: Approval of a 50 to 75-foot variance from the required 75-foot-wide perimeter buffer adjacent to the area to be mined based on the findings set forth in the Staff Report and **approval** of an Amended Specific Development Plan subject to the following conditions: 1) Revise the Specific Development Plan to provide a maintenance area not less than 25 feet in width along the eastern property line adjacent to the future lake. 2) Provide the signature of the owner of the adjacent residential properties west of the site that will accept ownership and maintenance responsibility of the proposed lakes. 3) Provide the following note on the Amended Specific Development Plan: "As a condition of the final close-out of this mining operation, a minor recombination subdivision plat shall be submitted to and approved by the MPC staff, the Chatham County Engineer, and the

Chatham County Health Department. The minor subdivision plat shall include the lake(s), including a maintenance area not less than 25 feet in width, and the properties that will be associated with the ownership of the lake(s). The lake(s) and maintenance area shall be established as a common recreation area owned and maintained by the owners of the lots within the subdivision.” The easternmost adjoining property identified as now or formerly M.C. Anderson shall be included as part of the minor recombination plat if the petitioner obtains the legal use of the property for the purpose of maintaining the future recreational lake. 4) Because the future recreational lakes will be recombined with properties outside the limits of this site, the portion of the site adjacent to Ogeechee Road will not be allowed to be legally separated from the area to be mined until such time as the recreational lakes, maintenance areas (including the 200-foot buffer to be dedicated to the City of Savannah), delineated wetlands, and isolated uplands hammock adjacent to Interstate 16 are recombined with the previously identified properties. 5) The revised Amended Specific Development Plan shall be recorded in accordance with the requirements of the P-D-R requirements. 6) The landfill operations shall be completed and the landfill area closed out with all necessary state and local approvals by June 20, 2012. 7) The applicant shall be responsible for maintaining Ogeechee Road in regards to any impacts associated with the borrow pit or landfill activities. 8) Revise the Specific Development Plan to correct the delineated wetland acreage and the Tree Quality Point total. 9) The approval is subject to approval by the City of Savannah Review Departments including the City Engineer.

Mr. Todd **moved** to accept the staff recommendation for approval subject to the conditions set forth in the Staff Report. Mr. Meyer seconded the motion.

MPC Action: The motion carried with none opposed. Voting were Mr. Lufburrow, Mr. Meyer, Mr. Todd, Mr. Ray, Mr. Bean, Mr. Brown, Mr. Coleman, Mr. Farmer, Ms. Jest, Mr. McCumber, Mr. Mackey, Mr. Manigault and Ms. Myers.

G. Major Subdivision / Preliminary Plan

Richard Guerard Subdivision
1507 Quacco Road
PIN: 1-1025-04-002, 003, 004
13.91 acres – 44 Lots
R-A Zoning District
Boswell Design Services, Inc., Engineer
Mark Boswell, PE, Agent
Richard Guerard, Owner
Gary Plumbley, MPC Project Planner
MPC File No. S-060329-59997-1

Nature of Request: The petitioner is requesting approval of a Preliminary Plan for a proposed single-family residential development located on the west side of Quacco Road approximately 1,675 feet south of Canal Bank Road and 4,265 feet north of Interstate 95 within an R-A (Residential Agriculture) zoning district. No variances are requested.

Staff Recommendation: Approval of the proposed Preliminary Plan subject to approval

by the Chatham County Health Department and the County Engineer. The Chatham County Health Department recommends **approval** subject to the condition that all lots must be served by Consolidated Utilities water and sanitary sewer system.

The following comments shall be addressed in conjunction with the Final Plat: 1) Approval of the construction plans, including the grading and drainage plan, by the County Engineer. 2) Provide the following notes on the Final Plat: a) "All wetlands are under the jurisdiction of the Corps of Engineers and/or State of Georgia Department of Natural Resources. Lot owners and the developer are subject to penalty by law for disturbance to these protected areas without proper permit applications and approval." b) "The building permit applicant shall install a sidewalk along their prospective lot on Road A, Road B, Road C, and the south side of Quacco Point Road in accordance with the Chatham County Subdivision Regulations prior to the issuance of a Certificate of Occupancy Permit." The requirement to provide sidewalks on the south side of Quacco Road may be omitted upon a determination by the County Engineer that the right-of-way width of Quacco Road is not sufficient to provide sidewalks in such a manner as to provide adequate safety to pedestrian traffic. 3) Verification by the County Arborist of compliance with the Tree Quality Points (1,600 points per acre), including the required streetscape trees. 4) Submit an Environmental Site Assessment to the County Engineer for review and approval as a condition of Final Plat approval. 5) Approval of the extension of water and sanitary sewer lines by Consolidated Utilities, Inc. 6) Approval by the Chatham County Health Department, the County Engineer, and the Chatham County Board of Commissioners. 7) Show the name of all streets (as approved by the MPC staff) and the address of all lots on the Final Plat as follows:

Lot 1 – 2 Road B	Lot 16 – 1 Road C	Lot 31 – 121 Road A
Lot 2 – 4 Road B	Lot 17 – 3 Road C	Lot 32 – 123 Road A
Lot 3 – 3 Road B	Lot 18 – 5 Road C	Lot 33 – 125 Road A
Lot 4 – 2 Road B	Lot 19 – 4 Road C	Lot 34 – 127 Road A
Lot 5 – 136 Road A	Lot 20 – 2 Road C	Lot 35 – 129 Road A
Lot 6 – 134 Road A	Lot 21 – 101 Road A	Lot 36 – 131 Road A
Lot 7 – 132 Road A	Lot 22 – 103 Road A	Lot 37 – 133 Road A
Lot 8 – 130 Road A	Lot 23 – 105 Road A	Lot 38 – 135 Road A
Lot 9 – 122 Road A	Lot 24 – 107 Road A	Lot 39 – 137 Road A
Lot 10 – 120 Road A	Lot 25 – 109 Road A	Lot 40 – 139 Road A
Lot 11 – 118 Road A	Lot 26 – 111 Road A	Lot 41 – 141 Road A
Lot 12 – 116 Road A	Lot 27 – 113 Road A	Lot 42 – 143 Road A
Lot 13 – 114 Road A	Lot 28 – 115 Road A	Lot 43 – 145 Road A
Lot 14 – 112 Road A	Lot 29 – 117 Road A	Lot 44 – 147 Road A
Lot 15 – 110 Road A	Lot 30 – 119 Road A	Pump Station – 124 Road A

Mr. Coleman **moved** to accept staff recommendation for **approval** subject to the conditions set forth in the Staff Report. Mr. Meyer seconded the motion.

MPC Action: The motion carried with none opposed. Voting were Mr. Lufburrow, Mr. Meyer, Mr. Todd, Mr. Ray, Mr. Bean, Mr. Brown, Mr. Coleman, Mr. Farmer, Ms. Jest, Mr. McCumber, Mr. Mackey, Mr. Manigault and Ms. Myers.

VII. OLD BUSINESS

None.

VIII. REGULAR BUSINESS**A. Amended Master Plan / General Development Plan**

Victory Square Shopping Center
1915 East Victory Drive
B-C Zoning District
PIN: 2-0083-03-004
Ronald Bryson (New Plan Excel Realty Trust), Agent
Robert McCann (Haines, Gipson & Associates), Engineer
Amanda Bunce, MPC Project Planner
MPC File No. M-060501-50982-2

Nature of Request: The petitioner is requesting approval of an Amended Master Plan / General Development Plan / Group Development Plan in order to construct a retail use and associated improvements within a B-C (Community Business) zoning district. A variance of the maximum height for freestanding signage is being requested for one sign.

Staff Recommendation: **Approval** of a variance to allow Sign A to exceed the maximum height limit by 10 feet and **approval** of the Amended Master Plan / General Development Plan / Group Development Plan subject to the following conditions: 1) Update the site data calculations shown on the landscape plan to be consistent with those on the site plan. 2) The Sign Plan shall be amended to lower the height of Sign C to 33.5 feet.

The Specific Development Plan shall be in compliance with the approved General Development Plan and shall include the following: 1) A Landscape Plan, including a Tree Establishment and Tree Protection Plan. The City Landscape Architect shall review the Landscape Plan. 2) A Water and Sewer Plan. The City Water and Sewer Engineer shall review the Water and Sewer Plan. 3) A Drainage Plan. The City Stormwater Engineer shall review the Drainage Plan. 4) Building Exterior Elevations. New and refurbished buildings shall be compatible with adjacent or surrounding development in terms of building orientation, scale and exterior construction materials, including texture and color. 5) A Lighting Plan. MPC staff shall review the Lighting Plan. The Lighting Plan shall identify the location of all exterior light standards and fixtures. All exterior lights shall utilize fully shielded fixtures to minimize glare on surrounding uses and rights-of-way. "Fully shielded fixtures" shall mean fixtures that incorporate a structural shield to prevent light dispersion above the horizontal plane from the lowest light-emitting point of the fixture. 6) A Dumpster Plan. The dumpster enclosure shall be of the same material as the primary building unless alternate materials are approved by the MPC or the MPC staff. Gates shall utilize heavy-duty steel posts and frames. A six-foot by twelve-foot concrete apron must be constructed in front of the dumpster pad in order to support the weight of the trucks. Metal bollards to protect the screening wall or fence of the dumpster must be provided.

Mr. Brown **moved** to accept the staff recommendation for approval subject to the conditions set forth in the Staff Report, with the understanding that the sign height variance is being granted so that the sign can be visible above the trees behind the building, thereby allowing the tree cover behind the building to be maintained and kept in place to provide a perpetual visual buffer between the rear of the building and Truman Parkway. This tree cover will be designated on the site plan as a preserved area. Mr. Ray seconded the motion.

MPC Action: The motion carried with two opposed. Voting in favor: Mr. Lufburrow, Mr. Meyer, Mr. Todd, Mr. Ray, Mr. Bean, Mr. Brown, Mr. Coleman, Mr. Farmer, Ms. Jest, Mr. McCumber, Mr. Mackey. Opposed: Ms. Myer, Mr. Manigault.

B. Zoning Petition – Map Amendment

533 E. 38th Street, East 39th Street, and East Broad Street
Bob Isaacson (Herschel LLC), Owner/Petitioner
Debbie Burker, MPC Project Planner
MPC File No. Z-060427-33362-2

Issue: The petitioner is seeking to rezone five parcels totaling .57 acres from B-N (Neighborhood-Business) and R-4 (Four-family Residential) classifications to an R-B-1 (Residential-Business) classification.

Policy Analysis: The proposed rezoning with the associated General Development Plan would allow for the subject properties to be developed in a manner that is more appropriate for the area than what is permissible in the current zoning classification of the majority of the parcels.

Staff Recommendation: Approval of the request to rezone the subject properties from B-N and R-4 classifications to an R-B-1 classification in conjunction with the associated General Development Plan (MPC File No. P-060427-50654-2).

and

General Development Plan

Family Dollar Store
East Broad Street between East 38th Street and East 39th Street
Theresa Wexel (Clemmons Engineering), Engineer
Bob Isaacson (Herschel, LLC), Owner/Petitioner
R-B-1 Proposed Zoning District
PIN: 2-0064-43-011, 014, 015, 016, 017
Debbie Burke, MPC Project Planner
MPC File No. P-060427-50654-2

Nature of Request: The petitioner is requesting approval of a General Development Plan in order to construct a Family Dollar Store within an R-B-1 (Residential-Business) zoning district. The petitioner is requesting a buffer variance (varying between four and 17 feet)

for the portions required along the western property lines abutting residential properties, a parking variance of 18 spaces, a 43-foot front yard setback variance, and a side yard setback variance (varying between 12 and 15 feet). The petitioner is seeking rezoning of .58 acres from B-N (Neighborhood-Business) and R-4 (Four-family Residential) zoning classifications to an R-B-1 (Residential-Business) zoning classification concurrently (MPC File No. Z-060427-33362-2).

Staff Recommendation: **Approval** of the General Development Plan and **approval** of the buffer variance (varying between four and 17 feet) for the portions required along the western property lines abutting residential properties, a parking variance of 18 spaces, a 43-foot front yard setback variance, and a side yard setback variance (varying between 12 and 15 feet) with the following conditions: 1) The lots must be combined into one parcel. 2) A bike rack location shall be shown on the Specific Development Plan.

Speaking on the Petition:

Bob Isaacson, petitioner and owner of the property, said that the plan presented today is designed to keep trucks off 38th and 39th Street by providing truck ingress/egress on East Broad. He has invested heavily in this area over the years with an eye toward bettering the neighborhood but has not previously been involved in a development this large. He purchased the In Vogue lounge property and for a while the Bread and Butter Café was housed in that location, followed by a daycare center. The area continues to improve and Mr. Isaacson was looking for a use that would be good for the whole neighborhood—Midtown, Baldwin Park and Thomas Square. There seemed to be a dearth of retail uses needed by the people in the area. He was looking for someone with a wide scope of good products at reasonable prices who was a clean, reputable operator. He wanted something like a general store. Many in the neighborhood have limited mobility so that such a store nearby would be a great convenience for them. Family Dollar seemed like a good fit. It is hoped that if Family Dollar comes into this area, it will spur other development in the area. This is just a block or block and a half from the Mid-City neighborhood and the site was designed to be pedestrian friendly to integrate with the neighborhood. Early into the process, he contacted the neighborhood associations and has worked closely with the Mid-City Neighborhood Association for many years. VerLynda Slaughter and Naomi Brown have been very active and supportive. East Broad is a one-way street and Family Dollar did not want to locate on a one-way street, however, after abandoning plans to locate here, Family Dollar later returned to negotiations. Family Dollar is a strong national tenant whose lease enabled Mr. Isaacson to get the financing necessary to build the store. He wanted a

store that is attractive; Family Dollar has stores that are attractive and some that are not. He did not want a metal building and turned to the Thomas Square and Mid-City ordinances for guidance in design standards. The exterior materials and design are intended to be compatible with the surrounding neighborhood. Size has been an issue. Family Dollar wanted a store large enough to be economically viable and this is the minimum size to house sufficient product and allow for wide aisles. Family Dollar does not sell alcohol, cigarettes, lottery tickets or magazines and does not have arcades. They are just a good general store with brand names at good prices. The design reflects lots of greenspace and buffer and the dumpster is hidden. There is more buffer than required by the Thomas Square plan and they are asking for buffering appropriate for the R-B-1. Mr. Isaacson is in this area for the long term, owning other commercial structures nearby. He envisions an area similar to Virginia Highlands in Atlanta. He wants a clean, well maintained business without loitering or litter. Family Dollar has 6,000 or 7,000 stores with a closure rate of 20 or 30 a year. They will have a ten-year lease on this site and intend to be there long term. In the event Family Dollar should close, this building is designed to be very adaptive for other uses.

Chris Todd, Regional Real Estate Manager, Family Dollar, responding to concerns about litter, upkeep and buggies leaving the property, said that this development is different from a strip mall in that strip mall retailers are generally at the mercy of the property owner, who is often an absentee owner. In Family Dollar's case, litter produced by the store is minimal. There is some self-serve ice cream and candy where someone can purchase a bar and not properly dispose of the stick or wrapper, but everything else will be containers and boxes that will be broken down and put into dumpsters serviced by the local waste management company. Managers and Assistant Managers are also supposed to police the property when they open and close the store. Grass cutting and hedge clipping will be performed on a regular basis by someone contracted to maintain the landscaping. The lighting plan will use lighting that is attractive and directed into the site and provides security during business hours. Signs will be externally lighted. The maintenance of the building itself will be the responsibility of Mr. Isaacson. The managers will do what they can to recover buggies removed from the site.

Each lost buggy must be replaced. As a general rule, tractor trailer trucks make deliveries only once a week. Family Dollar will not locate on a site that cannot accommodate full-size truck access without backing down a main thoroughfare. Cokes, bread, dairy and other similar van-size trucks may deliver twice a week, if sales volume requires it. ADA requires five-foot-wide aisles that are wheel-chair accessible at all times. Family Dollar is responsible for maintenance of floors, interior light fixtures and ceiling tiles. The landlord is responsible for maintaining the roof and the structure. Family Dollar is a self-service operation and it is imperative that customers be able to get in, find their product, pay and leave in an expeditious manner. If aisles are cluttered or carts are not available, sales will be adversely affected, and the company will find a new district or local manager to operate that store.

Christina Scharf, long-time 38th Street resident, agrees there is a great need for development on this site but disagrees that Family Dollar is a general store in architecture and typical sales. The goal should be to preserve the existing urban context with commercial buildings that are compatible in scale and character. The new building should respect the existing setbacks and architectural hierarchy which is represented by the commercial corners in this area. We need to resist big box infill. Done right, this could be the catalyst for the neighborhood. Done wrong it could prevent the rebirth of this area. This neighborhood is not conducive for tractor trailer traffic and she has serious concerns about traffic on 38th Street. Carts will also be an issue as there are Kroger carts scattered everywhere downtown. However, in response to Mr. Manigault, Ms. Scharf said that the cart issue was not discussed when community representatives met with the developer.

William Naylor, resident of 38th Street for approximately seven years, has several issues with this development. Habersham and Abercorn are less than two blocks away and are appropriate corridors for businesses such as this which do not fit into a neighborhood setting. There is also a safety issue with neighborhood children who play in the streets and children in the daycare center across the street. He is concerned about the foot traffic that will be generated up and down neighborhood streets and the 18-wheelers making deliveries. The building is also proposed to be built too close to adjacent residential

uses. Deliveries early in the morning and late at night would disturb the peace of the neighborhood. The size of the building is too big for this neighborhood. It will occupy the equivalent of four plots of land. He feels that 16 parking spaces will not be sufficient and will result in spill-over parking on neighborhood streets. Most of the products they sell are Chinese imports and have little or no legacy value. He believes the zoning should remain as it is.

Virginia Mobley lives on the corner of 38th and Abercorn Street. The residents of her block met with the developer, Mr. Isaacson, who could not answer pertinent questions concerning property maintenance or operation and maintenance of the store. Residents have not had an opportunity to discuss these issues directly with Family Dollar. When she talked with Christ Todd earlier, he told her their target market was within one mile of this site and their projected gross income was \$1,000,000. To produce that kind of income in an inner-city neighborhood, you cannot rely on the income of the surrounding residents; you would have to reach to the extension of that mile radius, which would be Bee Road to the east, Florance Street to the west, Gwinnett Street to the north and Columbus Avenue to the south. People from that far away will be driving into the neighborhood and residents in her own block, when polled, said they would drive to Family Dollar rather than walk. This will bring additional traffic to 38th, 39th and 40th Streets which are all narrow streets with on-street parking on both sides. She has four dumpsters within one to three blocks of her house that are emptied at 4:00 a.m. The truck servicing Family Dollar will be doing 40 miles an hour down 38th Street, stop at the store, then continue down 38th to East Broad. Then, since there's no traffic on East Broad at that hour, he will turn the wrong way, go around the store and plop the dumpster, which will shake houses all the way to Price Street. The dumpster at Elizabeth's, which is two blocks from Ms. Mobley, shakes the pictures on her bedroom wall. She has never seen vans delivering ice cream, coca-cola or bread to Red & White or to the local convenience store. They come in full-size vehicles at 5:00 in the morning and line up on the residential streets waiting until 7:00 a.m. to offload. They have used only bits and pieces of the Mid-city Plan in planning this development. That plan defines neighborhood retail as 5,000 square feet. Family Dollar is a regional store—not a neighborhood store. Both T-C-

1 and T-C-2 commercial districts are clustered and border on two-way streets that are major arterial streets unlike this development which is completely surrounded by residential structures. The Plan requires that phased development be considered in its totality. Mr. Isaacson owns property from the north side of 38th Street to the south side of 39th Street and has said he intends to buy additional property adjacent to this site. If that is the case, the whole development should be configured with guidelines for how things are to be addressed. If a year from now expansion and additional parking is required, there is nothing to stop Mr. Isaacson from reaching across the street and tearing down residential property to meet his needs. Should this business fail, there is nothing to prevent a homeless facility or a rooming house going on this site as both are allowed without restriction or guidelines in the R-B-1 district.

Naomi Brown, a resident of 38th street for almost 40 years, and street captain for Price Street to Waters Avenue, said this neighborhood has been plagued by shootings, drugs, prostitution and killings on the corner in question. Family Dollar could be a positive step that will provide impetus for other businesses to locate here, survive and bring the neighborhood back to where it needs to be. Not everyone living in the area has been there as long as Ms. Brown and other long-time residents. She has walked these streets at all hours of the day and night to assist people who have issues but are afraid to contact the police. She presented a petition containing signatures of approximately 74 residents who support Family Dollar locating on this site. As for concerns about traffic and trucks, Victory Drive coming to East Broad is one-way; Anderson Street and Price Street are also one-way. These streets could be utilized to keep trucks off neighborhood streets. Trains come through the City when they get ready with their accompanying noise. Planes come in to land over residential areas, bringing noise. People get accustomed to it and life goes on. There is no place in the world that is traffic or noise free. In the past each household had one car; now one household may have as many as six or seven cars. Traffic is part of modernization. There are many seniors in this neighborhood who have either no transportation or no desire to shop at the crowded malls. Ms. Brown shops at Family Dollar and finds that their products are the same items sold by J. C. Penny or

Sears for more. She shops at Family Dollar because she can find quality products reasonably priced.

Sigmund Hudson, 41st Street resident in Baldwin Park, said Baldwin Park is closer to the site than the Mid-town residents. Until recently, the developer has had no communications with Baldwin Park residents. At a meeting Mr. Hudson attended, no one present approved of the size and scope of this development. There's nothing comparable along East Broad from Victory Drive to Anderson Street. A neighbor visited two Family Dollar stores—one on Victory and one in Pooler—and found the aisles cluttered with boxes and trash. A Family Dollar at Bee Road and Anderson Street closed in 2002. An increase in traffic within the neighborhood is a serious concern.

Henry Moore, former Assistant City Manager, said he welcomes new development in this area but he is concerned about the quality of that development. Since leaving local government in 1998, he has traveled all over North America. He works in 35 to 40 cities each year, primarily in inner-city neighborhoods and his focus is on redeveloping neighborhoods. He has had the good fortune of working with Family Dollar in some of these neighborhoods. In about three cases there was a problem with trash and appearance. In one case they had to get the media involved to force the store to clean up. If you look at the site under consideration as it is today and compare it to a Family Dollar tomorrow, there is no doubt Family Dollar looks better. But if you think about five or ten years from now, you have to think about Family Dollar's reputation, which is not good. Employees sometimes decide not to invest in maintenance and repairs because the cost would negatively affect their bonuses, which are based on the profit of the individual store. He is opposed to this development, but if it happens anyway, maybe what we need is some kind of community partnership between Family Dollar and the neighborhood associations—not a partnership where they perform their development dance to locate there, but one that is ongoing after the deal is done. In this scenario, Family Dollar would be represented at the monthly meetings and there would be an ongoing dialogue. In response to questions from Ms. Jest, Mr. Moore said he had had no good experiences in this regard with Family Dollar.

VerLynda Slaughter, President, Midtown Neighborhood Association, has been to MPC many times opposing rezoning petitions that she felt would negatively impact her neighborhood. This proposed project is in the Midtown neighborhood and is the result of a long journey trying to improve that area. She does not want anyone to forget what it has taken to turn this neighborhood around and start it in the right direction. This is a good opportunity to bring a national chain into this area. No one is standing in line to come to the Midtown neighborhood. Likewise, no one is going to drive from Bee Road to East Broad just to shop at Family Dollar. Mr. Mackey is correct in saying that some of the Family Dollars in the Savannah area are in poor condition, but some of the responsibility for that has to lie with the community itself. This project will challenge residents to make sure that this site is not littered and is not an eyesore. There have been many changes in this neighborhood and she is happy to see so many people electing to move in here after some of the work has been done. Some of the issues brought forth by the opposition are not enough to convince Ms. Slaughter to stay home and forget about it. She can drive and shop someplace else if she wants to, but most people in her area are low income, many of them retirees who can no longer drive. They do not have the option of leaving the neighborhood to get the goods and services they need and yet they desire to be self-sufficient. Family Dollar can support them in this. The current City administration has an agenda that targets poverty. This area is low income to moderate income residents who were here in the beginning and who, hopefully, will be able to remain here and sustain themselves here. We cannot close our eyes to their needs and what can assist them to care for their families and property. The current zoning of B-N scares Ms. Slaughter in that it allows clubs and alcohol. R-B-1 is a better zoning for nearby residents. The position of the neighborhood is that they welcome Family Dollar and will support that business but will not tolerate low standards such as trash. They will take responsibility with their community to try to eliminate some of that abuse. It has been suggested by some that studios might be a better use in this location. A studio that serves wine and cheese may seem elegant but things are not always what they appear to be. She had an exhibit with a picture on it that she deemed unsuitable to show on camera and unsuitable to be seen by children that came from an existing studio and was found on the ground by

neighborhood children. She deemed it pornographic and said it is intolerable in this neighborhood. Family Dollar can be a catalyst for bringing in new businesses.

Ramsey Khalidi, who owns property at 35th Street and East Broad, welcomes this development. The Kroger located in the Victorian District is 40,000 square feet and even this is not considered to be a "big box" development. Mr. Khalidi has a 32,000-square-foot facility at 35th Street and East Broad and is currently involved in clearing out one of his buildings to create a mid-town architectural antique market--workshops where you can get windows and doors for redevelopment projects. As for complaints about Family Dollar building too close to the lot line, the Tricentennial Plan allows for zero lot lines for an urban store. There are convenience stores in the area selling crackers that should be priced at \$.79 for \$3.95. Last summer when Mr. Khalidi hired some youngsters to mow grass he discovered there was a gas station in the area selling cigarettes to 12 year olds. His 14-year-old nephew was approached on Victory Drive by teenagers trying to sell him drugs. As Ms. Slaughter said, improving this neighborhood has been a hard fought battle. Whether it's skateboarders, bicyclists, walkers, elderly people, or young couples just starting out with no vehicle, this neighborhood needs services and affordable goods. Residents need a vibrant, mixed-use neighborhood. A 9,000-square-foot building is compatible with the building facing it across the street. Mr. Isaacson has worked on this for a long time and has done the right thing. Mr. Khalidi would like to see Price Street and East Broad Street turned into two-way streets and knows that the City Manager has been working on this. If we want to have green, sustainable neighborhoods and reduce depletion of fossil fuels, this is the way to go. On Broughton Street and in cities all over the world, residences are being built over businesses. The trend is to be able to get what you need in your own neighborhood.

Mr. Brown **moved** to accept the staff recommendation for approval of the request to rezone the subject property from B-N and R-4 classifications to an R-B-1 classification and approval of the General Development Plan for Family Dollar Store subject to the conditions set forth in the Staff Report and the following additional conditions: 1) There will be a six-foot privacy fence with shrubbery on the inside against all residential facings. 2) There will be a delivery plan developed in consultation with the City Engineer. 3) There will be no delivery trucks or commercial vehicles entering or exiting the establishment from or onto 38th or 39th Streets, except for trucks servicing the dumpster located in the employees'

parking lot. 4) Hours shall be limited to 7:00 a.m. to 9:00 p.m., 5) The site plan is a component of the zoning; retail sales is the only use allowed, 6) There shall be no outside storage on this site. Mr. Meyers seconded the motion.

MPC Action: The motion carried with three opposed. Voting in favor: Mr. Lufburrow, Mr. Meyer, Mr. Todd, Mr. Ray, Mr. Brown, Mr. Coleman, Mr. McCumber, Mr. Manigault. Opposed: Mr. Bean, Ms. Jest, Ms. Myers. Mr. Farmer and Mr. Mackey were not present when the vote was taken.

C. Emergency Access to Gated Communities

Mr. Farmer **moved** to direct staff to conduct further research and coordinate with the Police Department, Sheriff's Department, Fire Department and other emergency services to develop a unified common system to access gated communities and to report back to the Planning Commission in 60 days. Mr. Meyer seconded the motion.

Craig Landholt, Fire Marshal with the Savannah Fire Department, said they had conferred with the Radio Department of the City of Savannah. The "Click 2 Enter" system that MPC brought to their attention is compatible with the 800 megahertz system used by the Savannah Fire Department. It appears it would require no additional purchase of equipment. For the present, the department will continue using the Knox Entry System using an electric switch and would prefer that system to remain in place.

Mr. Lufburrow said his limited research had indicated that the "Click 2 Enter" system is the most widely used system and he understands it can be adapted to any equipment at any gated community.

Mr. Landholt said that Bob Davis with the Savannah Radio Department went on line and called the "Click 2 Enter" company in California and confirmed the compatibility aspect. There is a concern that anyone who has access to the 800 megahertz system and has a transmitter radio could potentially identify the frequency that police, fire and EMS use to open the gates and could duplicate that. Mr. Davis said that would be a ten-minute exercise for a ham radio operator or anyone with those skills.

MPC Action: The motion carried with none opposed. Voting were Mr. Lufburrow, Mr. Meyer, Mr. Todd, Mr. Ray, Mr. Bean, Mr. Brown, Mr. Coleman, Mr. Farmer, Ms. Jest, Mr. McCumber, Mr. Mackey, Mr. Manigault and Ms. Myers.

D. Multiple Points of Access to New Subdivisions//Subdivision Access Design

After a presentation by Tom Thomson and lengthy discussion by Planning Commission members, it became apparent that there was no consensus among the commissioners on this issue.

Mr. Farmer **moved** to continue this issue to the next Planning Session and invite the Homebuilders Association, the fire departments, police department, CEMA and other

interested parties to make presentations. After that, the issue will be placed on the next regular meeting agenda for a vote. Ms. Jest seconded the motion.

MPC Action: The motion carried with two opposed. Voting in favor: Mr. Lufburrow, Mr. Meyer, Mr. Ray, Mr. Brown, Mr. Coleman, Mr. Farmer, Ms. Jest, Mr. McCumber, Mr. Mackey, Mr. Manigault and Ms. Myers. Opposed: Mr. Todd and Mr. Bean.

At the suggestion of Mr. Coleman, Chairman Lufburrow instructed staff prior to the Planning Session at which this issue will be discussed, to do some research with other communities who have experienced disasters to see if the problem is at the subdivision level. Mr. Coleman believes the problem may be beyond the level of subdivision access. If data shows that the problem lies with access to subdivisions, then this Board is duty bound to act. If no such data exists from anywhere, there may be no need for the Board to do anything.

IX. Other Business

A. Discussion: Correspondence from Mr. Michael Brown regarding “Specific Planning Issues for the Comprehensive Plan”

Mr. Brown asked that this be placed on the next Planning Session agenda. Mr. Thomson will see that this is done.

B. Discussion: Village at Southbridge

Mr. Lufburrow asked Mr. Todd to be the timekeeper. He said that there has been a lot of misinformation about this issue. He wanted to set the record straight regarding a letter received from Chatham County Commissioner Dean Kicklighter stating that Mr. Kicklighter had been told that Mr. Lufburrow said in today’s pre-meeting that in order for this matter to be discussed at this regular MPC meeting a request to do so must come from a member of the Chatham County Commission. This is a misunderstanding of what Mr. Lufburrow said. Mr. Lufburrow said that this body cannot reconsider a vote taken at a prior meeting unless a motion to reconsider is made by a Planning Commissioner who voted on the prevailing side and such motion must be made in the course of that meeting. In order for discussion to be added to today’s agenda, it was necessary for an MPC Commission member to move that it be so added, that the motion must be seconded and voted upon and approved. That is what occurred earlier in today’s meeting.

The MPC By-laws and Policies and Procedures require the chairman to make an assessment of how many people want to speak about an issue and allocate time so that everyone can be heard. That was done at the last meeting. Two minutes were allowed each speaker and though that was not enforced, most speakers limited their remarks to that. If someone wants to represent a group, individuals may cede their time to that speaker. It is helpful if the Chair is advised when someone is speaking for others.

Mr. Lufburrow said he was unsure at the last meeting and is still unsure who Mr. George Kleeman represents. He recognized Mr. Kleeman and asked him to clarify who he represents.

Speaking: **Mr. George Kleeman** said that he represents the residents of Southbridge who could not be at today's meeting. He said he advised the person overseeing signing in at the last meeting that he was an attorney and was representing some of the residents. He said that he represents the residents who signed the petition. He said that some of the residents would like to speak first and allow him to speak last.

Mr. Clark Brockman said that he and others feel that everything was slipped under the table and that prior to the last meeting they only had three days to talk with staff and Commissioners. As far as Mr. Bean's vote is concerned, several homeowners were very agitated after the last meeting and went to put their houses on the market. The sales office told them that they needed to see Mr. Bean for signs. Mr. Bean's staff advised him that they do most of the signs for Southbridge. They checked and found that over 80 percent of the signs in the neighborhood were Mr. Bean's. When Mr. Bean says that he doesn't have a contract written or otherwise, Mr. Brockman tends to disagree. Mr. Bean has a monopoly on the signs, all Southbridge signs are done by him and all "for sale by owner" signs are instructed to go to him by Southbridge. The Sivica community will be sold primarily by Southbridge agents which will double another 50 percent of the signs that he already has. This does not include the signs that say "no parking," etc., that are also done by Mr. Bean. Knowing Jepson and those that he has dealt with, Mr. Brockman believes there is a very good chance that had Mr. Bean voted against them, he would no longer get that business. He does not believe this was intentional on Mr. Bean's part but that he is a "good guy" who made a bad decision. As to the confusion over who Mr. Kleeman represents, Mr. Brockman said that he identified Mr. Kleeman as the attorney for the residents at the last meeting. It is true that two minutes per person was allocated, but the attorney for the other side spoke for 45 minutes. Opponents were also restricted as to what comments they could make regarding the value of the homes, traffic, etc. At the same time, the opposing attorney's whole presentation was about the styles, the values and the traffic. Mr. Brockman said that if you present evidence against someone, he should have a right to defend against that evidence. When residents left here they felt like Olympic gymnasts—they did the perfect routine and then the bad scores came up. When they asked for a continuance, it was never voted on. In the last two weeks they have found many things that were inaccurate. The information the developer gave about green space and common areas was totally incorrect. Mr. Mackey gave some advice Mr. Brockman said he will never forget: "Never buy land adjacent to unoccupied land." He hopes in the future MPC will send a message to people like Sivica and Northpointe not to try to sneak things in and go underhanded. He said he and other residents never had any meetings with the developer and were not told what was happening. Every

media source is waiting to hear what happens here today. He would like to go back and say "We are doing the right thing." Otherwise he can go back and say that Mr. Brown thought ten minutes was a waste of time today. Mr. Brockman said this is his life and his house and he does not feel that ten minutes out of Mr. Brown's day is a waste of his time.

Lloyd Johnson said he is speaking not only as a resident of Southbridge, but as someone who has served for a number of years on ethics panels and he reminded the Board that they asked God in their opening prayer to help them decide matters impartially. Then he sees that our City Manager has walked out on us. What is the message in terms of how the Board is going to maintain the integrity of this process and compliance with not only the letter but the spirit of Georgia statute and maintain public confidence in its deliberations. Mr. Johnson said that he and his fellow speakers are the only ones today who have been lectured on what the parameters are. Residents are making an allegation that there has been an ethical violation on the Planning Commission that has tainted the Commission's work. Mr. Bean clearly has an ongoing relationship with Southbridge Development Corporation which, in turn, is the front for Sivica. He should have recused himself. The Commission and Chairman dropped the ball. Now there is nothing residents can do.

George Kleeman said that he did not wish to cast aspersions on the Commissioners or imply that anyone has done anything illegal or improper in these matters. However, it is important for the public's confidence in our government that any appearance of impropriety be avoided. In his experience he has seen how even the slightest bit of appearance of impropriety can cause people to lose faith in their government. He pointed out that the Georgia Supreme Court has ruled that a conflict of interest can exist in zoning cases when a commissioner supplies substantial materials or services to a developer and later votes to rezone property in favor of that developer. The Court has held that even if the conflicted member is present at the meeting and recuses himself from voting, the approval of such a plan can poison the well and entail the court's overturning the plan. His clients are gravely concerned about the plan approved for Village at Southbridge and about the procedures used by the Commission in approving the plan. This issue should also be important to the members of the Commission who are entrusted with public faith. Even though his clients have been told that another vote cannot be taken, they request that an independent examination be conducted into the circumstances surrounding the vote to ensure both the Commissioners and the public that MPC upholds the highest ethical standards and meets public expectations.

Mr. Lufburrow. In order to keep the facts straight, MPC did not vote on a rezoning petition at the last meeting. If so, it would have been in an advisory capacity as a recommending body. The vote taken was on a master plan. The County Attorney has rendered an opinion on the issue of whether or not there was a conflict of interest and has declared that he has no evidence to support that allegation. This Commission has worked very hard to gain public trust. As Chair, Mr. Lufburrow feels that he has been very patient and fair in giving the public ample opportunity to speak. In the meeting two weeks ago, an analysis of the time given to those wishing to speak shows those opposing the Sivica petition used 33.5 minutes and those in favor used 37 minutes. On numerous occasions Mr. Lufburrow asked if there was anyone else present who wished to speak before the vote was taken.

Mr. Farmer. Mr. Farmer voted against the Sivica petition but said that meeting was one of the most civil meetings during his tenure on the Commission. He said that there is not a fairer person on the planet than Mr. Lufburrow who goes out of his way to be fair, especially with members of the public. Mr. Kicklighter had 12 minutes to make his presentation and as a matter of protocol as an elected representative of the people would have been given all day had he needed it. Mr. Farmer was on the losing side but did not feel that he had been taken advantage of or that anyone was cheated. There was some confusion at the beginning of the discussions when Mr. Kleeman and another person arrived at the podium at the same time and Mr. Kleeman's role was unclear to the Commission. (Mr. Lufburrow interjected that the speaker card submitted by Mr. Kleeman indicated that he was a resident.) There was no intention to cut anyone off. Anyone who wanted to speak was given the opportunity to do so. As for the conflict of interest allegations, Mr. Farmer did not want to elaborate but said we had a legal opinion from the County Attorney on that. He believes all of the commissioners learned from the incident. A letter was received from the County Commission about this petition and a member of the County Commission appeared. The vote could have been seven to seven or eight to six if the County Manager who is appointed by that elected body had been present to vote. The commissioners who were present voted; they did not drop the ball.

Ms. Jest. The By-laws Committee is trying to clarify and establish better procedures. She is not a developer or planner or real estate person or a member of the Homebuilders Association but as a native of Savannah believes it is important for this process to remain a public and transparent process. MPC staff does its best to get Commissioners the information they need. She appreciates Mr. Kleeman's asking the Commission to take a look within and they are doing that.

Mr. Manigault. He is pleased that the Commission had the “gumption” to hear the people from Southbridge. Commissioners were not required to do so. The ruling from the County Attorney said that there cannot be a re-vote. If the time comes when he believes we are not serving the public, he will resign.

Mr. Bean. Mr. Bean said there is no one more disappointed in him for not drawing the line that other people perceive should have been drawn than he himself. He apologized to the Commission and the public for not making that correlation. However, he did very serious soul searching and sought opinions of others prior to the vote and did not recognize and still does not recognize any conflict of interest based on the way the law is written. Sivica is not a customer of his nor does he have any record that they ever have been. If he is required to anticipate that someone may be a customer in the future then he supposes he is not fit to serve because he is in the kind of business that creates the possibility of working for almost anyone. His vote, if retaken, would be no different. He voted on the petition—not the passion—on what he considered to be a simple set of variances of the kind that the Commission would have granted in any other circumstance. He respects and understands the passion of the people who live at Southbridge and might have similar feelings; but traffic count, density and property values are not within the purview of this body. The Commission was considering modest changes in lot lines and setbacks. Mr. Bean regrets not making it clear at the time that he does work at Southbridge for residents and the developer but stands behind his vote. It was fair and just and was not influenced by anything other than his duty as an Metropolitan Planning Commission member.

Mr. Lufburrow. Mr. Lufburrow said this body gives of its time without compensation. Sometimes there are tough decisions to be made. Had he voted with his heart on this issue, he would have voted differently but, like Mr. Bean, he felt he was guided by the principles outlined in the Ordinance and that those principles were met. He hopes that the time does not come when every time a controversial issue is heard questions of fairness and procedures are raised. This Board is not perfect; mistakes are made but members are here to represent all sides of every issue.

Mr. Brockman. He wanted to make clear that he did not say Commissioners were unfair, only that some bad decisions were made that affected the residents. There is a difference in 30 minutes of an individual speaking and 30 minutes of an attorney speaking who is paid and prepared to speak. That is not equal time.

Donald Gross. Mr. Gross asked what the public notice requirements are regarding zoning, specifically a proposed change in zoning.

Mr. Lufburrow asked Mr. Thomson to once again clarify the nature of the Sivica petition and the requirements for that petition.

Mr. Thomson reiterated that this was not a rezoning. In the case of a rezoning petition, a sign is required to be posted in a visible place on the property.

Mr. Gross said this was not done when this body changed the zoning density October 19, 2004, from 3.87 units per acre to 6.8. He was a member of the Board of Directors of the Southbridge Homeowners Association at that time and no notice was given to the Association or to the homeowners. There were no signs or general meeting.

Mr. Thomson said if the concern is about the previous process, the statute of limitations has gone by.

Mr. Gross asked that the decision of October 19, 2004, be reversed because adequate public notice was not given.

Mr. Thomson explained that that petition was not a zoning petition but was a Master Plan Amendment.

Gary Plumbley confirmed that this was a Master Plan Amendment, not a rezoning; nor was it a rezoning when two areas of Southbridge that were initially laid out for apartment complexes changed to allow other uses. The Homeowners Association was notified by Mr. Plumbley.

Mr. Lufburrow said that any other questions regarding prior decisions or notice requirements should be addressed to staff.

X. Adjournment

There being no further business to come before the Commission, the May 16, 2006, Regular Meeting was adjourned.

Respectfully submitted,

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

Note: Minutes not official until signed