

# CHATHAM COUNTY-SAVANNAH METROPOLITAN PLANNING COMMISSION

## MPC MINUTES

ARTHUR A. MENDONSA HEARING ROOM  
110 EAST STATE STREET

March 20, 2007

1:30 PM

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

**Members Not Present:** Russ Abolt

**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  
Amanda Bunce, Development Services Planner  
Gary Plumbley, Development Services Planner  
Charlotte Moore, AICP, Director, Special Projects  
Marilyn Gignilliat, Executive Assistant  
Lynn Manrique, Administrative Assistant

**Advisory Staff Present:** Robert 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)

1. Special Meeting: Unified Zoning Ordinance Update, Assessment Report Briefing, April 3, 2007, at 10:00 a.m. in the MPC Arthur A. Mendonsa Hearing Room.

2. Next Regular Scheduled MPC Meeting: April 3, 2007, at 1:30 p.m. in the MPC Arthur A. Mendonsa Hearing Room.

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

**Revised Master Plan**

Highlands Crossing  
125 Highlands Boulevard  
PUD-C Zoning District  
Ryan Thompson (Thomas & Hutton Engineering Company), Agent  
Genesis Real Estate Group, LLC, Owner  
Amanda Bunce, MPC Project Planner  
MPC File No. M-070228-38242-2

The petitioner has requested that this item be removed from the Final Agenda and continued to the April 3, 2007, Regular Meeting.

Mr. Todd **moved** to remove Highlands Crossing, MPC File No. M-070228-38242-2, from the Final Agenda and continue it to the April 3, 2007, Regular Meeting. Mr. Ray seconded the motion.

**MPC Action: The motion to remove Highlands Crossing from the Final Agenda and continue it to the April 3, 2007, MPC Regular Meeting carried with none opposed.** Voting were Mr. Lufburrow, Mr. Ray, Mr. Todd, Mr. Mackey, Ms. Myers, Mr. Bean, Mr. Brown, Mr. Coleman, Mr. Farmer, Mr. Manigault, Mr. Meyer, and Mr. Ragsdale.

**III. Consent Agenda**

**A. General Development Plan / Group Development Plan**

Highway 17 Shopping Complex  
4343-4401 Ogeechee Road  
P-B-C Zoning District  
PIN: 1-0836-02-008, 009, 010, 011, 012, and 013  
Jamie Csizmadia, Kern-Coleman & Company, Agent  
James Thomas Moore, Owner  
Debbie Burke, MPC Project Planner  
MPC File No. P-070312-38746-1

Buffer variance requested.

This item has been removed from the Consent Agenda and placed on the Regular Business agenda.

**B. Approval of the March 6, 2007, MPC Meeting Minutes and Briefing Minutes.**

Mr. Ray **moved** to approve the March 6, 2007, MPC Meeting Minutes and Briefing Minutes. Mr. Todd seconded the motion.

**MPC Action: The motion to approve the March 6, 2007, MPC Meeting Minutes and Briefing Minutes carried with none opposed.** Voting were Mr. Lufburrow, Mr. Ray, Mr. Todd, Mr. Mackey, Ms. Myers, Mr. Bean, Mr. Brown, Mr. Coleman, Mr. Farmer, Mr. Manigault, Mr. Meyer, and Mr. Ragsdale.

**C. Zoning Petition – Map Amendment**

663 Little Neck Road  
Jamie Csizmadia, Kern-Coleman & Company, Agent  
Three Sisters, LLC, Owner  
PIN: 1-1028-01-005A, 035, 036, 037 and 038  
Gary Plumbley, MPC Project Planner  
MPC File No. Z-070302-29580-1

**Issue:** Rezoning from an R-A (Residential-Agriculture) classification to a PUD-M-6 (Planned Unit Development-Residential-Six units per net acre) classification.

**Policy Analysis:** The proposed rezoning is consistent with Chatham County's Future Land Use Plan. The proposed P-R-3-6 classification would provide conventional single-family development as well as low to medium density single-family attached and semi-attached residential housing opportunities that would be compatible with the zoning pattern in the general area and would not adversely impact properties within the general area. However, the proposed neighborhood commercial use would not be allowed within the requested PUD-M-6 zoning district. Also, a neighborhood commercial use at this location would not be compatible with the zoning pattern in the general area and could adversely impact properties within the general area.

**Staff Recommendation: Approval** to rezone the property from an R-A (Residential-Agriculture) classification to a PUD-M-6 (Planned Unit Development Multi-family-Six units per net acre) classification.

Mr. Todd **moved** to approve the staff recommendation for approval to rezone the property from an R-A (Residential-Agriculture) classification to a PUD-M-6 (Planned Unit Development Multi-family-Six units per net acre) classification. Mr. Coleman seconded the motion.

**MPC Action: The motion to approve the staff recommendation for approval carried with none opposed.** Voting were Mr. Lufburrow, Mr. Ray, Mr. Todd, Mr. Mackey, Ms. Myers, Mr. Bean, Mr. Brown, Mr. Farmer, Mr. Manigault, Mr. Meyer, and Mr. Ragsdale. Mr. Coleman recused himself from the discussion and abstained from voting on this issue due to a possible conflict of interest.

**D. Master Plan**

Chesley Fields  
663 Little Neck Road  
PUD-M-6 Zoning District (Proposed)  
33.45 Acres – 119 Dwelling Units  
PIN: 1-1028-01-005A, 035, 036, 037, and 038  
MPC Reference File No. Z-070302-29580-1  
Jamie Csizmadia (Kern-Coleman & Company), Agent  
Three Sisters, LLC, Owner  
Gary Plumbley, MPC Project Planner  
MPC File No. M-070305-59971-1

**Nature of Request:** The petitioner is requesting approval of a Master Plan for a proposed residential development to be located on the west side of Little Neck Road approximately 1,625 feet west of Henderson Oaks Drive within a PUD-M-6 (Planned Unit Development-Multi-family-Six units per net acre) zoning district (Proposed). The petitioner is also requesting 1) a 10-foot lot width variance (from the required 60 feet) for 38 single-family detached lots; 2) a 10-foot front yard building setback variance (from the required 30 feet) for all single-family detached lots; 3) a 10-foot right-of-way width variance (from the required 60 feet) for five proposed streets; and 4) a 1,000-square-foot lot area variance (from the required 6,000 square feet) for 38 single-family detached lots.

**Staff Recommendation: Approval** of a 10-foot lot width variance (from the required 60 feet for 38 single-family detached lots; a 10-foot front yard building setback variance (from the required 30 feet) for all single-family detached lots; a 10-foot right-of-way width variance (from the required 60 feet) for five proposed streets; a 1,000-square-foot lot area variance (from the required 6,000 square feet) for 38 single-family lots; and the proposed Master Plan subject to the following conditions: 1) Approval by the County Engineer of a traffic study. The traffic study shall provide the maximum peak hour and daily traffic counts that will be generated by this development at the maximum permitted densities. The primary purpose of the traffic projections is to make sure the intersection of the entrance road at Little Neck Road will function at an acceptable level as determined by the County Engineer at build-out of the development. 2) Approval by the Chatham County Health Department and the County Engineer. 3) Revise the Master Plan to identify the area shown as future neighborhood store as either single-family detached lots, single-family attached and semi-attached lots, or multi-family residential. The maximum permitted density within this area for residential uses other than single-family detached will be 14 units per net acre. 4) Revise the Master Plan to increase the width of the buffer along the southern lot line of the area presently identified as future neighborhood store to not less than 50 feet. No buffer will be required if the future use is designated as single-family detached. 5) Approval by the owner of the adjacent southernmost property (owner identified as N/F Donald D. Dugger). In absence of this, the proposed path and Lots 40 and 41 must be eliminated. 6) Approval by the City of Savannah of the extension of the water and sewer services. 7) Approval of the rezoning of this site to a PUD-M-6 by the Chatham County Board of Commissioners.

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 for approval subject to conditions carried with none opposed. Voting were Mr. Lufburrow, Mr. Ray, Mr. Todd, Mr. Mackey, Ms. Myers, Mr. Bean, Mr. Brown, Mr. Farmer, Mr. Manigault, Mr. Meyer, and Mr. Ragsdale. Mr. Coleman recused himself from the discussion and abstained from voting on this issue due to a possible conflict of interest.

**E. Revised General Development Plan / Group Development Plan**

The Trellis  
NWC Abercorn Street and King George Boulevard  
PIN: 1-0993-02-002 and 024  
John Panhorst (Thomas & Hutton), Engineer/Agent  
MPC File No. P-070228-39839-1  
MPC Project Planner: Jim Hansen

**Nature of Request:** The petitioner is requesting approval of a revised General Development Plan/Group Development in order to construct a multi-family residential project within a PUD-C (Planned Unit Development-Community) district.

**Staff Recommendation (Revised): Approval** of the Revised General Development Plan/Group Development Plan. Approval is conditioned upon 1) the design and construction of all recommended traffic improvements as determined by the approved traffic study; and 2) compliance with the requirements of the Chatham County infrastructure departments.

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 County Arborist shall review the Landscape Plan. 2) A Water and Sewer Plan. The City of Savannah Water and Sewer Engineer shall review the Water and Sewer Plan. 3) A Drainage Plan. The Drainage Plan shall be reviewed by the County Engineer. 4) Building Exterior Elevations. Proposed building heights, materials, and colors shall be reviewed by the MPC staff. 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. Todd **moved** to approve the staff recommendation as revised for approval subject to conditions. Mr. Mackey seconded the motion.

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

**F. Subdivision/Sketch Plan**

New Hampstead Tract R-6, Phase 1  
3001 Highgate Boulevard  
PUD-New Hampstead Zoning District  
63.5 acres / 168 lots  
PIN: 1-1047-02-003  
Steve Wohlfeil (Hussey, Gay, Bell & DeYoung), Engineer/Agent  
R-6 Development, LLC, Owner

**Nature of Request:** The petitioner is requesting approval of a Concept Plan for a proposed residential development to be located on the southeast side of Highgate Boulevard approximately one mile north 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) The required front yard building setbacks were established with the assumption that all single-family residential structures would have a garage. To ensure that adequate off-street parking is provided, add the following notes to the Concept Plan and Final Plat: a) "A 20-foot setback is required for a garage or parking pad." b) "All single-family detached lots shall have a garage or parking pad and shall provide parking for not less than two vehicles (cars or trucks)." 2) Approval by the City Review Departments. 3) No future phases of the Tract R-6 development shall be approved by the MPC until such time as a connection with Highway 204 has been determined and approved. 4) 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 accept the staff recommendation for approval subject to conditions. Mr. Mackey 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. Bean, Mr. Brown, Mr. Coleman, Mr. Farmer, Mr. Manigault, Mr. Meyer, and Mr. Ragsdale.

**G. Authorize Executive Director to Execute Hutchinson Island Master Plan Contract**

**1. Approve Waiver of Procedure**

Mr. Todd **moved** to approve the Waiver of Procedure. Mr. Ray seconded the motion.

**MPC Action: The motion to approve the Waiver of Procedure carried with one opposed.** Voting in favor were Mr. Lufburrow, Mr. Ray, Mr. Todd, Ms. Myers, Mr. Bean, Mr. Brown, Mr. Coleman, Mr. Farmer, Mr. Manigault, and Mr. Meyer. Opposed: Mr. Ragsdale. Mr. Mackey was not present for the vote.

**2. Authorize Executive Director to Execute Hutchinson Island Master Plan Contract**

Mr. Todd **moved** to authorize the Executive Director to execute the contract. Mr. Ray seconded the motion.

**MPC Action: The motion to authorize the Executive Director to execute the contract carried with one opposed.** Voting in favor were Mr. Lufburrow, Mr. Ray, Mr. Todd, Ms. Myers, Mr. Bean, Mr. Brown, Mr. Coleman, Mr. Farmer, Mr. Manigault, and Mr. Meyer. Opposed: Mr. Ragsdale. Mr. Mackey was not present for the vote.

**H. Approval of the MPC Budget for Year 2008**

Mr. Todd **moved** to approve the MPC Budget for Year 2008. Mr. Ray seconded the motion.

**MPC Action: The motion to approve the MPC Budget for Year 2008 carried with none opposed.** Voting were Mr. Lufburrow, Mr. Ray, Mr. Todd, Ms. Myers, Mr. Bean, Mr. Brown, Mr. Coleman, Mr. Farmer, Mr. Manigault, Mr. Meyer, and Mr. Ragsdale. Mr. Mackey was not present for the vote.

**I. Approval of the MPC Work Program for Year 2007**

Mr. Todd **moved** to approve the MPC Work Program for Year 2007 as presented. Mr. Ray seconded the motion.

**MPC Action: The motion to approve the MPC Work Program for Year 2007 as presented carried with none opposed.** Voting were Mr. Lufburrow, Mr. Ray, Mr. Todd, Ms. Myers, Mr. Bean, Mr. Brown, Mr. Coleman, Mr. Farmer, Mr. Manigault, Mr. Meyer, and Mr. Ragsdale. Mr. Mackey was not present for the vote.

**IV. Old Business**

**A. Status Report: Unified Zoning Ordinance**

Ms. Moore updated the Commission on the progress of the Unified Zoning Ordinance. The Assessment Report will be completed by the end of March. This will serve as a guide for our Technical Committee in addition to the Comprehensive Plan. The Zoning Assessment results will be presented at the April 3, 2007, MPC Meeting. Six public outreach meetings have been held so far and more are scheduled. The Technical Committee Meeting, which is the kick-off of the Unified Zoning Ordinance, will be held March 21. Approximately 30 government and private professionals will be attending. There will be a web page to provide the public with information about the process and to

allow public comment. Ms. Moore urged Commissioners to advise staff if they know of any organizations who would like to have a staff presentation. Staff will keep the Commission advised as this process goes forward.

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

Southside Baptist Church  
5502 Skidaway Road  
R-6 Zoning District  
PIN: 2-0136-06-003  
Michael Johnson (BMW Architects), Agent  
Southside Baptist Church, Inc., Owner  
MPC Project Planner: Debbie Burke  
MPC File No. P-060928-54501-2

**Nature of Request:** The petitioner is requesting approval of a General Development Plan for a group development in order to construct a gymnasium at an existing church within an R-6 (One-family Residential) zoning district. The applicant is requesting a setback and buffer variance where the property abuts an existing single-family dwelling.

**Staff Recommendation:** **Denial** of the General Development Plan as submitted and **approval** of the General Development Plan subject to the following conditions: 1) The lots must be combined prior to Specific Development Plan approval, 2) the building must be shifted west on the property to meet the setback and buffer requirements, and 3) the majority of the planting requirements must be located in the buffer where the subject property adjoins residential uses.

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. When a proposed nonresidential use is adjacent to or across the street from existing residential use, all structures within the nonresidential property shall be compatible with and/or screened from the structures within the residential property. 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:** **Michael Johnson** of BMW Architects, Agent, emphasized that the adjacent property owner who would be affected by the requested variances has submitted a letter saying that he has no objections to the variances. In fact, he intends to sell his property to the church at some future date. **Mr. Manigault** asked that the letter from the adjacent property owner be made part of the record for future reference.

Mr. Ragsdale asked why the building could not be moved forward. Mr. Johnson said the sidewalks line up with the main corridor which runs through the existing buildings. To move the building would misalign it with the access to the existing buildings.

Mr. Meyer **moved** to approve the staff recommendation. Mr. Todd seconded the motion. Ms. Myers asked the motion be amended to approve the requested setback and buffer variances. Mr. Meyer and Mr. Todd agreed.

Mr. Bean pointed out that the amendment to the motion contradicts the motion. Other Commissioners agreed and Mr. Meyer withdrew his motion.

Mr. Bean **moved** to approve the petition as submitted. Ms. Myers seconded the motion.

**MPC Action: The motion to approve the petition as submitted carried with none opposed.** Voting were Mr. Lufburrow, Mr. Ray, Mr. Todd, Ms. Myers, Mr. Bean, Mr. Brown, Mr. Coleman, Mr. Farmer, Mr. Mackey, Mr. Manigault, Mr. Meyer, and Mr. Ragsdale.

## V. Regular Business

### A. General Development Plan / Group Development Plan

Highway 17 Shopping Complex  
4343-4401 Ogeechee Road  
P-B-C Zoning District  
PIN: 1-0836-02-008, 009, 010, 011, 012, and 013  
Jamie Csizmadia, Kern-Coleman & Company, Agent  
James Thomas Moore, Owner  
Debbie Burke, MPC Project Planner  
MPC File No. P-070312-38746-1

**Nature of Request:** The petitioner is requesting approval of a General Development Plan/Group Development Plan in order to construct two retail structures and two outparcels within a P-B-C (Planned Community-Business) zoning district. The petitioner is requesting a buffer variance.

**Staff Recommendation:** **Approval** of the ten-foot buffer variance and **approval** of the General Development Plan/Group Development Plan subject to the following conditions: 1) Add the Type G buffer where the proposed parking abuts the eastern property line and a portion of the parking abuts the southern property line. 2) Add a six-foot-high fence to the portions of the western property line and the southern property line that are abutting residentially zoned property. 3) Each outparcel will be permitted a monument style sign with a maximum height of eight feet, including the base, and a maximum area of 80 square feet. The directory sign for the retail parcel shall be a monument style sign with a maximum height of 12 feet, including the base, and a maximum area of 120 square feet. If the signs are to be lighted, lighting will be restricted to either indirect lighting or internal lighting with a reverse silhouette. 4) The reconfiguration of the lots will need to be done prior to Specific Development Plan approval. 5) Outparcels 1 and 2 will not be permitted direct access to Highway 17. All access for the proposed outparcels shall be via the two access easements on the retail site. 6) Any future development on the outparcels will require MPC review and approval.

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 County 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 County 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. When a proposed nonresidential use is adjacent to or across the street from existing residential use, all structures within the nonresidential property shall be compatible with and/or screened from the structures within the residential property. 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:** **Terry Coleman**, Agent, asked the Commissioners to consider foregoing the requirement for a fence which would, in his opinion, do more to protect the petitioner than the adjacent use. He believes that the cost of the fence could be better spent on landscaping. He agrees with Ms. Burke's assessment that the adjacent piece of

property will never be used for anything other than commercial.

Mr. Ragsdale **moved** to approve the staff recommendation for approval subject to conditions, but with no fence required along the western and southern property lines, thereby eliminating Condition No. 2 of the staff recommendation. Mr. Farmer seconded the motion.

**MPC Action:** The motion to approve the staff recommendation for approval subject to conditions but with no fence required along the western and southern property lines, thereby eliminating Condition No. 2 of the staff recommendation, carried with one opposed. Voting in favor were Mr. Lufburrow, Mr. Ray, Mr. Todd, Ms. Myers, Mr. Bean, Mr. Brown, Mr. Coleman, Mr. Farmer, Mr. Mackey, Mr. Meyer, and Mr. Ragsdale. Opposed: Mr. Manigault.

#### **B. Zoning Petition – Map Amendment**

510 Stephenson Avenue  
PIN: 2-0145-13-003  
E. Bruce Adams, Agent  
Wakely Properties, LLC, Owner  
MPC Project Planner: Jim Hansen  
MPC File No. Z-070301-42365-2

**Issue:** At issue is a request to allow a funeral home as a special use within a PUD-IS-B (Planned Unit Development-Institutional) zoning district in accordance with the provisions of Section 8-3040(b)(5) of the City of Savannah Zoning Ordinance.

**Policy Analysis:** The proposed funeral home does not directly meet all of the criteria set forth in the Zoning Ordinance for approval of a special use; however, mitigating measures can and will be provided to assure compatibility with existing development and to mirror other PUD-IS-B approvals in the area.

**Staff Recommendation:** **Approval** of the request to establish a funeral home as a special use for a property located at 510 Stephenson Avenue subject to the condition that funeral processions shall not take place during the peak traffic hours of 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m. weekdays.

**Speaking about the petition:** **Floyd Adams**, representing petitioner Bruce Adams, said that many of the concerns expressed by Commissioners today have been carefully considered and addressed by the petitioner—parking, transportation, ingress/egress, etc. As for the egress, the entryway into the property belonged to the church which formerly occupied the property prior to the development of Jackson Heights (Jackson Park). Residents have an easement through that property to access Jackson Heights (Jackson Park). Petitioner would only utilize the front entrance to his property and nothing would be parked around Round

Tree Circle. Parking would be confined to the rest of the property. There will be renovations inside the existing building but no major changes to the exterior. Mayor Adams said the petitioner totally agrees with and accepts the staff recommendations. There will be an eight-foot-high fence and the current landscaping will be maintained. An additional fence will be built to allow the hearses to back in unseen by the public. Speed and Adams Funeral Home is currently located on Crawford Square and has been there for more than 100 years. Speed and Adams uses off-duty police to control traffic and parking to minimize impact on their downtown neighborhood. They believe they can be a good neighbor, offer adequate buffering, and intend to hire off-duty police to be sure Round Tree Circle is kept clear at all times. They ask that MPC approve this petition and give petitioner the opportunity to be heard by City Council for a yes or no vote. The site plan will come back to MPC for approval. No variances are being requested. The proposal is in conformance with Gamble Funeral Home and other developments in the area. The petitioner approached the City Traffic Engineer about the possibility of opening another curb cut on Stephenson but there is a drainage intake plus a fire hydrant where the cut would need to be and it would be very expensive to relocate them.

**Bruce Adams**, petitioner, said his firm has been on Crawford Square since 1926. There is no off-street parking. The funeral home will be going from zero parking to 63 spaces as certified by the architectural firm of Barnard and King. The main problem here is traffic going in and out of Jackson Park. Round Tree Circle is a street and it is illegal to block a street. If they do so, they will be cited and fined. In their downtown location, an off-duty police officer is employed to direct traffic. They will continue this practice in the Stephenson Avenue location. Petitioner believes they meet the code and asks to be approved on that basis.

**Jeff Laskey**, representing adjacent property owners, Chatham Capital and A. G. Edwards, said the issue today is whether or not this special use meets the code. Mr. Adams has not requested any special treatment nor do Mr. Laskey's clients or the residents of Round Tree Circle. The ultimate decision will be made by the Mayor and Aldermen but there are procedures in place which must be followed and cannot be modified. The review must be in accordance with the map amendment. The

review criteria are set out in Section 3163(b) of the Zoning Ordinance. The required findings shall be made by both the MPC and the Mayor and Aldermen. Every question in Section 3163(b) must be answered "yes." If the answer to any of the questions is "no," then the special use cannot be approved. Staff's findings were that the funeral home does not meet all the criteria set forth in the Zoning Ordinance for approval of a special use. Therefore, it is Mr. Laskey's position that legally the case is over and the special use must be denied. MPC staff contends that the special use does not meet the criteria, but it can be mitigated. Mr. Laskey has asked under what authority the procedure can be mitigated but has not received an answer from MPC staff.

The biggest problem for Mr. Laskey's clients is parking. The ingress/egress is 25 feet wide at the street entrance and it narrows to 18 feet, allowing only one-way traffic. The regulations for a funeral home require a hearse and a church truck, which are larger than a car. These vehicles will have to enter and exit through this narrow drive. (Mr. Adams interjected that a church truck is a device on which the casket rests. It is not a vehicle.) Section 3163(b) says that the proposed use must comply with off-street parking and service requirements of this chapter. These requirements mandate that off-street parking and loading facilities meet a minimum requirement for number of spaces and design. Design standards require paving and include lighting criteria. Mr. Laskey computes 40 to 45 spaces, though he has not had a chance to look at the site plan to see if it meets the parking requirements. The site plan must also comply with the PUD-IS-B and the 50-foot buffer. MPC staff has said that the funeral home could comply with the 50-foot buffer, but they would not be required to do so because other developments in the area have not done so. A fence would be added against the buffer already in place. Gamble Funeral Home had to install a 15-foot buffer and in the Gamble decision MPC staff stated that the MPC had recently adopted a policy regarding special use approvals for development on Stephenson. That policy allows a setback buffer as minimal as ten feet adjacent to residential uses provided that a sufficient opaque visual screen to include understory and overstory vegetation be provided to prevent adjacent residents from viewing a business activity. Under this policy, a ten-foot buffer is a minimum. The fence has to be moved ten feet off the property line and then an understory and overstory of vegetation must be installed. If that is done on this site,

an entire row of parking will be lost. That would reduce the 63-space total cited by Mr. Adams by 18 spaces. Gamble was required to put in a 15-foot buffer with an eight-foot-high fence. None of this is in the MPC staff recommendation for this site nor has it been proposed by the petitioner.

The code requires that there be off-street loading spaces a minimum of 12 feet by 48 feet. The code also allows the Zoning Administrator to decide how big this needs to be but Section 3091 requires 3,000 to 20,000 square feet, one loading space in accordance with the subsection. The Zoning Administrator has not addressed the loading space. The criteria cannot be deemed to have been met because that information has not been made available. If you add loading space to the site, you lose additional parking spaces. It is a practical issue of compliance with the code.

Perhaps the largest area of misinformation surrounds the issue of the Zoning Administrator deciding the number of parking spaces required. Funeral homes are not listed in the recommended number of spaces, so the Zoning Administrator does have to decide. However, in numerous discussions with Mr. Todaro, the Zoning Administrator, the one to eight ratio did not exist until yesterday.

Gamble's architect used a parking criteria of one space per 200 square feet, which would have equated to 41 spaces. In fact, Mr. Gamble has 78 spaces on his property. In the matter of the Gamble Funeral Home petition for special use, MPC staff asked Gamble to identify the number of seats within the funeral home sanctuary, saying that this information was required to determine the number of parking spaces needed. This is rational. You have to base the number of parking spaces on the number of people who will be assembled. In the present situation, there is no information included which indicates how many people will fit in this chapel. A church spokesman told us 200. Thirty spaces or even 50 spaces would not be enough to accommodate 200 people. Gamble Funeral Home can seat 200 people and they have 78 parking spaces. Yesterday there was a funeral at Gamble's at 2:00. Mr. Laskey counted 120 cars in Gamble's lot, parked everywhere you could possibly fit a car. They were able to fit because the Gamble property is virtually totally asphalt. That property

is new construction and was built for parking. The site under consideration today does not have that advantage.

Remote parking, mentioned earlier, must be within 150 feet from the intended use. The only two properties nearby that meet that distance requirement are the two on either side of the proposed site and they do not want people parking on their property.

The code does not allow a reduction in the number of off-street parking spaces. The petitioner cannot meet the parking requirements and the petition should be denied on that basis alone.

There is no staging area on the site to line up the hearse and the limos without blocking access to parking.

It does not make sense to approve the special use for a funeral home, only to realize when the site plan comes back for review that it cannot meet the requirements. If they cannot meet the requirements, the special use should not be granted.

According to the Gamble Funeral Home file, Gamble had 8,200 square feet and 78 parking spaces (one space for every 105 square feet), a side yard buffer of 25 feet, and a 10-foot buffer to the adjacent residential uses with an opaque visual screen and specific fencing requirements. There was a front yard setback of 35 feet from which Gamble asked a variance but was denied. They had to submit a landscape plan, water and sewer plan, drainage plan, dumpster plan, lighting plan, and signage plan.

This location simply does not work. Property owners are afforded equal or possibly greater rights under the Ordinance than developers. All they want you to do is to enforce the ordinance.

**Mr. Thomson** was asked by Mr. Lufburrow to share his understanding of the special use criteria for approval and to comment on the issue of mitigation. Mr. Thomson said that it is his opinion that if the Commission believes under the criteria provided in the Staff Report that the use is not appropriate, then the petition should be denied. If the Commission believes that whatever standard cannot be met strictly can be mitigated in a site plan (because this Board grants variances all the time), then members can vote accordingly. Most of the issues Mr. Laskey brought

forward today are site plan review issues and should be addressed when the site plan comes back to MPC.

**Aron Weiner**, represented the 22 homeowners of Jackson Park. The homeowners have no objection to a funeral home being located on this property. They do want to be sure that the regulations are complied with. Mr. Weiner's reading of Section 83163(b) brings into question which comes first, the cart or the horse. Can the use be approved before it is demonstrated that the criteria can be met? Mr. Weiner does not believe the section supports that point of view. He agrees with Mr. Laskey that the criteria must be met before the special use can be approved. This use is not a permitted use in this zoning district at the present time. The regulation sets forth rather clearly that you shall determine that all of the requirements for a special use are met before you approve the special use. As to how this petition compares with the Gamble Funeral Home petition, the Gamble chapel is a 200-person chapel and this chapel is a 200-person chapel. Gamble was required to have 78 parking spaces and if you want to treat the two developments the same, then 78 spaces should be required here. Mr. Weiner said the burden of proof does not rest with him and Mr. Laskey to demonstrate that MPC should not approve this development; the burden of proof rests with the petitioner to demonstrate to MPC that they meet all the requirements for the special use and that they are in compliance. In essence, the petitioner is asking for MPC to grant a variance to allow the special use and then they have the right to come back and ask for further variances. The regulations require that you have to meet the requirements to allow the special use. As far as the residents of Jackson Park are concerned, it is their desire that whatever use goes there, be it funeral home or any other use, it not be detrimental to their homes or be a nuisance or a hazard. They ask that the petition be denied or that the petitioner be asked to present a plan in complete form to see whether it meets all the requirements of Section 3163(b) before a special use is granted. Mr. Weiner wants to be sure that in the petitioner's request, the special things they agreed to do will carry over and be part of whatever the Commission does, whenever it does it.

**Bruce Adams** said that the issue at hand is whether or not he meets the criteria under the current zoning of the property. The answer to that is "yes." For a funeral home, which is a special use, things go a step further.



Whether or not he meets that higher criteria can only be decided by this Commission. No variances are being requested. In the case of Gamble Funeral Home, that was brand new construction. This is existing construction. This building is much smaller than Gamble's. He believes going from zero parking in his present location to 63 spaces in the new, is a big step in the right direction. The only thing that would adversely affect the 22 residents of Jackson Park would be blocking off Round Tree Circle, and Round Tree Circle will not be blocked. There will be an off-duty police officer to ensure that it is not. Speed-Adams handles approximately 100 funerals a year. That's two funerals a week and only 80 percent are chapel funerals.

**Floyd Adams** said there is only one decision that needs to be made today and that is whether or not to approve the petition and send it forward to City Council. If Council reviews it and there are any variances or other issues that need to be reconsidered by MPC, it will be sent back to MPC for site plan approval. In checking the City Council records on Gamble Funeral Home, Mayor Adams found that the neighbors met with Mr. Gamble and worked out some issues. Petitioner attempted to do that. They met with Mr. Friedman and Mr. Page. Mr. Friedman owns the property on both sides of the site in question and would not give his permission for petitioner to use his parking area, even though petitioner is willing to pay. Petitioner asks that the petition go forward to City Council. Council can then apply whatever specifications or variances they wish.

**Mr. Brown** said that some years ago a master plan was developed for the north side of Stephenson Avenue to transition it from an almost rural area to lighter commercial and institutional uses. There were historical land issues that the City helped to accommodate by concluding that most of the buffer was in the former lane which was transferred to Mr. Friedman and various other developers. It was understood that it would not be practicable to have a 50-foot buffer along there as that would make it impossible to develop these lots for almost any use, especially given the fact that widening the roadway was most likely going to take right-of-way off the fronts of these properties. He believes the key issue is whether a funeral home without a crematory is permissible in the PUD-IS-B and that issue, in his opinion, has already been decided by the Mayor and

Aldermen. However, issues that might adversely affect adjacent properties must still be considered.

Mr. Bean said that Mr. Laskey represents property owners who are customers and friends of Mr. Bean. However, these friendships would not affect his ability to render a fair decision in this matter. However, he said if the petitioner preferred that he recuse himself he would do so. Mr. Lufburrow said he believed that decision should rest on Mr. Bean. Mr. Bean said his relationships would not interfere with his ability to render a fair and impartial decision.

Mr. Brown **moved** to continue the petition to the April 3, 2007, MPC Regular Meeting with the hope that the two parties will meet and that some of the site considerations such as drive width, whether additional parking can be added to the site, the nature of the fence, etc., can be further clarified and defined for the Commission. Mr. Farmer seconded the motion.

**MPC Action: The motion to continue the petition to the April 3, 2007, MPC Regular Meeting carried with none opposed.** Voting were Mr. Lufburrow, Mr. Ray, Mr. Todd, Ms. Myers, Mr. Bean, Mr. Brown, Mr. Coleman, Mr. Farmer, Mr. Mackey, Mr. Manigault, Mr. Meyer, and Mr. Ragsdale.

It was pointed out that April 3, 2007, is a Jewish religious holiday and many of those on the opposition side, including the two attorneys, would not be able to be involved on that date.

Mr. Brown **moved** to rescind the motion to continue the petition to the April 3, 2007, MPC Regular Meeting . Mr. Farmer seconded the motion.

**MPC Action: The motion to rescind the motion to continue the petition to the April 3, 2007, MPC Regular Meeting carried with none opposed.** Voting were Mr. Lufburrow, Mr. Ray, Mr. Todd, Ms. Myers, Mr. Bean, Mr. Brown, Mr. Coleman, Mr. Farmer, Mr. Manigault, Mr. Meyer, and Mr. Ragsdale. Mr. Mackey was not present for the vote.

Mr. Brown **moved** to continue the petition to the April 17, 2007, MPC Regular Meeting. Mr. Farmer seconded the motion.

**MPC Action: The motion to continue the petition to the April 17, 2007, MPC Regular Meeting carried with none opposed.** Voting were Mr. Lufburrow, Mr. Ray, Mr. Todd, Ms. Myers, Mr. Bean, Mr. Brown, Mr. Coleman, Mr. Farmer, Mr. Manigault, Mr. Meyer, and Mr. Ragsdale. Mr. Mackey was not present for the vote.

### **C. General Development Plan**

Barry's Muffler and Brake Center  
8506 Ferguson Avenue  
B-C/TC Zoning District  
PIN: 1-0377-09-006 and 007  
Mark Boswell, Engineer  
Barry Wardlaw, Property Owner  
MPC Project Planner: Debbie Burke

**Nature of Request:** The petitioner is requesting approval of a General Development Plan in order to construct an automobile repair business within a B-C/TC (Community-Business, Town Center Overlay) zoning district. The petitioner is requesting setback, buffer, and parking variances.

**Staff Recommendation:** Denial of the General Development Plan.

**Speaking about the petition:** **Barry Wardlaw**, owner, said he has leased his current location for the past seven years but must be out in May. He purchased this site to relocate his business. This whole process is new to him and he was unaware of the buffer requirements. He talked with the neighbor to the rear of the site and she signed a petition saying she had no problem with Mr. Wardlaw's site plan. Her house is a long distance away across a ditch. All of the buildings along this stretch of Ferguson intrude into the buffer. When he purchased the building, he was not aware that it would infringe into the buffer. As for the parking, his business is not like a doctor where people park and come inside. The cars actually go inside the building. He has only three mechanics and they can only do a limited amount of work, so work is done by appointment. There is a garage next door with an apartment above where no one lives. The owners live in New Jersey and the husband is in assisted living. The wife said they do not want to sell their property, but it will be a long time before they will be able to come back here. In any case, they only come down twice a year for two weeks. The property owner to the rear of the site has discussed possibly selling part of her property to Mr. Wardlaw, but he is not financially able to do that right away. Mr. Farmer asked what was next to the property. Mr. Wardlaw said Marvin Windows, a large warehouse, is on one side; there is the unoccupied garage and apartment mentioned earlier; McClain's Shallow Wells, Inc., is next door and the former J. C. Clements furniture building is across the street. His building is prefabricated and cannot be changed at this point without considerable cost in expense and time.

Ms. Myers **moved** to approve the petition as submitted subject to the condition that a six-foot fence be installed behind the building to buffer the residential use and that no outdoor storage be allowed behind the building. Mr. Farmer seconded the motion.

**MPC Action:** The motion to approve the petition as submitted subject to the condition that a six-foot fence be installed behind the building and that no outdoor storage be allowed behind the building carried with one opposed. Voting in favor were Mr. Lufburrow, Mr. Ray, Mr. Todd, Ms. Myers, Mr. Coleman, Mr. Farmer, Mr. Meyer, and Mr. Ragsdale. Opposed: Mr. Bean. Mr. Brown, Mr. Mackey, and Mr. Manigault were not present for the vote.

**VI. Other Business**

None

**VII. Adjournment**

There being no further business to come before the Commission, the March 20, 2007, Regular Meeting was adjourned.

Respectfully submitted,

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

**Note: Minutes not official until signed**