

# CHATHAM COUNTY-SAVANNAH METROPOLITAN PLANNING COMMISSION

## MPC MINUTES

ARTHUR A. MENDONSA HEARING ROOM  
110 EAST STATE STREET

March 6, 2007

1:30 PM

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

**Members Not Present:** Russ Abolt  
Douglas Bean  
Lacy Manigault

**Staff Present:** Thomas L. Thomson, P. E., AICP, Executive Director  
Harmit Bedi, AICP, Deputy Executive Director  
Jim Hansen, AICP, Director, Development Services  
Debbie Burke, AICP, Development Services Planner  
Beth Reiter, AICP, Director, Historic Preservation  
Dennis Hutton, AICP, Director, Comprehensive Planning  
Courtland Hyser, AICP, Land Use Planner  
Keia Butts, Land Use Planner  
Beth Reiter, AICP, Director, Historic Preservation  
Marilyn Gignilliat, Executive Assistant  
Lynn Manrique, Administrative Assistant

**Advisory Staff Present:** Carl Palmer, Executive Director, Chatham Area Transit Authority

### 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)

1. MPC Planning Meeting: March 13, 2007, at 1:00 p.m. in the MPC Arthur A. Mendonsa Hearing Room.

2. Next Regular Scheduled MPC Meeting: March 20, 2007, at 1:30 p.m. in the MPC Arthur A. Mendonsa Hearing Room.

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

**Amended General Development Plan**

Family Dollar Store  
795 Pennsylvania Avenue  
PIN 2-0039-02-007  
0.84 acres  
P-R-B-1 Zoning District  
MPC File No. P-040818-64631-2  
Doug Morgan, Agent  
EMC Engineering Company, Engineer  
Southern Development of Mississippi, Inc., Owner  
Gary Plumbley, MPC Project Planner

This item has been removed from the Final Agenda at the request of Staff due to the fact that outstanding issues have been resolved.

Mr. Todd **moved** to remove Family Dollar Store, MPC File No. P-040818-64631-2, from the Final Agenda as requested by Staff. Mr. Ray seconded the motion.

**MPC Action: The motion to remove Family Dollar Store from the Final Agenda carried with none opposed.** Voting were Mr. Lufburrow, Mr. Ray, Mr. Todd, Mr. Mackey, Ms. Myers, Mr. Brown, Mr. Coleman, Mr. Farmer, Mr. Meyer, and Mr. Ragsdale.

**III. Consent Agenda**

**A. Approval of the February 20, 2007, MPC Meeting Minutes and Briefing Minutes.**

Mr. Mackey asked if the two text amendments dealing with group development standards in the City and County which were removed from the February 20, 2007, Final Agenda would be coming back to MPC for review.

Mr. Thomson said that the issues addressed in these two text amendments will probably be addressed in the rewrite of the Zoning Ordinance. If these issues come back to the Board, they will come back in the context of a comprehensive overview instead of the narrowly defined issue addressed by the two text amendments. At that time the Staff would look to the Board for direction as to how to proceed.

Mr. Todd **moved** to approve the February 20, 2007, MPC Meeting Minutes and Briefing Minutes. Mr. Ray seconded the motion.

**MPC Action: The motion to approve the February 20, 2007, MPC Meeting Minutes and Briefing Minutes carried with none opposed.** Voting were Mr. Lufburrow, Mr. Ray,

Mr. Todd, Mr. Mackey, Ms. Myers, Mr. Brown, Mr. Coleman, Mr. Farmer, Mr. Meyer, and Mr. Ragsdale.

**B. General Development Plan / Group Development Plan**

Lot 7, Chatham Corporate Centre  
Mersey Way  
PUD-B-R Zoning District  
1.2 acres  
PIN 2-0835-01-001  
Jay Maupin (Maupin Engineering, Inc.), Engineer/Agent  
Debbie Burke, MPC Project Planner  
MPC File No. P-070223-41963-2

**Nature of Request:** The petitioner is requesting approval of a General Development Plan/Group Development Plan in order to construct an auto repair business and a birthing center within a PUD-B-R (Planned Unit Development Business, Regional Center) zoning district. The subject property is a part of a Master Plan (MPC File No. M-050919-57933-2) approved by the Metropolitan Planning Commission in October of 2005.

**Staff Recommendation:** **Approval** of the General Development Plan/Group Development Plan subject to the following conditions: 1) Add Type "G" buffer where proposed parking abuts Lot #6; and 2) The proposed curb cut closest to Chatham Parkway shall be right in/right out only.

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. 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 location of any freestanding signage shall be shown on the Specific 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. Meyer **moved** to approve the staff recommendation for approval subject to conditions. Mr. Coleman seconded the motion.

**MPC Action: The motion to approve the staff recommendation for approval subject to conditions carried with none opposed.** Voting were Mr. Lufburrow, Mr. Ray, Mr. Todd, Mr. Mackey, Ms. Myers, Mr. Brown, Mr. Coleman, Mr. Farmer, Mr. Meyer, and Mr. Ragsdale.

**C. Authorize Executive Director to execute contract with GDOT for FHWA L230 Planning Funding**

Mr. Todd moved to authorize the Executive Director to execute the contract with GDOT for FHWA L230 Planning Funding. Mr. Ray seconded the motion.

**MPC Action: The motion to authorize the Executive Director to execute the contract with GDOT for FHWA L230 Planning Funding carried with none opposed.** Voting were Mr. Lufburrow, Mr. Ray, Mr. Todd, Mr. Mackey, Ms. Myers, Mr. Brown, Mr. Coleman, Mr. Farmer, Mr. Meyer, and Mr. Ragsdale.

**D. Approve Preliminary Planning Meeting Agenda of March 13, 2007.**

Mr. Todd **moved** to approve the Preliminary Planning Meeting Agenda of March 13, 2007, as distributed. Mr. Ray seconded the motion.

**MPC Action: The motion to approve the Preliminary Planning Meeting Agenda of March 13, 2007, carried with none opposed.** Voting were Mr. Lufburrow, Mr. Ray, Mr. Todd, Mr. Mackey, Ms. Myers, Mr. Brown, Mr. Coleman, Mr. Farmer, Mr. Meyer, and Mr. Ragsdale.

**E. Accept Fourth Quarter Report**

Mr. Todd **moved** to accept the Fourth Quarter Report. Mr. Coleman seconded the motion.

**MPC Action: The motion to accept the Fourth Quarter Report carried with none opposed.** Voting were Mr. Lufburrow, Mr. Ray, Mr. Todd, Mr. Mackey, Ms. Myers, Mr. Brown, Mr. Coleman, Mr. Farmer, Mr. Meyer, and Mr. Ragsdale.

**IV. Old Business**

None.

**V. Regular Business**

**A. Introduction: Executive Director, Chatham Area Transit Authority**

Mr. Lufburrow took the opportunity to welcome and introduce Mr. Carl Palmer, Executive Director of the Chatham Area Transit Authority, who will be attending the MPC meetings to serve as a consultant on transportation issues.

**B. Zoning Petitions – Map Amendments**

1. West Bay – Lathrop Study  
Staff Study  
All properties between Norton Street, East Lathrop Avenue, West Bay Street, and Richards Street  
Dennis Hutton and Courtland Hyser, MPC Project Planners  
MPC File No. Z-060817-41748-2

**Issue:** At issue are amendments to the City of Savannah Zoning Ordinance to implement the West Savannah Revitalization Plan (Goody Clancy & Associates, 2005)

**Policy Analysis:** The proposed rezonings will make existing residential properties in the area conforming and will protect residential areas by eliminating industrial zoning on the interior of the West Savannah Neighborhood. The proposed rezoning will also retain commercial development potential along East Lathrop, and will help to implement the zoning recommendations contained in the West Savannah Revitalization Plan.

**Staff Recommendation: Approval** of the request to rezone various properties from I-L (Light Industrial) and P-BG-2 (Planned-General Business Transition 2) to R-4 (Four-family Residential) and R-B-1 (Residential-Business), in order to remove impediments to implementing the West Savannah Revitalization Plan and to encourage redevelopment of commercial and residential properties.

**Speaking about the petition:** **Rose Hayes**, 17 East Lathrop Avenue, wanted to know how the rezoning would affect her property. Mr. Hutton advised that the zoning would allow her to continue to live in her residence and to expand it, if desired. It would also allow a business use if she wanted to open a neighborhood-friendly business such as a store or shop. It will prevent someone from putting an industrial use next to her property

Mr. Todd **moved** to approve the staff recommendation to approve the requested rezonings from I-L and P-BG-2 to R-4 and R-B-1. Ms. Myers seconded the motion.

**MPC Action:** **The motion to approve the staff recommendation to approve the requested rezonings carried with none opposed.** Voting were Mr. Lufburrow, Mr. Ray, Mr. Todd, Mr. Mackey, Ms. Myers, Mr. Brown, Mr. Coleman, Mr. Farmer, Mr. Meyer, and Mr. Ragsdale.

2. 1 and 109 West Victory Drive  
Christian Sottile (Sottile & Sottile), Agent  
One West Victory, LP, Owner  
Jim Hansen, MPC Project Planner  
MPC File No. Z-070220-43024-2

**Issue:** At issue is the requested rezoning of approximately 1.74 acres of land from an I-L (Light Industrial) zoning classification and an R-B (Residential Business) zoning

classification to an R-I-P-B (Residential-Medium Density) zoning classification in conjunction with General Development Plan (General Plan) approval in accordance with Ordinance Section 8-3031 (D)(1)(a) subject to a finding of an "unusual or extraordinary condition." The General Plan, MPC File No. P-070215-34479-1, is attached to and made a part of this application.

**Policy Analysis:** The development standards for the existing I-L and R-B zoning districts are no longer characteristic of or appropriate for the development pattern of the emerging neighborhood. Rezoning to the proposed R-I-P-B district in conjunction with General Plan approval is appropriate and will allow compatible infill development while restricting the allowed uses to those shown on the General Plan.

**Staff Recommendation:** **Approval** of the request to rezone the subject property from I-L and R-B classifications to an R-I-P-B classification in conjunction with approval of a General Development Plan in accordance with Ordinance Section 8-3031(D)(1)(a).

Mr. Farmer stated for the record that his company was involved in the sale of one of the properties involved in this development. However, he does not believe that would affect his ability to render an objective decision.

Mr. Mackey left the meeting and was not present for the discussion or vote.

**Speaking about the petition:** **Christian Sottile**, Agent, said this property is an important part of our city and an important site along two mixed-use corridors. An effort has been made to restore the historic buildings on the site and to orient buildings back to the historic streets and actually restore some of those streets. The intent is to return the site to its early historical patterns which were overtaken by industrial uses about 100 years ago.

Mr. Ragsdale and Mr. Coleman had some concerns about parking and traffic patterns which Mr. Sottile addressed. He is working with the City Traffic Engineer on these issues.

Mr. Farmer expressed concern that the right of Guerry Lumber to continue operating in their current location, where they have been for three generations, be protected. A saw mill can produce noise and future residents might lodge complaints, even though Guerry was there first. He requests that the developer put language in the property deeds acknowledging that the buyer is aware he is buying property adjacent to a light industrial use that may exceed the 60 decibels permitted under the noise ordinance. Mr. Sottile agreed that Guerry has a right to continue to operate in this location and agreed that the measure suggested by Mr. Farmer might be useful. Mr. Lufburrow said that MPC staff had

indicated to the Commissioners at today's pre-meeting that the developers had agreed to put something in the Association By-Laws regarding the existing uses that adjoin the property, specifically Guerry Lumber Company to the south. However, Mr. Lufburrow's experience as a developer and homeowner has taught him that By-Laws are not permanent documents. They are subject to change at will by the body they govern. They are usually not recorded as part of the public record. He asked if the developers were willing to accept Mr. Farmer's proposal and instead of or in addition to putting these stipulations in the By-Laws, insert something into the deeds to protect Guerry Lumber's right to exist and do business in its present location.

**Greg Jacobs**, Developer, said they have been in touch with Mr. Chick, President of Guerry Lumber Company, and assured him the developer will do whatever he can to protect Mr. Chick's business. He said they were comfortable with writing this into the deed as long as it is specific to Guerry Lumber Company being there. Should Guerry vacate the property for any reason, the developer would not want to see another use occupy the site which could be a serious nuisance. Mr. Jacobs believes the railroad tracks coming through nearby would be more of a deterrent to people purchasing his property than the proximity of Guerry Lumber.

Mr. Farmer said the protection provided in the deeds should not extend only to Guerry Lumber, but to the light industrial use enjoyed by Guerry Lumber. The zoning goes with the land, not with the owner. Guerry should not be restricted from passing along its I-L zoning rights if at some point it decided to sell the land or the business. Mr. Coleman and Mr. Lufburrow concurred. Mr. Jacobs said it is not the developer's intent to restrict Guerry Lumber Company from doing what they have been doing for 80 years or to restrict the company's ability to sell its property. If that's what it takes for everyone to be comfortable with this; he is open to suggestions.

**Christian Sottile.** Mr. Lufburrow expressed some concerns about 44<sup>th</sup> Street being used by large trucks serving Guerry Lumber, for vehicular parking, and for vehicular ingress/egress for the proposed development all at the same time. Mr. Sottile said the plan does not consider any of the streets to be the dominant street. Past experience has shown that if you have enough streets and they are well connected, the distribution of

moving vehicles generally will utilize all those road systems. He sees 44<sup>th</sup> Street as only one element in the plan and views this as an opportunity to restore that street to its former configuration. There are no new curb cuts proposed on the frontage. One lane of on-street parking is proposed with two moving lanes.

**Steve Chick**, President of T. H. Guerry Lumber Company, is excited about this development and appreciates the concern of the Commissioners for his business. He says Guerry has a good relationship with the developer and believes they can work things out satisfactorily.

**Daniel Britt**, a student at SCAD majoring in historic preservation with an interest in urban design, said that in view of Mr. Coleman's concern about the speed of traffic through the area, there is a trend now to use roundabouts to slow traffic and facilitate a smooth traffic flow through the area. That might be a possibility for the intersection of Barnard and Victory Drive to promote pedestrian traffic and cut down on vehicular traffic.

**Theodore Jackson**, Sr. Pastor, Victory Drive Deliverance Temple, supports this project. He says the Deliverance Temple is a Pentecostal apostolic church. He asked if his church could also be given protection regarding the noise ordinance. Mr. Brown said he does not believe the City has ever received a noise complaint regarding a church. The worship is carried out indoors and churches are afforded special protections under the law. Even in the case where a nightclub exists and people move in around it and then complain about noise, if the club is being operated properly, the club and residents have to find a way to co-exist.

Ms. Myers **moved** to approve the rezoning of 1 and 109 West Victory Drive (property bounded by Victory Drive, Barnard Street, 44<sup>th</sup> Street, and the Atlantic Coastline Railroad) from an I-L (Light Industrial) zoning classification and R-B (Residential Business) zoning classification to an R-I-P-B (Residential-Medium Density) zoning classification. Mr. Brown seconded the motion.

**MPC Action: The motion to approve the rezoning of 1 and 109 West Victory Drive from an I-L zoning classification and R-B zoning classification to an R-I-P-B zoning classification carried with none opposed.** Voting were Mr. Lufburrow, Mr. Ray, Mr. Todd, Ms. Myers, Mr. Brown, Mr. Coleman, Mr. Farmer, Mr. Meyer, and Mr. Ragsdale. Mr. Mackey was not present for the vote.



**AND****General Development Plan**

One West Victory Drive  
1 and 109 West Victory Drive  
P-R-I-P-B Zoning District (proposed)  
One West Victory LP, Owner  
Christian Sottile (Sottile & Sottile), Agent  
Jim Hansen, MPC Project Planner  
MPC File No. P-070215-34479-2

**Nature of Request:** This General Development Plan was brought before the Planning Commission for consideration in conjunction with rezoning petition MPC File No. Z-070220-43024-2, which was reviewed and approved by the Planning Commission immediately preceding consideration of this Development Plan. The proposal is to redevelop the site to take advantage of and utilize some of the existing development on the site, while adding new structures. There will be 95 residential units and 17,000 square feet of commercial. The R-I-P-B zoning classification is a mixed use category which allows the uses being proposed in both a stand-alone and in mixed use, i.e., commercial on the ground floor with residential above. This type of development could be built under the (Light Industrial) and R-B (Residential Business) zoning classifications, but not at the proposed density. The I-L and R-B classifications limit residential density to approximately seven units per acre while the R-I-P-B allows up to 70 units per acre. The site plan submitted meets or exceeds all development standards with the exception of the green space/open space and the Tree Quality Points; however, the City has agreed to allow the petitioner to contribute to the Tree Fund in lieu of providing all of the required TQP on the site. There are 149 off-street parking spaces required and petitioner is providing 152. In addition, on-street parking is available along the north side of 44<sup>th</sup> Street.

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

Mr. Todd **moved** to approve the staff recommendation for approval of the General Development Plan as submitted, subject to the condition that the Specific Development Plan must come back to the Planning Commission for review and approval. Mr. Meyer seconded the motion.

**MPC Action:** **The motion to approve the staff recommendation for approval of the General Development Plan as submitted carried with none opposed subject to the condition that the Specific Development Plan must come back to the Planning Commission for review and approval.** Voting were Mr. Lufburrow, Mr. Ray, Mr. Todd, Ms. Myers, Mr. Brown, Mr. Coleman, Mr. Farmer, Mr. Meyer, and Mr. Ragsdale. Mr. Mackey was not present for the vote.

**D. General Development Plan / Group Development Plan**

New Residential Subdivision  
1913 Whitaker Street  
TN-2 Zoning District  
.37 Acres  
PIN: 2-0065-07-013  
Mark Boswell, Engineer  
Leroy Maxwell, Property Owner  
MPC Project Planner: Debbie Burke

**Nature of Request:** The petitioner is requesting approval of a General Development Plan/Group Development Plan in order to construct eight condominium units within a TN-2 (Traditional Neighborhood-2) zoning district. The petitioner is requesting variances regarding the side yard setback and the requirement that, where a site has access by way of a rear lane, the lane shall be the sole means of vehicular access to the site. The applicant received a lot area variance for the site from the City of Savannah Zoning Board of Appeals in September of 2006 and approval of a Certificate of Appropriateness from the Design Administrator for the proposed work in December of 2006.

**Staff Recommendation:** **Approval** of the five-foot side yard setback variance and a variance from the requirement that, where a site has access by way of a rear lane, the lane shall be the sole means of vehicular access to the site and **approval** of the General Development Plan / Group Development Plan.

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. 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 location of any freestanding signage shall be shown on the Specific 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.

**Speaking about the Petition:** **Mark Boswell**, Engineer/Agent. Mr. Ragsdale advised Mr. Boswell that although flowering dogwood is a tree acceptable to City Park & Tree Department, it is inappropriate for this site and would not survive. Mr. Boswell said that the flowering dogwoods had been removed from the Landscape Plan at the request of City Arborist Gordon Denney and should not have been shown on the Plan under review today; he inadvertently failed to remove them from the legend. He is working with Mr. Denney to ensure that the project meets the tree point requirements.

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

**MPC Action: The motion to approve the staff recommendation for approval subject to conditions carried with none opposed.** Voting were Mr. Lufburrow, Mr. Ray, Mr. Todd, Ms. Myers, Mr. Brown, Mr. Coleman, Mr. Farmer, Mr. Meyer, and Mr. Ragsdale. Mr. Mackey was not present for the vote.

**VI. Other Business**

Mr. Todd recognized the assistance given by Bethesda in the taping and televising of our meetings and congratulated Coach Minick and Bethesda's basketball team for a great run at the GISA state title.

**VII. Adjournment**

There being no further business to come before the Commission, the March 6, 2007, Regular Meeting was adjourned.

Respectfully submitted,

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

**Note: Minutes not official until signed**