

CHATHAM COUNTY-SAVANNAH METROPOLITAN PLANNING COMMISSION

MPC MINUTES

ARTHUR A. MENDONSA HEARING ROOM
110 EAST STATE STREET

April 17, 2007

1:30 PM

Members Present: Stephen R. Lufburrow, Chairman
Jon Todd, Secretary
Susan Myers, Treasurer
Douglas Bean
W. Shedrick Coleman
Ben Farmer
Freddie Gilyard
Timothy S. Mackey
Lacy Manigault
Adam Ragsdale

Members Not Present: Robert Ray, Vice Chairman
Russ Abolt
Michael Brown

Staff Present: Jim Hansen, AICP, Director, Development Services
Charlotte Moore, AICP, Director, Special Projects
Debbie Burke, AICP, Development Services Planner
Gary Plumbley, Development Services Planner
Marilyn Gignilliat, Executive Assistant
Lynn Manrique, Administrative Assistant

Advisory Staff Present:

I. Call to Order and Welcome

Dr. Freddie Gilyard, newly appointed member of the Board, was welcomed by Chairman Lufburrow.

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)

1. MPC Finance Committee Meeting: May 1, 2007, at 11:00 a.m. in the J. P. Jones Conference Room, 110 East State Street.

2. Next Regular MPC Meeting: May 1, 2007, at 1:30 p.m. in the Arthur A. Mendonsa Hearing Room, 112 East State Street.

B. Items Requested to be Removed from the Final Agenda

Zoning Petition – Map Amendment

510 Stephenson Avenue
E. Bruce Adams, Agent
Wakely Properties, LLC, Owner
Jim Hansen, MPC Project Planner
MPC File No. Z-070301-42365-2

The petitioner has requested that this item be removed from the Final Agenda and continued to the May 1, 2007, Regular Meeting.

Mr. Todd **moved** to remove 510 Stephenson Avenue, MPC File No. Z-070301-42365-2, from the Final Agenda and continue it to the May 1, 2007, Regular Meeting. Mr. Manigault seconded the motion.

MPC Action: The motion to remove the MPC File No. Z-070301-42365-2 from the Final Agenda and continue it to the May 1, 2007, MPC Regular Meeting carried with none opposed. Voting were Mr. Lufburrow, Mr. Todd, Dr. Gilyard, Mr. Mackey, Ms. Myers, Mr. Bean, Mr. Coleman, Mr. Farmer, Mr. Manigault, and Mr. Ragsdale.

III. Consent Agenda

A. Approval of the April 3, 2007, MPC Meeting Minutes and Briefing Minutes.

Mr. Todd **moved** to approve the April 3, 2007, MPC Meeting Minutes and Briefing Minutes. Mr. Mackey seconded the motion.

MPC Action: The motion to approve the April 3, 2007, MPC Meeting Minutes and Briefing Minutes carried with none opposed. Voting were Mr. Lufburrow, Mr. Todd, Dr. Gilyard, Mr. Mackey, Ms. Myers, Mr. Bean, Mr. Coleman, Mr. Farmer, Mr. Manigault, and Mr. Ragsdale.

B. Zoning Petition – Map Amendment

456 Bourne Avenue
Phillip R. McCorkle, Agent
Joe C. Sikes, Owner
Jim Hansen, MPC Project Planner
MPC File No. Z-070329-41568-1

Issue: A request to rezone approximately 19.8 acres of land from the existing I-H (Heavy Industrial) zoning classification to a P-B (Planned Business) zoning classification.

Policy Analysis: The proposed rezoning is consistent with Chatham County's Future Land Use Plan and will create a district that allows uses compatible with and similar to the existing development pattern of the area. It is not expected that the proposed zoning will negatively impact the existing or surrounding properties.

Staff Recommendation: Approval to rezone the property from an I-H (Heavy Industrial) zoning classification to a P-B (Planned Business) zoning classification.

Mr. Todd **moved** to approve the staff recommendation for approval to rezone the property from an I-H (Heavy Industrial) classification to a P-B (Planned Business) zoning classification. Mr. Mackey seconded the motion.

MPC Action: The motion to approve the staff recommendation carried with none opposed. Voting were Mr. Lufburrow, Mr. Todd, Dr. Gilyard, Mr. Mackey, Ms. Myers, Mr. Bean, Mr. Coleman, Mr. Farmer, Mr. Manigault, and Mr. Ragsdale.

C. Master Plan

New Hampstead – Tract R-5
3401 Highgate Boulevard
PUD-New Hampstead Zoning District
254.8 Acres – 68 Lots
PIN: 1-1047-02-007
Michael Hussey (Fred Williams Homes), Agent
Highgate Estates, Owner
Gary Plumbley, MPC Project Planner
MPC File No. M-070319-34679-2

Nature of Request: The petitioner is requesting approval of a Concept Plan for a proposed residential development to be located on the south side of the proposed Highgate Boulevard approximately 1,850 feet east of Fort Argyle Road within the PUD-New Hampstead (Planned Unit Development-New Hampstead) zoning district. No variances are requested. The Concept Plan has been approved by the New Hampstead Residential Development Review Committee as required by the New Hampstead PUD.

Staff Recommendation: Approval of the proposed Concept Plan subject to the following conditions: 1) Sidewalks will be required on both sides of the entire length of all proposed streets, including the paved private drives in Pod 3, with the exception of sections of streets that have lots and other areas with direct access to the paved pedestrian trail. 2) Submit a Traffic Analysis to the City Traffic Engineer to determine the design criteria of the intersection of the entrance road with Highgate Boulevard. The Traffic Analysis and the intersection design must be approved by the City Traffic Engineer as a condition of Preliminary Plan approval. 3) Approval by the City Review Departments.

Special Finding: The approval of the proposed Concept Plan does not approve or imply approval of any variance from the minimum design standards.

Mr. Todd **moved** to approve the staff recommendation for approval subject to conditions. Mr. Mackey seconded the motion.

MPC Action: The motion to approve the staff recommendation carried with none opposed. Voting were Mr. Lufburrow, Mr. Todd, Dr. Gilyard, Mr. Mackey, Ms. Myers, Mr. Bean, Mr. Coleman, Mr. Farmer, Mr. Manigault, and Mr. Ragsdale.

IV. Old Business

None

V. Regular Business

A. Zoning Petitions – Map Amendments

1. 215 and 223 Magnolia Avenue
PIN: 2-0648-02-031/032
Harold Yellin, Agent
Mary Albritton, Executrix, and William and Ida Tatum, Owners
Gary Plumbley, MPC Project Planner
MPC File No. Z-070328-36632-2

Issue: Rezoning from an R-6 (Single-family Residential-Six Units per Net Acre) classification to a PUD-IS-B (Planned Unit Development-Institutional) classification to allow ancillary uses for an automobile sales lot as a special use in accordance with the provisions of Section 8-3040(b)(5) of the City of Savannah Zoning Ordinance.

Policy Analysis: The proposed rezoning, including the requested special use, would be consistent with the Savannah Comprehensive Future Land Use Plan for the easternmost lot only (PIN 2-0638-02-031). The Land Use Plan identifies the future use of the westernmost lot as Residential General which would not allow the proposed use and would therefore not be appropriate for rezoning to a PUD-IS-B classification. Rezoning property to promote orderly growth is encouraged when such rezoning would not adversely impact the adjacent properties or jeopardize the long-range future development pattern established by the Comprehensive Future Land Use Plan. Also, approval of the proposed special use on the westernmost parcel does not directly meet all of the criteria set forth in the Zoning Ordinance for approval of a special use. The expansion of commercial activities into an existing rural residential area would not only adversely impact these properties, but would also jeopardize the redevelopment of these properties in conjunction with the approved City of Savannah Comprehensive Future Land Use Plan.

Staff Recommendation: **Approval** of the request to rezone 215 Magnolia Avenue (PIN 2-0638-02-031) from an R-6 classification to a PUD-IS-B classification, including a special use for the ancillary uses for a car dealership and **denial** of the request to rezone 223 Magnolia Avenue (PIN 2-0638-02-032) from an R-6 classification to a PUD-IS-B classification, including a special use for the ancillary uses for a car dealership.

Mr. Todd **moved** to continue 215 and 223 Magnolia Avenue, MPC File No. Z-070328-36632-2, to the May 1, 2007, Regular Meeting. Mr. Mackey seconded the motion.

Chairman Lufburrow explained that this particular zoning request requires not only the approval of the zoning district but also of a special use. A month ago, MPC had a similar petition before it and some members of this Board have questions concerning the approval of the special use in this particular district. The Board is consulting with the City Attorney and awaiting clarification from him as to how this ordinance should be applied.

Speaking about the Petition: Mr. Yellin, Agent, said there was a petition ten years ago in 1997 by basically the same petitioner to incorporate some additional land. This was also done as a PUD-IS-B and there was a use approved just like this one. This petition is really almost a continuation or very similar to the one done ten years ago and approved by MPC and City Council. He said he was confused about specifically what the Board is asking the City Attorney to do.

Chairman Lufburrow said that this is a different Board which has not reviewed such a petition before and has questions and issues and to some extent a lack of understanding of the ordinance as it applies in this situation. He apologized to Mr. Yellin and those in the audience who came to support or oppose this petition. The Board must be sure it is prepared to make an informed decision and at this point it does not feel that it is so prepared.

MPC Action: The motion to continue MPC File No. Z-070328-36632-2 to the May 1, 2007, MPC Regular Meeting carried with none opposed. Voting were Mr. Lufburrow, Mr. Todd, Dr. Gilyard, Mr. Mackey, Ms. Myers, Mr. Bean, Mr. Coleman, Mr. Farmer, Mr. Manigault, and Mr. Ragsdale.

2. 5711 Abercorn Street
PIN: 2-0130-02-002
Harold Yellin, Agent
NP Savannah Midtown, LLC, Owner
Debbie Burke, MPC Project Planner
MPC File No. Z-070329-28744-2

Issue: The petitioner is seeking to rezone a 3.165-acre parcel from an R-I-P (Residential-Institutional-Professional) classification to a B-C (Community Business) classification.

Policy Analysis: The proposed rezoning is consistent with the City of Savannah's Future Land Use Plan and is an extension of an existing adjacent zoning district to the north of the subject property.

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

Speaking about the petition: Harold Yellin, Agent, said the property owners building this hotel logically assumed that because hotels and

restaurants are a permitted use in the R-I-P, they would be allowed to serve alcohol. The owners applied for an alcohol license, fully expecting to receive one, but were advised by Tom Todaro, City Zoning Administrator, that in the R-I-P district alcohol can be given away to guests or to guests of guests but cannot be sold. There appeared to be some confusion from Day One as to what can and cannot be done at this site. This will be a very small restaurant designed primarily to serve breakfast but will serve lunch and dinner as well. There will be no signage on Abercorn Street; the only sign for this restaurant will be inside the hotel in the lobby telling guests where it is. Ninety-five percent of diners are expected to be guests of the hotel. The other five percent are anticipated to be guests of hotel guests. In consulting with Mr. Todaro, the B-C classification was the least intensive zoning they could find that would allow this use. It is also consistent with B-C zoning to the north of the site. There will be no negative impact on the surrounding commercial properties.

Mr. Farmer **moved** to approve the staff recommendation to approve the request to rezone the property at 5711 Abercorn Street from an R-I-P (Residential-Institutional-Professional) zoning classification to a B-C (Community Business) classification. Mr. Todd seconded the motion.

MPC Action: The motion to approve the staff recommendation to approve the request to rezone the property at 5711 Abercorn Street from an R-I-P (Residential-Institutional-Professional) zoning classification to a B-C (Community Business) classification carried with none opposed. Voting were Mr. Lufburrow, Mr. Todd, Dr. Gilyard, Mr. Mackey, Ms. Myers, Mr. Bean, Mr. Coleman, Mr. Farmer, Mr. Manigault, and Mr. Ragsdale.

B. Subdivision / Major Preliminary

Blue Heron Bluff
1 Woodhull Road
R-1 Zoning District
13 Lots – 7.98 Acres
PIN: 1-0234-02-010 and 022
John Farmer (Hussey, Gay, Bell & DeYoung), Agent
Blue Heron Savannah, LLC, Property Owner
Gary Plumbley, MPC Project Planner
MPC File No. S-070214-53206-1

Nature of Request: The petitioner is requesting approval of a Master Plan for a proposed single-family residential development to be located at the southwest corner of Islands Expressway and Woodhull Drive within an R-1 (Single-family Residential-Five Units per Net Acre) zoning district. The petitioner is also requesting the following variances: 1) A

variance from the sidewalk requirement to allow the construction of a sidewalk on one side only of the northern 330-foot section of the proposed road. 2) A 13-foot right-of-way width variance (from the required 40 feet) for a 235-foot portion of the proposed private road that intersects Woodhull Road.

Staff Recommendation: Approval of a variance from the sidewalk requirement to allow the construction of a sidewalk on the west side only of the northern 330-foot section of the proposed road and a 13-foot right-of-way width variance (from the required 40 feet) for a 235-foot portion of the proposed private road. Staff further recommends **approval** of the proposed Master Plan subject to the following conditions. 1) Revise the Master Plan to identify the proposed drive as a private road right-of-way. 2) Approval of the bridge by the Department of Natural Resources. 3) Revise the Master Plan to show a deceleration lane on Islands Expressway to serve the adjacent Bluff Subdivision. 4) Approval by the Chatham County Engineer.

The following comments shall be addressed in conjunction with the Preliminary Plan and/or Final Plat: 1) 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) "Prior to the issuance of Certificate of Occupancy Permits, the building permit applicants for all lots shall be required to install a sidewalk along their respective lots on both sides of (insert the street name) in accordance with the Chatham County Subdivision Regulations." c) "The subdivider shall be required to install a sidewalk along all property other than platted single-family lots on both sides of (insert the street name) with the exception of the west side of the northern 330-foot section of (insert street name) in accordance with the Chatham County Subdivision Regulations." 2) Approval by the County Engineer of all construction plans including the Grading and Drainage Plan. 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) Show the address of each lot on the Final Plat as follows: Lot 1-102 Unnamed Road, Lot 2-104 Unnamed Road, Lot 3-106 Unnamed Road, Lot 4-108 Unnamed Road, Lot 5-110 Unnamed Road, Lot 6-112 Unnamed Road, Lot 7-113 Unnamed Road, Lot 8-111 Unnamed Road, Lot 9-109 Unnamed Road, Lot 10-107 Unnamed Road, Lot 11-105 Unnamed Road, Lot 12-103 Unnamed Road, and Lot 13-101 Unnamed Road. 6) Approval of the Final Plat does not approve or imply approval of any dock. All docks shall be subject to permitting by the Georgia Department of Natural Resources and Chatham County. 7) Approval by the Chatham County Health Department, the Chatham County Engineer, and the Chatham County Board of Commissioners.

Speaking about the petition: **John Farmer, Agent**, said that the developers will work with the homeowners and keep them involved to be sure that any impact to Woodhull Road will be limited and will allow them to see the final plans before they are submitted to the County Engineer. They are already discussing with the County Engineer access issues that may be created when a new bridge is built.

Mr. Farmer **moved** to approve the staff recommendation for approval subject to conditions. Mr. Manigault seconded the motion.

MPC Action: The motion to approve the staff recommendation carried with none opposed. Voting were Mr. Lufburrow, Mr. Todd, Dr. Gilyard, Mr. Mackey, Ms. Myers, Mr. Bean, Mr. Coleman, Mr. Farmer, Mr. Manigault, and Mr. Ragsdale.

VI. Other Business

None

VII. Adjournment

There being no further business to come before the Commission, the April 17, 2007, Regular Meeting was adjourned.

Respectfully submitted,

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

Note: Minutes not official until signed