

CHATHAM COUNTY-SAVANNAH METROPOLITAN PLANNING COMMISSION

MPC MINUTES

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

January 16, 2007

1:30 PM

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

Members Not Present: None

Staff Present: Thomas L. Thomson, P. E., AICP, Executive Director
Harmit Bedi, AICP, Deputy Executive Director
Gary Plumbley, Development Services Planner
Jackie Jackson, Water Resources Planner
Bethany L. Jewell, Water Resources Planner
Courtland Hyser, AICP, Land Use Planner
Marilyn Gignilliat, Executive Assistant
Lynn Manrique, Administrative Assistant

Advisory Staff Present: Bob Sebek, 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)

Next scheduled Regular MPC Meeting: February 6, 2007, at 1:30 p.m. in the Arthur A. Mendonsa Hearing Room.

B. Acknowledgment

Bethany Jewell introduced Less Waters and explained the Less Waters Coloring Book Contest and Slogan Contest recently held in our schools. Bethany and Chairman Lufburrow thanked the participants and presented awards to the winners.

C. Items Requested to be Removed from the Final Agenda

None known at this time.

III. Consent Agenda**A. Approval of the January 2, 2007, MPC Meeting Minutes and Briefing Minutes.**

Mr. Todd **moved** to approve the January 2, 2007, MPC Meeting Minutes and Briefing Minutes. Mr. Ray seconded the motion.

MPC Action: The motion to approve the January 2, 2007, MPC Meeting Minutes carried with none opposed. Voting were Mr. Lufburrow, Mr. Ray, Mr. Todd, Ms. Myers, Mr. Abolt, Mr. Bean, Mr. Coleman, Mr. Farmer, Ms. Jest, Mr. Mackey, Mr. Manigault, Mr. Meyer, and Mr. Ragsdale. Mr. Brown was not present when the vote was taken.

B. Approval of the MPC Budget for Year 2007.

Mr. Todd **moved** to approve the MPC Budget for Year 2007. Ms. Myers seconded the motion.

MPC Action: The motion to approve the MPC Budget for Year 2007 carried with none opposed. Voting were Mr. Lufburrow, Mr. Ray, Mr. Todd, Ms. Myers, Mr. Abolt, Mr. Bean, Mr. Coleman, Mr. Farmer, Ms. Jest, Mr. Mackey, Mr. Manigault, Mr. Meyer, and Mr. Ragsdale. Mr. Brown was not present when the vote was taken.

C. Requesting Authorization for the Executive Director to Execute Contract for Transit Planning Assistance between the Department of Transportation and the Metropolitan Planning Commission.

Mr. Todd **moved** to authorize the Executive Director to Execute the Contract for Transit Planning Assistance between the Department of Transportation and the Metropolitan Planning Commission. Mr. Ray seconded the motion.

MPC Action: The motion to authorize the Executive Director to Execute the Contract for Transit Planning Assistance between the Department of Transportation and the Metropolitan Planning Commission carried with none opposed. Voting were Mr. Lufburrow, Mr. Ray, Mr. Todd, Ms. Myers, Mr. Abolt, Mr. Bean, Mr. Coleman, Mr. Farmer, Ms. Jest, Mr. Mackey, Mr. Manigault, Mr. Meyer, and Mr. Ragsdale. Mr. Brown was not present when the vote was taken.

IV. Old Business

None.

V. Regular Business**A. Zoning Petition – Text Amendment**

Text Amendment to Section 8-3025(b) of the City of Savannah Zoning Ordinance

Re: Use No. 11, Churches or other Places of Worship within a B-N-1 District

Gary Plumbley, MPC Project Planner

MPC File No. Z-062127-50089-2

Issue: At issue is a request to amend Section 8-3025(b) of the Savannah Zoning Ordinance to allow specific ancillary/incidental uses by right when associated with a church or other place of worship in accordance with the rules and regulations established with the amendment.

Policy Analysis: Amending the Ordinance to allow ancillary/incidental facilities to be associated with a church or other place of worship should have no detrimental impacts on surrounding neighborhoods and will allow churches and other places of worship a better opportunity to successfully service their mission.

Staff Recommendation: Approval of the request to amend Section 8-3025(b) of the Savannah Zoning Ordinance to allow specific ancillary/incidental uses by right when associated with a church or other place of worship as follows:

Section 8-3025 (b)

(11) Church or other place of worship

A church or other place of worship may be allowed to house a care-takers quarters and/or beds for the housing of temporary guests within the principal use structure as incidental uses subject to the following conditions: a. The site shall be located on and have direct access to a collector or greater classified street. b. A maximum of one permanent care-taker quarters and/or a maximum of 25 beds, available to temporary guest residents directly involved in activities sponsored by and/or affiliated with the church or other place of worship shall be allowed; provided further that the temporary beds shall not be occupied by any individual or group of persons for greater than three (3) months per calendar year. Nothing in this section shall be construed to mean that a church or other place of worship can establish a homeless shelter or other group home by right under the auspices of this section. A temporary guest resident shall include volunteer teams performing a service-related activity to the community, missionary training personnel, and similar type activities approved by the zoning administrator. c. Meals in the facility may be prepared for and served only to individuals housed within the facility, minor tutorial students served by the facility, and/or for the membership of the church or other place of worship. Meals in the facility shall not be prepared or served for members

of the general public, shall not be prepared for take out, and shall be consumed on premises only. d. On-site vehicular parking spaces shall be available for all uses on site as determined by the Zoning Administrator, and shall include one (1) parking space for each four (4) beds in the temporary housing section.

Speaking about the petition: **Ardis Wood** said that she knew of a girl scout troop being housed overnight for several nights at one local church and that her church had a request to provide a bed and breakfast type arrangement for a service group. She believes we need to be specific about who can be housed and fed in order to avoid problems.

Bill Saxman said this building has been used to temporarily house volunteer service groups since 1996, but recently the City Zoning Administrator advised that this was not an allowed use. At that point these activities ceased and The Baptist Center is now trying to legalize the activity that has been taking place all along. The space would be used strictly to house volunteers coming to do community service or missionaries in training. He suggested that if the Commissioners find it necessary to be more specific about what groups may be housed or setting time limitations, that these stipulations be put in the definition section of the ordinance rather than in the text of the amendment.

Mr. Todd **moved** to approve the staff recommendation but asked staff to specifically define “temporary guest” either in the definition section of the ordinance or in the text of the amendment, as staff deems best. Ms. Jest seconded the motion.

MPC Action: The motion to approve the staff recommendation with the addition of a specific definition of “temporary guest” either in the definition section of the ordinance or in the text of the amendment, as staff deems best, carried with none opposed. Voting were Mr. Lufburrow, Mr. Ray, Mr. Todd, Ms. Myers, Mr. Abolt, Mr. Bean, Mr. Brown, Mr. Coleman, Mr. Farmer, Ms. Jest, Mr. Mackey, Mr. Manigault, Mr. Meyer, and Mr. Ragsdale.

B. Amended General Development Plan

The Village at Bull River – Fence Amendment
100 Blue Fin Circle
PUD-MXU Zoning District
PIN 1-0055-03-005
MPC Reference File No. P-020416-30649-1 and P-001009-35636-1
Erwin Friedman, Agent
Wilmington Island Investors, Owner
MPC Project Planner: Gary Plumbley
MPC File No. P-061226-40624-1

Nature of Request: The petitioner is requesting MPC approval of an amended General Development Plan for a proposed office complex located on the north side of U. S. Highway 80 East approximately 150 feet west of Johnny Mercer Boulevard within a PUD-MXU/EO (Planned Unit Development – Mixed Use – Environmental Overlay) zoning district. The petitioner is requesting a two-foot, six-inch variance (from the required eight feet) for the privacy fence.

Staff Recommendation: The MPC staff recommends **denial** of the requested two-foot, six-inch variance for the required privacy fence and the amended General Development Plan based on the previously stated findings.

Speaking about the petition: **Ernie Friedman, Agent**, said the property was divided into two parts at development. Nine acres were dedicated as a conservation area and there is 150 feet of natural buffer between the fence and the nearest residences. The remaining seven acres were developed commercial. An eight-foot-high masonry fence was required to be built to buffer the development. He does not know how only a six-foot fence was built. The fence has been in place for about five years and has worked well. No complaints or objections have ever been received regarding the fence. Mr. Friedman confirmed with Mr. Plumbley that none of the neighbors notified about the requested variance responded. Mr. Friedman surveyed those affected by the buffer to see if any had problems with the fence as it exists and the only response he got was from one individual inquiring, “what fence?” None of the people who were living there at the time the fence was built still reside there. He asks that the fence be allowed to remain as is.

Mr. Farmer **moved** to accept the Staff Recommendation to deny the variance. Ms. Jest seconded the motion.

It was noted that there were some in the audience who desired to speak and had not had the opportunity to do so. Mr. Lufburrow deferred the motion and vote to allow the public to comment.

Speaking about the petition: **Jack McCall** said that there were originally a number of variances granted on this development. An eight-foot fence was required as part of the approval. The real issue for Mr. McCall is that it is unfair for developers to do as they please then come back and ask for forgiveness.

Marianne Heimes, President of the Islands Committee for Logical Growth, was unable to attend, but called Mr. Plumbley prior to the meeting. While she believes the current fence serves as an adequate buffer in concert with the vegetative buffer, she believes it would be a

grave mistake to allow a variance from the requirement that it be eight feet tall. That was the agreement approved by this body and Chatham County, and it should be adhered to.

Mr. Friedman asked if he could respond to Mr. McCall's comments. Mr. Lufburrow said that procedurally once a motion has been made and seconded no further comments can be taken from the petitioner or the public.

MPC Action: The motion to accept the Staff Recommendation carried with none opposed. Voting were Mr. Lufburrow, Mr. Ray, Mr. Todd, Ms. Myers, Mr. Abolt, Mr. Farmer, Ms. Jest, Mr. Mackey, Mr. Manigault, Mr. Meyer, and Mr. Ragsdale. Mr. Bean and Mr. Coleman stepped down and abstained from voting due to possible conflicts of interest. Mr. Brown was not present for the vote.

Mr. Friedman said he had not received a specific notice of this meeting and was unclear what the staff recommendation was as the copy he received had multiple recommendations on it. Chairman Lufburrow asked Mr. Plumbley to get together with Mr. Friedman and give him the information he needs.

VI. Other Business

None.

VII. Adjournment

There being no further business to come before the Commission, the January 16, 2007, Regular Meeting was adjourned.

Respectfully submitted,

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

Note: Minutes not official until signed