

CHATHAM COUNTY-SAVANNAH METROPOLITAN PLANNING COMMISSION

MPC MINUTES

ARTHUR A. MENDONSA HEARING ROOM
110 EAST STATE STREET

May 1, 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
Freddie Gilyard
J. David Hoover
Timothy S. Mackey
Lacy Manigault

Members Not Present: Adam Ragsdale

Staff Present: Thomas L. Thomson, P. E., AICP, Executive Director
Harmit Bedi, AICP, Deputy Executive Director
Jim Hansen, AICP, Director, Development Services
Charlotte Moore, AICP, Director, Special Projects
Gary Plumbley, Development Services Planner
Roger Beall, Administrator, Information Technology
Marilyn Gignilliat, Executive Assistant
Lynn Manrique, Administrative Assistant

Advisory Staff Present: James B. Blackburn, City Attorney
Bob Sebek, County Zoning Administrator
Tom Todaro, City Zoning Administrator
Carl Palmer, Executive Director, Chatham Area Transit Authority

I. Call to Order and Welcome

J. David Hoover, 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. Next scheduled MPC Planning Session: May 8, 2007, at 1:00 p.m. in the Arthur A. Mendonsa Hearing Room, 112 East State Street.
2. Next Regular MPC Meeting: May 15, 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

1617 East Montgomery Crossroads
Harold Yellin, Agent
Terry Montford, Owner
Gary Plumbley, MPC Project Planner
MPC File No. Z-070412-50994-1

The petitioner has requested that this item be removed from the Final Agenda and continued to the May 15, 2007, Regular Meeting.

Mr. Todd **moved** to remove 1617 East Montgomery Crossroads, MPC File No. Z-070412-50994-1, from the Final Agenda and continue it to the May 15, 2007, Regular Meeting. Mr. Ray seconded the motion.

MPC Action: The motion to remove the MPC File No. Z-070412-50994-1 from the Final Agenda and continue it to the May 15, 2007, MPC Regular Meeting carried with none opposed. Voting were Mr. Lufburrow, Mr. Ray, Mr. Todd, Ms. Myers, Mr. Abolt, Mr. Bean, Mr. Brown, Mr. Coleman, Mr. Farmer, Dr. Gilyard, Mr. Hoover, Mr. Mackey, and Mr. Manigault.

III. Consent Agenda

A. Approval of the April 17, 2007, MPC Meeting Minutes and Briefing Minutes.

Mr. Todd **moved** to approve the April 17, 2007, MPC Meeting Minutes and Briefing Minutes. Mr. Ray seconded the motion.

MPC Action: The motion to approve the April 17, 2007, MPC Meeting Minutes and Briefing Minutes carried with none opposed. Voting were Mr. Lufburrow, Mr. Ray, Mr. Todd, Ms. Myers, Mr. Abolt, Mr. Bean, Mr. Brown, Mr. Coleman, Mr. Farmer, Dr. Gilyard, Mr. Hoover, Mr. Mackey, and Mr. Manigault.

B. Approve Tentative Planning Meeting Agenda for May 8, 2007.

Mr. Todd **moved** to approve the Tentative Planning Meeting Agenda for May 8, 2007. Mr. Ray seconded the motion.

MPC Action: The motion to approve the Tentative Planning Meeting Agenda for May 8, 2007, carried with none opposed. Voting were Mr. Lufburrow, Mr. Ray, Mr. Todd, Ms. Myers, Mr. Abolt, Mr. Bean, Mr. Brown, Mr. Coleman, Mr. Farmer, Dr. Gilyard, Mr. Hoover, Mr. Mackey, and Mr. Manigault.

C. Accept First Quarter Report – January thru March 2007

Mr. Todd **moved** to accept the 2007 First Quarter Report. Mr. Ray seconded the motion.

MPC Action: The motion to accept the 2007 First Quarter Report carried with none opposed. Voting were Mr. Lufburrow, Mr. Ray, Mr. Todd, Ms. Myers, Mr. Abolt, Mr. Bean, Mr. Brown, Mr. Coleman, Mr. Farmer, Dr. Gilyard, Mr. Hoover, Mr. Mackey, and Mr. Manigault.

IV. Old Business

A. Zoning Petitions – Map Amendments

1. 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: It appears that all of the development standards of the PUD-IS-B district cannot be met without variances being granted. However, the proposal is consistent with the development pattern and uses in the area. The petitioner has offered several mitigating measures to ensure compatibility with the surrounding neighborhood. Moreover, consistent with the opinion of the City Attorney, the petitioner can, at the appropriate time, request consideration of variances from the development standards of the district.

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 following conditions: 1) 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; and 2) off-duty police or other security personnel shall be employed to monitor and direct traffic into and out of the site on days when funerals are planned to minimize potential traffic impacts and to guard against vehicles parking illegally along Round Tree Circle; and 3) “no parking, tow away” signs shall be posted along both sides of Round Tree Circle; and 4) additional parking spaces shall be constructed and a secondary means of access shall be created to connect the property to Stephenson Avenue, as depicted on the preliminary site plan provided by the petitioner; and 5) an eight-foot-tall board-on-board fence with masonry columns 20-feet on center and similar in appearance to the existing fence located on the funeral home and bank properties

to the west shall be constructed along the rear property line and along Round Tree Circle from the rear property line to the point of ingress.

This petition was continued so that Commissioners could request a legal opinion from the City Attorney regarding the granting of special uses. Having secured that opinion, the Board is now prepared to proceed with its review and render a decision.

Chairman Lufburrow said that although each petition stands on its own merit, because of the fact that the Gamble Funeral Home case has been cited by both sides, he wanted to read into the record some information regarding the history of the Gamble petition. On August 5, 2003, and August 19, 2003, the Gamble petition was continued at the request of the petitioner. On September 2, 2003, the MPC acted on the petition which sought both a zoning change and a special use. MPC recommended approval of the zoning change but recommended denial of the special use. On October 16, 2003, City Council had its first hearing on the zoning and special use and on October 30, 2003, approved both the zoning and the special use. On November 18, 2003, the MPC took action on the site plan. Petitioner requested four variances; MPC approved the site plan with one variance and denied the other three.

Speaking about the Petition: **Floyd Adams**, Agent, said the petitioner has agreed in part with everything on the staff recommendation for approval. This church property existed in this location before the rezoning. Mr. Friedman could not have developed Jackson Park had it not been for the church's agreeing to provide an easement to access acreage that at that point was landlocked and the City's agreeing to sell him Mosby Avenue. A church is considered commercial property as is a funeral home. Bruce Adams has gone out of his way to be in compliance and has placed more burden on himself than the MPC requires. There is adequate on-site parking, an exit-only curb cut will be installed, and petitioner is considering opening up ingress into the property so as not to interfere with traffic coming out of Jackson Park. Petitioner has done everything MPC has asked him to do. At this point, all petitioner is asking is that MPC reach a decision and send its recommendation on to City Council.

Bruce Adams, petitioner, said that this is his second appearance before the Commission on a petition for which MPC's highly competent staff has recommended approval. He asked that the Board accept the staff's recommendation.

Al Pace, a seven-year resident of Jackson Park, said his neighborhood is peaceful and quiet with very little traffic. He is concerned that without adequate buffer in the form of a setback of not less than 15 feet at the northern end of the property line, that peace and quiet will be disturbed. Speed Adams Funeral Home should be held to the same standards imposed on Gamble Funeral Home.

JoAnn Troxler, President of the Jackson Park Homeowners Association, said that she and her husband moved to Round Tree Circle last August from Alexandria, Virginia. She submitted her comments for the record. The Troxlers love Savannah and are very happy in Jackson Park. They hope MPC will give close attention to retaining the quality of their lovely neighborhood. She urged due care and diligence pursuant to the original premise of a planned unit development as conceived by the framers of the City of Savannah Subdivision Regulations that when waivers and special use permits are granted, they are not granted by right, but by the grace of due attention to all conditions and consequences.

Aron Weiner, Attorney for the 22 homeowners of Jackson Park, said that Speed Adams Funeral Home should be held to the same standards required of Gamble Funeral Home. The opinion received from City Attorney James Blackburn together with comments from Assistant City Attorney Peter Giusti indicate that a special use is totally different from a normal zoning request in that before you can request a special use, you are compelled to first consider whether the property can meet the requirements for that use. This ensures that a special use is not approved for a piece of property that cannot accommodate that use. Mr. Weiner believes that petitioner has not met the requirements for the special use requested. The burden rests on the petitioner to demonstrate to MPC that there will be no substantial detriment to adjoining property owners. No such proof has been submitted. If the requirements cannot be met as set forth in the opinions of the City Attorney and Assistant City Attorney, the petition should be denied.

Jeffery Lasky, Attorney for adjacent property owners Chatham Capital and A. G. Edwards, said he wanted to focus on the criteria. Findings have to be made under every one of the criteria cited in Section 8-3163. The first criterion deals with the finding that the proposed use will not be detrimental to adjacent properties. Parking will be tight and people in such situations tend to spill over to any space available. That, combined with the fact that direct, easy access is available from the site into an established residential neighborhood, facilitates this funeral home's becoming a nuisance to adjoining residential property and adjacent businesses. That direct, easy access to a residential neighborhood makes this funeral home different from all others in the area. It is MPC's responsibility to balance the concerns of the residents and adjacent property owners with the interests of the petitioner.

Other criteria address the minimum area setbacks, the locational requirements and the proposed off-street parking. There are two ways to address this issue from the standpoint of process: 1) MPC makes its findings, sends them to City Council, City Council makes findings, sends it back to MPC and then the site planning process begins. 2) A general and specific development plan is presented as part of the special use approval process so that MPC can see from the beginning whether the requirements for the special use can be met. Mr. Lasky believes the second option is the better way to proceed.

Speed Adams should be required to meet the same buffer and set-back requirements as Gamble.

Chairman Lufburrow said if he understands Mr. Blackburn's opinion correctly, if MPC reasonably believes that the criteria can be mitigated by variances granted down the road, it is MPC's duty to take action and send it forward to City Council. This action can be approval, denial, or approval with conditions. He asked Mr. Blackburn to confirm this.

J. B. Blackburn, City Attorney, confirmed Mr. Luburrow's interpretation and said that there are three distinct ways to arrive at that decision. One is the PUD, and this is a PUD that had difficulties because of the nature of it and Stephenson Avenue. Generally this is done at the time of the preliminary plan for the PUD. This is a revision with an existing building on the property. This is similar to MPC's recent approval of the Wal-Mart revision to an existing site plan. The second way is through application of the criteria mentioned. The primary finding is the one concerning detriment and is it in accordance with the general plan. Specific variances may be addressed in the site plan or building plan if the finding generally is that the requested use is not against the overall good of the neighborhood and the overall plan of the community. The third factor is precedent which in this case was set by MPC when Gamble Funeral Home was approved within this very same PUD. The MPC has wide authority in approving a PUD plan. On these bases, Mr. Blackburn is of the opinion that MPC should proceed to make its finding. Some of the design standards that must be met are beyond the jurisdiction of MPC, but these standards will have to be met and approved by the appropriate City agencies and departments before occupancy permits can be granted. If these standards cannot be met, then no certificate of occupancy will be

issued. As to the argument of which comes first, the chicken or the egg, in a PUD, it is at the preliminary stage that one gets the PUD approved. Then he designs to that.

Mr. Lasky said that Mr. Blackburn, in his memo, recommends that if the criteria cannot be met without variances, the MPC make a recommendation to City Council with findings of fact as to the variances they believe need to be in place. He asked Mr. Blackburn for clarification.

Mr. Blackburn said he does not agree with Mr. Lasky's interpretation. His position is that the MPC does its job, using this criteria, to make a recommendation. That recommendation can be any number of things, including approval of the staff report as is or revising the staff report.

Mr. Lasky asked if that means that if MPC decides, for example, that a 15-foot setback buffer is needed, now is the time for that to be included in the recommendation to City Council. **Mr. Blackburn** said the question is if MPC knows that a front-yard setback is impossible because the Stephenson Avenue widening took it or that you cannot have a backyard setback because the building is there, does that mean that the criteria cannot be met or does granting a variance, as MPC is allowed to do, meet the criteria?

Mr. Brown gave a brief history of the establishment of the PUD-IS-B along Stephenson. North of Stephenson was residential until such time as large-lot, single-family homes were no longer viable. The City determined that commercial development would not be allowed, but that institutional would be. When Mr. Friedman desired to develop what is now Jackson Park, he said that he did not wish to have residential access to Hampton but wanted to have access instead to Stephenson Avenue and also asked the City to cooperate by abandoning or selling rights of way. Had Mr. Brown been able to foresee the problems before us today, Round Tree Circle would now be a city street with a wide right-of-way. At Mr. Friedman's request, the City did abandon some of the east-west lanes there and the north-south rights of way. Had those involved been able to see into the future, the City would never have abandoned these. There have been many PUD-IS-B zones in the City serving as transition from arterial and commercial areas up against residential areas. Mr. Brown interprets what the City Attorney is saying as "Can that particular use meet the requirements of the PUD-IS-B materially and substantially?"

It is rare to find a PUD-IS-B up against a residential neighborhood that totally meets the criteria.

Murray Barnard, Barnard & King Architects, architect for the petitioner, said the existing planting around this property is not bamboo, as shown in photographs, but is a leafy plant. Petitioner plans to install an eight-foot-high fence around the boundaries of the property to buffer the adjacent residential property. He questions why the residential development was not required to install the necessary buffer. The fence and landscaping in place will provide all the buffering necessary on that site. Though he has not yet calculated it, he believes they already meet the open space requirements. He sees no problem with placing the no-parking signs as requested.

Mayor Adams pointed out that the 15-foot setback mentioned on the Gamble property is from the back of his building to the property line. The building on the site under consideration is more than 150 feet from the property line. The bamboo buffer shown in earlier photographs is behind Mr. Friedman's property, not behind the property in question. It is time to move forward.

Beatrice Archer, 12-year resident of 231 Houston Street, Ward Captain for Crawford Ward and neighbor to Speed-Adams Funeral Home in its present location, said that Mr. Adams has been a wonderful neighbor. There have been no problems of any kind, parking or otherwise.

Mr. Brown **moved** to approve the staff recommendation with the added condition that the site plan specify joint and unfettered access to both properties with both parties having rights of enforcement of the access, including towing. If possible, an additional ornamental buffer with fence and overstory shall be installed along the northern property line, provided that it will not reduce the number of parking spaces. Mr. Farmer seconded the motion.

MPC Action: The motion to approve the staff recommendation with conditions carried with one opposed. Voting in favor were Mr. Lufburrow, Mr. Ray, Mr. Todd, Ms. Myers, Mr. Abolt, Mr. Bean, Mr. Brown, Mr. Farmer, Dr. Gilyard, Mr. Hoover, Mr. Mackey, and Mr. Manigault. Opposed: Mr. Coleman.

2. 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.

Speaking about the Petition: **Harold Yellin**, Agent for Vaden Nissan, William and Ida Tatum, and the Estate of Wilbur and Mary Tatum. Bill Daniel is present representing Vaden, Mr. and Mrs. Tatum are here, and Mary Albritton, the Executrix of the estate is also present. Petitioner is requesting a special use and has presented a site plan. In some respects this is a continuation of a petition that was heard by the Planning Commission in 1997. At that time MPC rezoned the property and City Council concurred. The site plan remained at MPC and did not go to City Council. Originally, in 1997 a B-C zoning was requested but after countless meetings this request was changed to a PUD-IS-B and were required to do certain things in conjunction with the site plan. In 1997 there were neighbors who opposed Vaden. Ten years later those neighbors approached Vaden to offer selling their property. Vaden's response was that they would be interested if the property could be rezoned from residential to PUD-IS-B. The buffers approved in 1997 would be pushed to the west to continue buffering against the residential uses. Only a small area, approximately one-third or one-fourth of the property, would actually be used and it would be used only for overflow parking of inventory. Great effort has been taken to preserve as many trees as possible and the area will not be paved. Staff has

recommended that only 215 Magnolia Avenue be approved for rezoning but that rezoning for 223 be denied. Directly across the street from this property is a bowling alley zoned residential. The piece of property directly connected to the bowling alley is highly unlikely ever to be a purely residential use again. Rezoning both pieces as requested will in no way harm the neighborhood. Rezoning only one lot will result in having to take down the house and many of the trees.

His clients have talked with Joanna Angell who lives adjacent to the site about the fence not being solid all the way across because of some significant trees that would be affected. His clients will be more than happy to add some kind of enhanced buffer in that area. They plan to install a fence but it will be up against another fence in stalled by the property owner next door. They fear the area between the fences will become a trash dump, but they will install the fence if MPC desires.

This is a PUD-IS-B and is site-plan specific. Anyone wanting to remove or construct a building, change a structure, install paving, or expand the use, would have to come back before MPC and City Council for approval.

Joanna Angell, lives at the end of Magnolia Avenue at 235 and 233. She grew up there and was one who opposed Vaden in 1997. She has looked over the site plan. If we could guarantee that those houses and trees would stay where they are she would be very happy with the plan. But long-term she is concerned about loss of tree canopy and light and noise that can come onto her property. She brought letters from the residents directly behind this property on Delmar opposing the rezoning.

Mr. Abolt **moved** to recommend rezoning both 215 Magnolia Avenue (PIN 2-0638-02-031) and 223 Magnolia Avenue (PIN 2-0638-02-032) from an R-6 (Single-family Residential – Six Units per Net Acre) classification to a PUD-IS-B (Planned Unit Development-Institutional) classification. Mr. Farmer seconded the motion.

MPC Action: The motion to recommend rezoning 215 Magnolia Avenue (PIN 2-0638-02-031) and 223 Magnolia Avenue (PIN 2-0638-02-032) from an R-6 Single-family Residential – Six Units per Net Acre) classification to a PUD-IS-B (Planned Unit Development-Institutional) classification carried with two opposed. Voting in favor were Mr. Lufburrow, Mr. Ray, Ms. Myers, Mr. Abolt, Mr. Brown, Mr. Coleman, Mr. Farmer, Dr. Gilyard, Mr. Hoover, and Mr. Manigault. Opposed: Mr. Todd and Mr. Bean. Mr. Mackey was not present for the vote.

Mr. Abolt **moved** to recommend approval of the special use for the ancillary uses for a car dealership on 215 Magnolia Avenue (PIN 2-0638-02-031) and 223 Magnolia Avenue (PIN 2-0638-02-032). Such recommendation is conditioned upon Mr. Yellin, as Agent, and the adjacent property owners coming together to develop a site plan for presentation to the MPC that is agreeable to all parties. Mr. Ray seconded the motion.

MPC Action: The motion to recommend approval of the special use for ancillary uses for a car dealership on 215 Magnolia Avenue (PIN 2-0638-02-031) and 223 Magnolia Avenue (PIN 2-0638-02-032) carried with two opposed. Such recommendation is conditioned upon Mr. Yellin, as Agent, and the adjacent property owners coming together to develop a site plan for presentation to the MPC that is agreeable to all parties. Voting in favor were Mr. Lufburrow, Mr. Ray, Ms. Myers, Mr. Abolt, Mr. Coleman, Mr. Farmer, Dr. Gilyard, Mr. Hoover, and Mr. Manigault. Opposed: Mr. Todd and Mr. Bean. Mr. Mackey and Mr. Brown were not present for the vote.

V. Regular Business

A. Zoning Petitions –Text Amendments

1. Text Amendment to the City of Savannah Zoning Ordinance
Re: Wireless Telecommunications Facility Ordinance
Charlotte Moore, MPC Project Planner
MPC File No. Z-070418-54438-2

Issue: Repealing Article J (Development Standards for Telecommunications Towers and Antennas) of the City of Savannah Zoning Ordinance in its entirety to enact a revised Article J (Wireless Telecommunications Facilities). Repealing portions of Sections 8-3002 (Definitions: Commercial Wireless Telecommunications Facility, Guyed Tower, Lattice Tower, Tower Farm); 8-3025 (Index for C and R Zoning Districts: Commercial Wireless); and 8-3025(b) (Index for B and I Zoning Districts / List of Uses: Commercial Wireless Telecommunications, Use 43d; Commercial Wireless Telecommunications Facility, Use 43d; and, Uses 43c and 43d from Use Schedule).

Policy Analysis: The proposed ordinance addresses the rapid changes in technology and increased demand for wireless services in a manner that complies with the 1996 Act, while balancing the needs of the wireless industry and the desires of the community.

Staff Recommendation: Approval to repeal Article J (Development Standards for Telecommunications Towers and Antennas) of the City of Savannah Zoning Ordinance in its entirety to enact a revised Article J (Wireless Telecommunications Facilities). **Approval** to repeal portions of Sections 8-3002 (Definitions: Commercial Wireless Telecommunications Facility, Guyed Tower, Lattice Tower, Tower Farm); 8-3025 (Index for C and R Zoning Districts: Commercial Wireless); and, 8-3025(b) (Index for B and I Zoning Districts / List of Uses: Commercial Wireless Telecommunications, Use 43d; Commercial Wireless Telecommunications Facility, Use 43d; and, Uses 43c and 43d from Use Schedule).

Speaking about the petition: **Jonathan Yates**, National Wireless Construction, said that cell towers are always controversial and problematic at the planning stage. But he has found that once they are

deployed the predictions of disaster are never realized. MPC staff tried to cover every possible base in this ordinance. There were issues that the different interests could not agree on. The ability to resolve those issues lies in the flexibility to do what is best in each circumstance given to the Planning Commission by the ordinance. He fears what may happen on a wrong day when there are 200 opponents in the hearing room, as the strict interpretation of this ordinance could result in a very big problem for his industry and his client base. One area of concern is the height of the concealed freestanding which is limited to 100 feet. As we know, in order to get collocation of a tower, if you have tree cover of 70 to 80 feet, 100 feet will not allow enough room for collocations. However, the ordinance gives the Commission the ability to review on a case-by-case basis.

Greg Knight, Cingular Wireless, said that what will make or break this ordinance is the flexibility built into it. Where heavy tree cover exists, as it does in many areas of Savannah, 95 feet will not work. The only way this ordinance will work is with cool heads and common sense. He looks forward to working with the Commission to make this work.

Mr. Todd **moved** to approve the staff recommendation. Mr. Brown seconded the motion.

MPC Action: The motion to approve the staff recommendation carried with none opposed. Voting were Mr. Lufburrow, Mr. Ray, Mr. Todd, Mr. Abolt, Mr. Bean, Mr. Brown, Mr. Coleman, Mr. Farmer, Dr. Gilyard, Mr. Hoover, and Mr. Manigault. Ms. Myers and Mr. Mackey were not present for the vote.

2. Text Amendment to the Chatham County Zoning Ordinance
Re: Wireless Telecommunications Facility Ordinance
Charlotte Moore, MPC Project Planner
MPC File No. Z-070418-54569-1

Issue: Repealing Section 4-11 (Development Standards for Telecommunications Towers and Antennas) of the Chatham County Zoning Ordinance in its entirety to be replaced by Section 16 (Wireless Telecommunications Facilities). Repealing portions of Section 4-5.1 (Index for C and R Zoning Districts: Tower-Commercial Wireless Telecommunications Facility, Use 35 and List of Uses, Use 35); Section 4-5.2 (Index for B and I Zoning Districts: Tower, Use 72c and List of Uses: Commercial Wireless Telecommunications Facilities, Use 72c); and, Section 8-2.c (Nonconforming Uses, Limitations on the Use of a Building or a Land by Nonconforming Uses).

Policy Analysis: The proposed ordinance addresses the rapid changes in technology and increased demand for wireless services in a manner that complies with the 1996 Act, while balancing the needs of the wireless industry and the desires of the community.

Staff Recommendation: Approval to repeal Section 4-11 (Development Standards for Telecommunications Towers and Antennas) of the Chatham County Zoning Ordinance in its entirety and to enact Section 16 (Wireless Telecommunications Facilities) in its place. **Approval** to repeal portions of Section 4-5.1 (Index for C and R Zoning Districts: Tower-Commercial Wireless Telecommunications Facility, Use 35 and List of Uses, Use 35); and Section 4-5.2 (Index for B and I Zoning Districts: Tower, Use 72c and List of Uses: Commercial Wireless Telecommunications Facilities, Use 72c); and, Section 8-2.c (Nonconforming Uses, Limitations on the Use of a Building or a Land by Nonconforming Uses).

Mr. Todd **moved** to approve the staff recommendation. Mr. Abolt seconded the motion.

MPC Action: The motion to approve the staff recommendation carried with none opposed. Voting were Mr. Lufburrow, Mr. Ray, Mr. Todd, Mr. Abolt, Mr. Bean, Mr. Brown, Mr. Coleman, Mr. Farmer, Dr. Gilyard, Mr. Hoover, and Mr. Manigault. Ms. Myers and Mr. Mackey were not present for the vote.

Mr. Abolt asked the staff to schedule approval with the two governing bodies within days of each other so there would not be a lengthy lag time between the time the ordinance goes into effect in one jurisdiction and its taking effect in the other.

VI. Other Business

None

VII. Adjournment

There being no further business to come before the Commission, the May 1, 2007, Regular Meeting was adjourned.

Respectfully submitted,

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

Note: Minutes not official until signed