

CHATHAM COUNTY-SAVANNAH METROPOLITAN PLANNING COMMISSION

MPC MINUTES

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

October 2, 2007

1:30 PM

Members Present: Jon Todd, Chairman
Robert Ray, Vice Chairman
Shedrick Coleman, Secretary
Stephen R. Lufburrow
Douglas Bean
Michael Brown
Ben Farmer
David Hoover
Lacy Manigault
Adam Ragsdale
Russ Abolt

Members Not Present: Freddie Gilyard
Timothy S. Mackey
Susan Myers, Treasurer

Staff Present: Thomas L. Thomson, P. E., AICP, Executive Director
Harmit Bedi, AICP, Deputy Executive Director
Charlotte Moore, AICP, Director of Special Projects
Jim Hansen, AICP, Director, Development Services
Gary Plumbley, Development Services Planner
Amanda Bunce, Development Services Planner
Geoffrey Goins, Development Services Planner
Constance Morgan, Administrative Assistant
LaToya Bynum, Administrative Assistant

Advisory Staff Present: Robert Sebek, County Zoning Administrator

I. CALL TO ORDER AND WELCOME

Chairman Jon Todd called the October 2, 2007 meeting to order and asked that everyone stand for the Pledge of Allegiance and the Invocation. He explained the agenda for the benefit of those attending the meeting for the first time and welcomed Alderman Tony Thomas, Chatham County Tax Commissioner Daniel Powers, Primary Court Deputy Anthony Davis, and Superior Court Judge Louisa Abbot, who were in attendance.

II. NOTICES, PROCLAMATIONS AND ACKNOWLEDGMENTS

A. Notice(s)

1. The next Planning Academy Session will be October 9, 2007 at 6:00 PM in the MPC Arthur A. Mendonsa Hearing Room, 112 East State Street.

2. The next Regular Scheduled MPC Meeting will be October 16, 2007 at 1:30 PM in the MPC Arthur A. Mendonsa Hearing Room, 112 East State Street.
3. The MPO/MPC received the Georgia Planning Association 2007 Award for Innovation and Effective Planning Process MPC/MPO for the Context Sensitive Design Manual.
4. The American Planning Association has designated Bull Street in Savannah as One of 10 Great Streets in America.

B. Swearing-In of MPC Officers

Chairman Todd introduced Judge Louisa Abbot, Superior Court Judge who was present to swear in the MPC Officers. Judge Abbot asked the Officers to stand as she read the Oath of Office. She asked that the Officers affirm the Oath by stating "I do" at the end of the reading.

C. Item(s) Requested to be Removed from the Final Agenda

1. Zoning Petition – Text Amendment

145 Snow Green Road
Billy Herrin, Agent
21 South LLC, Owner
Gary Plumbley, MPC Project Planner
MPC File No. Z-070817-40065-2

The petitioner has requested that 145 Snow Green Road, MPC File No. Z-070817-40065-2 be removed from the Final Agenda and rescheduled for the October 16, 2007 Regular Meeting.

Mr. Brown **moved** to approve the petitioner's request to remove 145 Snow Green Road, MPC File Z-070817-40065-2 from the Final Agenda and continue it to the October 16, 2007 Regular Meeting. Mr. Ray seconded the motion.

MPC Action: The motion to approve the petitioner's request to remove 145 Snow Green Road, MPC File No. Z-070817-40065-2 from the Final Agenda and continue it to the October 16, 2007 Regular Meeting carried with none opposed. Voting were Mr. Todd, Mr. Ray, Mr. Lufburrow, Mr. Brown, Mr. Abolt, Mr. Ragsdale, Mr. Manigault, Mr. Hoover, Mr. Farmer, Mr. Bean, and Mr. Coleman.

AND

Master Plan

Fort Argyle Village Master Plan
145 Snow Green Road
PUD-C Proposed Zoning District, PIN 2-1034 -01-001
Steve Wohlfeil, Hussey, Gay, Bell & DeYoung., Engineer / Agent
21 South LLC, Owner
Gary Plumbley, MPC Project Planner
MPC File No. M-070821-40915-2

The petitioner has requested that 145 Snow Green Road, MPC File No. M-070821-40915-2 be removed from the Final Agenda and rescheduled for the October 16, 2007 Regular Meeting.

Mr. Brown **moved** to approve the petitioner's request to remove 145 Snow Green Road, MPC File M-070821-40915-2 from the Final Agenda and continue it to the October 16, 2007 Regular Meeting. Mr. Ray seconded the motion.

MPC Action: The motion to approve the petitioner's request to remove 145 Snow Green Road, MPC File No. M-070821-40915-2 from the Final Agenda and continue it to the October 16, 2007 Regular Meeting carried with none opposed. Voting were Mr. Todd, Mr. Ray, Mr. Lufburrow, Mr. Brown, Mr. Abolt, Mr. Ragsdale, Mr. Manigault, Mr. Hoover, Mr. Farmer, Mr. Bean, and Mr. Coleman.

III. CONSENT AGENDA

A. Approval of September 18, 2007 MPC Meeting Minutes and Briefing Minutes.

Mr. Bean **moved** to approve the September 18, 2007 MPC Meeting Minutes and Briefing Minutes as submitted. Mr. Ray seconded the motion.

MPC Action: The motion to approve the September 18, 2007 MPC Meeting Minutes and Briefing Minutes as submitted carried with none opposed. Voting were Mr. Todd, Mr. Ray, Mr. Lufburrow, Mr. Brown, Mr. Abolt, Mr. Ragsdale, Mr. Manigault, Mr. Hoover, Mr. Farmer, Mr. Bean, and Mr. Coleman.

B. Zoning Petitions - Map Amendments

1. 1102 Bradley Boulevard
Chad Zittrouer, Kern-Coleman & Co., Engineer/ Agent
Lanyard Development, Owner
Amanda Bunce, MPC Project Planner
MPC File No. Z-070907-59275-2

Issue: The petitioner is requesting the rezoning of 1102 Bradley Boulevard from an R-A-CO (Residential-Agriculture-County) zoning classification to P-B-C (Planned Community Business) and PUD-M-15 (Planned Unit Development-Multifamily, 15 units per net acre) classifications. The petitioner is proposing that 12.78 acres be zoned P-B-C and 20.0 acres be zoned PUD-M-15.

Policy Analysis: The proposed rezoning is consistent with the Tricentennial Land Use Plan and will establish a zoning district that is more compatible for the surrounding neighborhood than the zoning that presently exists.

Staff Recommendation: Approval of the request to rezone the subject property from an R-A-CO (Residential-Agriculture-County) zoning classification to P-B-C (Planned Community Business) and PUD-M-15 (Planned Unit Development-Multifamily, 15 units per net acre) classifications.

Mr. Lufburrow **moved** to approve staff recommendation for 1102 Bradley Boulevard, MPC File No. Z-070907-59275-2. Mr. Farmer seconded the motion.

MPC Action: The motion to approve staff recommendation for 1102 Bradley Boulevard, MPC File No. Z-070907-59275-2 carried with none opposed. Voting were Mr. Todd, Mr. Ray, Mr. Lufburrow, Mr. Brown, Mr. Abolt, Mr. Ragsdale, Mr. Manigault, Mr. Hoover, Mr. Farmer, Mr. Bean, and Mr. Coleman.

2. 0 Godley Road
Phillip McCorkle, Agent
Jan Anderson, Owner
Jim Hansen, MPC Project Planner
MPC File No. Z-070913-42743-2

Issue: At issue is a request to rezone approximately 17.82 acres of currently undeveloped land from a C-A (Agricultural-Conservation) classification to a P-I-H (Planned-Heavy-Industrial) classification.

Policy Analysis: The proposed rezoning is consistent with the City's Future Land Use Plan and will establish a zoning district that is more compatible for the surrounding uses than the zoning that presently exists.

Staff Recommendation: Approval of the request to rezone the subject property from a C-A zoning classification to a P-I-H zoning classification.

Mr. Lufburrow **moved** to approve staff recommendation for 0 Godley Road, MPC File No. Z-070913-42743-2. Mr. Farmer seconded the motion.

MPC Action: The motion to approve staff recommendation for 0 Godley Road, MPC File No. Z-070913-42743-2 carried with none opposed. Voting were Mr. Todd, Mr. Ray, Mr. Lufburrow, Mr. Brown, Mr. Abolt, Mr. Ragsdale, Mr. Manigault, Mr. Hoover, Mr. Farmer, and Mr. Coleman. Mr. Bean abstained from the vote and submitted a Conflict of Interest form to be placed in the file.

C. Major Subdivision / Sketch Plan

1. Mack Tract Subdivision, Lots 5 & 6
Coffee Bluff Villa Road
R-10 Zoning District
4 Lots – 3.69 Acres
PINs 2-0772 -01-006 & -007
North Point Real Estate, Owner
Terry Coleman, Kern-Coleman & Co., Agent
Amanda Bunce, MPC Project Planner
MPC File No. S-070914-87345-2

The above item Coffee Bluff Villa Road, MPC File No. S-070914-87345-2 has been requested to be removed from the Consent Agenda and placed as the first item under Regular Business.

Mr. Ragsdale **moved** to remove Coffee Bluff Villa Road, MPC File No. S-070914-87345-2 from the Consent Agenda and place it as the first item under Regular Business. Mr. Ray seconded the motion.

MPC Action: The motion to remove Coffee Bluff Villa Road, MPC File No. S-070914-87345-2 from the Consent Agenda and placed as the first item under Regular Business carried with none opposed. Voting were Mr. Todd, Mr. Ray, Mr. Lufburrow, Mr. Brown, Mr. Abolt, Mr. Ragsdale, Mr. Manigault, Mr. Hoover, Mr. Farmer, and Mr. Coleman. Mr. Bean abstained from the vote and submitted a Conflict of Interest form to be placed in the file.

2. Herb River Bend, Phase III
Herb River Drive
R-1/EO Zoning District
46 Lots- 16.34 Acres
PINS: 1-0363-01-003
Herb River Bend Properties, Owner
Hal Kraft, Agent
Gary Plumbley, MPC Project Planner
MPC File No. S-070925-00040-1

Nature of Request: The petitioner is requesting approval of a Sketch Plan for a single family residential development located between LaRoche Avenue and Howard Foss Drive approximately 1,000 feet south of Majestic Oaks Drive within an R-1/EO (Single Family Residential - Environmental Overlay) zoning district. No variances are requested.

Staff Recommendation: Approval of the proposed Sketch Plan subject to the following conditions: 1) revise the Sketch Plan to provide not less than 25 percent of the entire gross acreage as greenspace in accordance with the provisions of the Chatham County Zoning Regulations, Section 4-12, Environmental Overlay District; 2) revise the Sketch Plan to include Lot 29 (Herb River Bend Phase 1) and the lot identified as PIN 1-0363-01-007.

Also, identify the 10 foot wide portion of PIN -0363-01-007 as a limited use access; 3) revise the Sketch Plan to show sidewalks along all single family lots along the entire length of all proposed streets; 4) revise the Sketch Plan to identify the specific use intended for the area identified as Future Development. If the use of this area is to be other than common area greenspace, it shall not be part of the legal limits of the Herb River Bend development on the Final Plat. This area can be incorporated into the legal limits of the subdivision at a later date if necessary. Also, the Final Plat should make clear of the proposed non-residential use of this area to alert potential lot owners; 5) Revise the Sketch Plan to show a buffer not less than 15 feet in width and a fence not less than six feet in height along the southern property line adjacent to the nursing home and a 10 foot enhanced vegetative buffer between Lots 68, 69, and 70 and Caroline's Retreat. The buffers shall be of sufficient density, to be determined by the County Arborist, to adequately diffuse the nursing home and the road right-of-way. In absence of this, the fence (including adjacent to Caroline's Retreat) shall be opaque and shall be either of solid masonry construction or masonry columns not greater than 20 feet on-center with treated wood inserts; and 6) Approval by the Chatham County Engineer. These changes may be made on the Preliminary Plan and Final Plat instead of the Sketch Plan.

Mr. Farmer **moved** to approve staff recommendation for Herb River Drive, MPC File No. S-070925-00040-1. Mr. Ray seconded the motion.

MPC Action: The motion to approve staff recommendation for Herb River Drive, MPC File No. S-070914-87345-2 carried with none opposed. Voting were Mr. Todd, Mr. Ray, Mr. Lufburrow, Mr. Brown, Mr. Abolt, Mr. Bean, Mr. Ragsdale, Mr. Manigault, Mr. Hoover, Mr. Farmer, and Mr. Coleman.

3. Rose Dhu Road Subdivision
222 Rose Dhu Road
R-10 Zoning District
4 Lots – 2.01 Acres
PIN 2-0684-01-051Y and 051Z
Buddy Martin, Owner
Tanya Mandel, Kennedy, Ragsdale & Associates, Agent/ Engineer
Gary Plumbley, MPC Project Planner
MPC File No. S-070426-59734-2

The above item 222 Rose Dhu Road, MPC File No. S-070426-59734-2 has been requested to be removed from the Consent Agenda and placed as the second item under Regular Business.

Mr. Coleman **moved** to remove 222 Rose Dhu Road, MPC File No. S-070426-59734-2 from the Consent Agenda and place it as the second item under Regular Business. Mr. Bean seconded the motion.

MPC Action: The motion to remove 222 Rose Dhu Road, MPC File No. S-070426-59734-2 from the Consent Agenda and placed as the first item under Regular Business carried with none opposed. Voting were Mr. Todd, Mr. Ray, Mr. Lufburrow, Mr. Brown, Mr. Abolt, Mr. Bean, Mr. Manigault, Mr. Hoover, Mr. Farmer, and Mr. Coleman. Mr. Ragsdale abstained from the vote and submitted a Conflict of Interest form to be placed in the file.

D. Approval for Executive Director to Execute Stormwater Contract between MPC Staff and the Center for Watershed Protection

Mr. Farmer **moved** for approval for the Executive Director to Execute the Stormwater Contract between the MPC Staff and the Center for Watershed Protection. Mr. Ray seconded the motion.

MPC Action: The motion for approval for the Executive Director to Execute the Stormwater Contract between the MPC Staff and the Center for Watershed Protection carried with none opposed. Voting were: Mr. Lufburrow, Mr. Ray, Mr. Todd, Mr. Brown, Mr. Abolt, Mr. Bean, Mr. Coleman, Mr. Farmer, Mr. Hoover, Mr. Manigault, and Mr. Ragsdale.

IV. OLD BUSINESS

A. Zoning Petitions - Text Amendments

1. Text Amendment to the City of Savannah Zoning Ordinance
Re: Text Amendment to Section 8-3112(c) – Restricted Signs
Jim Hansen, MPC Project Planner
MPC File No. Z-070517-57005-2

Issue: It is proposed that an amendment to Section 8-3112(c) of the Zoning Ordinance be enacted to allow the use of digital billboard technology subject to said use meeting certain conditions and limitations.

Policy Analysis: As technologies have evolved, more and more communities are allowing the use of digital imagery on billboards. Provided that certain limitations and conditions are made a part of the Ordinance requirements, these signs can be an effective means of communication for the traveling public and the community as well. The proposed amendment has such limitations and does not provide for additional signage above or beyond that presently allowed. The amendment allows for a new type of signage.

Staff Recommendation: Approval of the petitioner's request to amend Section 8-3112(c) of the Zoning Ordinance to allow the use of digital billboard technology subject to said use meeting certain conditions and limitations as follows: Section 8-3112. Sign Permits - Required (c) Restricted Sign (5) (e) A sign that can be changed at intervals by electronic or mechanical process, or a sign using light emitting diodes (LED) shall only be permitted with the following restrictions: 1) the message must not change displays over a period of not less than ten (10) seconds, with all moving parts or illumination moving or changing simultaneously; and the sign cannot display any illumination that moves, appears to move or changes in intensity during the static display period. No auditory message or mechanical sounds may be emitted from the sign. Further, any such sign shall contain a default design that will freeze the sign in one position if a malfunction occurs; 2) such sign shall only be allowed within the B-C, B-G, B-G-1, B-H, I-L, and I-H zoning districts; 3) each outdoor advertising structure shall have no more than one (1) digital display per direction with a maximum of two (2) signs per structure. Further, no cut outs shall be permitted. Images shall be confined to the digital sign face; 4) all digital signs shall be modulated so that from dusk to dawn, the brightness shall not be more than 1,000 NITS (candles per square meter) 5) new locations for signs under this subsection (as opposed to conversions of existing signs) shall not be permitted

within two hundred (200) feet of a residential zone. Conversion of existing signs to a sign permitted under this subsection shall not be permitted within seventy-five (75) feet of a residential zone. No two such signs shall be closer than five thousand (5,000) feet distance apart measured in all directions regardless of the zoning jurisdiction in which the sign is located; 6) such signs shall be permitted only along four-lane or more arterial roadways as defined in Section 8-3112(l) herein; 7) such signs shall not be permitted inside the boundaries of any Historic District as defined by the National Historic Register; 8) such signs shall not be permitted inside the boundaries of any urban redevelopment areas as defined by the City of Savannah Department of Community Affairs; 9) such signs may be ordered modified by the City Manager or his designee based solely on accident statistics and/or reports which demonstrate a causal connection between increased accident levels and signs permitted under this section.

Speaking on the Petition

Shawn Brandon, assistant to the city manager, stated for every square footage of digital billboard space allowed, there would be a removal of two and a half square feet of nonconforming billboard space. He noted that there is nothing in writing to compel the petitioner to remove the nonconforming billboards.

Harold Yellin, agent for the petitioner, stated there was a public meeting held in regards to this petition. He made note of the nonconforming signs that the petitioner had agreed to remove and he requested that this petition be approved.

Bill Stuebe, Downtown Neighborhood Association, voiced his concerns regarding the digital billboards.

Ardis Wood, Savannah resident, spoke on her opposition to the approval of the petition. She asked that this petition be denied.

Chris DiSilvestro, Lamar Advertising, spoke on the petition. He addressed his concerns with the measurements limiting the spacing and placements of the signs.

Mr. Brown **moved** to approve staff recommendation for MPC File No. Z-070517-57005-2, subject to conditions. The conditions were: 1) with the addition of the Attrition Ordinance as proposed by the City Manager's Office; 2) and the correction of the measurement terminology to state the measurements be made linear as opposed to radial. Mr. Abolt seconded the motion.

MPC Action: The motion to approve staff recommendation for MPC File No. Z-070517-57005-2 subject to conditions carried. The conditions were: 1) with the addition of the Attrition Ordinance as proposed by the City Manager's Office; 2) and the correction of the measurement terminology to state the measurements be made linear as opposed to radial. Voting in favor of the motion were Mr. Todd, Mr. Ray, Mr. Lufburrow, Mr. Brown, Mr. Abolt, Mr. Bean, Mr. Ragsdale, Mr. Manigault, Mr. Hoover, and Mr. Farmer. Mr. Coleman voted against the motion.

2. Text Amendment to the City of Savannah Zoning Ordinance
Re: Text Amendment to Article K, Section 5.6.2.f
(Principal Uses in the TN-2 District)
Jim Hansen, MPC Project Planner
MPC File No. Z-070719-51802-2

Issue: It is proposed that an amendment to the use section of the TN-2 classification of the Zoning Ordinance be made that clarifies the status of recombined parcels and the uses allowed thereon.

Policy Analysis: Most ordinances, and in particular the Zoning Ordinance, are not static documents. They need, from time to time, to be amended to reflect changing community values, changing land use trends, or to remove or clarify provisions which are ambiguous, unclear, or confusing. The amendment proposed by the petitioner is designed to both remove any ambiguity about usage and to clarify the intent of the Mid-City Zoning Plan.

Staff Recommendation: Approval of the petitioner's request to amend Article K, Section 5.6.2. f (Principal Uses in the TN-2 District) to clarify the status of recombined parcels and the uses allowed thereon as follows: **Repeal** 5.6.2 Principal Uses
f) A building with all of the following characteristics shall be permitted to establish any use allowed in the TC-1 District, subject to the development standards of the TN-2 District. The specific characteristics of the site must include; i) Located on a corner lot in the TN-2 District over 5,000 square feet in area; ii) Originally constructed primarily for non-residential purposes, and; iii) Located abutting one of the following arterial streets: 1) Barnard Street; 2) Whitaker Street; 3) Bull Street; 4) Drayton Street; 5) Abercorn Street; 6) Habersham Street; or 7) Price Street. **Enact** (f). Lots of record existing at the time of enactment of this provision (insert date of adoption) as shown on the map in Appendix A, shall be utilized to determine the extent to which the corner lot provision of this section shall be allowed. Nothing in this provision shall be construed as to prohibit the recombination of parcels. Existing TN-2 zoned corner lots, located on the following arterial streets, Barnard Street, Bull Street, Abercorn Street, and Habersham Street, shall be allowed to establish any use allowed in the TC-1 District, subject to the development standards of the TN-2 District except as modified herein: street yard setback – average street yard setback for all structures on the block face; rear yard setback – 10 feet minimum; side yard setback – 10 feet minimum. Recombination of parcels could not be used as the basis for the expansion of commercial usage beyond a total of 60 feet distance measured from the property line beginning at the corner. Provided further that the provisions of Section 8-3023(d) shall not apply to recombined parcels.

Mr. Brown **moved** to approve staff recommendation for MPC File No. Z-070719-51802-2. Mr. Abolt seconded the motion.

MPC Action: The motion to approve staff recommendation for MPC File No. Z-070719-51802-2 carried. Voting in favor of the motion were Mr. Todd, Mr. Ray, Mr. Lufburrow, Mr. Brown, Mr. Abolt, Mr. Bean, Mr. Ragsdale, Mr. Manigault, and Mr. Farmer. Mr. Coleman and Mr. Hoover voted against the motion.

V. REGULAR BUSINESS

A. Major Subdivision / Sketch Plan

1. Mack Tract Subdivision, Lots 5 & 6
Coffee Bluff Villa Road
R-10 Zoning District, 4 Lots – 3.69 Acres
PINs 2-0772 -01-006 & -007
North Point Real Estate, Owner
Terry Coleman, Kern-Coleman & Co., Agent
Amanda Bunce, MPC Project Planner
MPC File No. S-070914-87345-2

Nature of Request: The petitioner is requesting MPC approval of a four lot Major Subdivision located at the western end of Coffee Bluff Villa Road, within an R-10 (One-Family Residential) zoning district. The petitioner is also requesting the following variances: 1) a variance to allow four lots to be served by an access easement; 2) a variance from the requirement to install a sidewalk on the southern portion of Coffee Bluff Villa Road along Lot 1; and; 3) a 15 foot lot width variance from the required 80 feet for Lot 4.

Staff Recommendation: Approval of the proposed Major Subdivision / Concept Plan, subject to the following variances and conditions: Variances: 1) a variance to allow four lots to be served by a private access easement; 2) a variance from the requirement to install a sidewalk on the southern portion of Coffee Bluff Villa Road along Lot 1; 3) a 15 foot lot width variance from the required 80 feet for Lot 4. Conditions: a) approval by the City Review Departments. b) the front yard building setback line for Lot 4 shall be located at the point where the Lot is at least 80 feet wide; c) revise the final plat to show that a 17.5 foot additional right-of-way dedication is required on Lot 1 along Coffee Bluff Villa Road. This condition may be omitted upon a finding by the City Engineer that the additional right-of-way is not needed.

Mr. Brown **moved** to approve staff recommendation for Coffee Bluff Villa Road, MPC File No. S-070914-87345-2. Mr. Farmer seconded the motion.

MPC Action: The motion to approve staff recommendation for Coffee Bluff Villa Road, MPC File No. S-070914-87345-2 carried with none opposed. Voting were Mr. Todd, Mr. Ray, Mr. Lufburrow, Mr. Brown, Mr. Ragsdale, Mr. Manigault, Mr. Hoover, Mr. Farmer, and Mr. Coleman. Mr. Bean abstained from the vote and submitted a Conflict of Interest form to be placed in the file. Mr. Abolt was not present when the vote was taken.

2. Rose Dhu Road Subdivision
222 Rose Dhu Road
R-10 Zoning District, 4 Lots – 2.01 Acres
PIN 2-0684-01-051Y and 051Z
Buddy Martin, Owner
Tanya Mandel, Kennedy, Ragsdale & Associates, Agent/ Engineer
Gary Plumbley, MPC Project Planner
MPC File No. S-070426-59734-2

Nature of Request: The petitioner is requesting approval of a Concept Plan for a four lot Major Subdivision located on the north side of Rose Dhu Road approximately 1,700 feet east of Coffee Bluff Road within an R-10 (One Family Residential – 4 units per net acre) zoning district. The petitioner is also requesting the following variances: 1) a five foot variance (from the required 30 feet) for the existing private vehicular access and utility easement; 2) a three lot variance from the maximum number of three lots that can be served by a private vehicular access and utility easement; 3) a variance from providing a sidewalk on the northern portion of Rose Dhu Road along Lot 1; 4) a five foot side yard setback variance (from the required 10 feet) on both sides of all lots with the exception of Lot 1 along Rose Dhu Road; 5) a 10 foot side yard setback variance (from the required 25 feet) on southern portion of Lot 1 along Rose Dhu Road; and; 6) An eight foot lot width variance (from the required 80 feet) for Lots 2, 3, and 4.

Staff Recommendation: Approval of a five foot variance (from the required 30 feet) for the existing private vehicular access and utility easement; a three lot variance from the maximum number of three lots that can be served by a private vehicular access and utility easement; a variance from providing a sidewalk on the northern portion of Rose Dhu Road along Lot 1; a five foot side yard setback variance (from the required 10 feet) on both sides of all lots with the exception of the southern portion of Lot 1 along Rose Dhu Road; a 10 foot side yard setback variance (from the required 25 feet) on Lot 1 along Rose Dhu Road; and, an eight foot lot width variance (from the required 80 feet) for Lots 2, 3, and 4. Staff further recommends **Approval** of the proposed Concept Plan subject to the following conditions: 1) the existing 25 foot private vehicular access easement must be paved with a width of not less than 18 feet. The pavement must be permanent although the use of porous concrete or permeable pavers is encouraged; 2) show a non-access easement on Lot 1 along Rose Dhu Road with the exception of the area containing the access easement; 3) approval by the City Review Departments; and 4) approval of a quit claim by the Mayor and Alderman of the southern portion of Lot 1 adjacent to Rose Dhu Road.

Speaking on the Petition

Harold Yellin, agent for the petitioner, clarified the owner of the property is Mrs. Becton and Buddy Martin is the prospective purchaser and developer of the property. He requested approval of this petition.

John Scarborough, 218 Rose Dhu Road, stated he agreed to share his driveway with the developer and in exchange, the developer would bare all costs for redevelopment and maintenance of the driveway.

Tony Thomas, Alderman District 6, spoke briefly on the petition and stated he and the community supported the development plans for this property.

Mr. Brown **moved** to approve staff recommendation for 222 Rose Dhu Road, MPC File No. S-070426-59734-2. Mr. Ray seconded the motion.

MPC Action: The motion to approve staff recommendation for 222 Rose Dhu Road, MPC File No. S-070426-59734-2 carried with none opposed. Voting were Mr. Todd, Mr. Ray, Mr. Lufburrow, Mr. Brown, Mr. Bean, Mr. Manigault, Mr. Hoover, Mr. Farmer, and Mr. Coleman. Mr. Ragsdale abstained from the vote and submitted a Conflict of Interest form to be placed in the file. Mr. Abolt was not present when the vote was taken.

B. Minor Subdivision / Final Plat

Grimbal Park Subdivision
14 Hopecrest Avenue
R-1-A Zoning District, 2 Lots – 0.69 Acres
PIN 1-0266 -02-015
Catherine Bingham, Owner
Williams and Associates, Surveyor
Gary Plumbley, MPC Project Planner
MPC File No. S-070612-33477-1

Nature of Request: The petitioner is requesting MPC approval of a Final Plat for a 2 lot Minor Subdivision located on the north side of Hopecrest Avenue approximately 465 feet east of LaRoche Avenue within an R-1/EO zoning district. The petitioner is also requesting the following variance: a) a six foot width variance (from the required 22 feet) for a proposed private vehicular access and utility easement.

Staff Recommendation: Approval of an eight feet six inch width variance (from the required 22 feet) for a proposed private vehicular access and utility easement to be located on the eastern portion of the subject site. Staff further recommends **Approval** of the proposed Final Plat subject to the following conditions; 1) revise the Final Plat to reduce the width of the proposed access easement to 13 feet six inches. The existing gas meter on lot A and the co-owned tree located on Lot A and the easternmost adjacent lot shall not be included as part of the easement. The access easement can be expanded to a width of 14 feet six inches if the gas meter is relocated to the rear of the single family structure on Lot A. Also, provide the following note on the Final Plat; 2) “the 13 feet six inch (14 feet six inch if the meter is relocated) private vehicular access and utility easement shall be for the use of and maintained by the owner of both lots within this subdivision and shall not become the responsibility of Chatham County.” 3) the Final Plat shall include the signature of the owner of the tract of land being subdivided and the signature of a Georgia Registered Land Surveyor (across the State of Georgia Seal); 3) revise the Final Plat to show 15 feet dedicated for additional right-of-way on Lot A along Hopecrest Avenue. This condition may be omitted upon a finding by the County Engineer that the additional right-of-way is not needed; 4) revise the Final Plat to show a 40 foot front yard building setback line on Lot A along Hopecrest Avenue.

If the 15 foot additional right-of-way dedication is required, the setback line shall be 25 feet from the right-of-way dedication line; 5) show the address of each lot on the Final Plat as follows: a) Lot A – 14 Hopecrest Avenue; b) Lot B – 14-A Hopecrest Avenue; 6) Verification to the County Engineer that the additional lot can be served by the Parkersburg water system; and 7) Approval by the Chatham County Engineer and the Chatham County Health Department.

Speaking on Petition

Catherine Bingham, petitioner, spoke briefly on the petition. She stated that her plans to subdivide the lot lie largely on her intent to build a larger home for her parents. She presented several options for development that she felt would better address the concerns of the neighbors.

Jerry Holcumb, arborist for the petitioner, spoke briefly about the preservation of trees and vegetation in the area.

Christine Nusbaum, 118 Hopecrest Avenue, spoke on her approval of the petition.

Veijo Penu, 910 Old Mill Road, stated that he is in favor of the petition.

Maggie Keenan, 10 Hopecrest Avenue, spoke of her opposition to the subdividing of the property. Robert Sisson, 16 Hopecrest Avenue, stated his opposition to the variance. He voiced his concerns regarding the preservation of vegetation and asked that the petition be denied.

Catherine Baxter, 18 Hopecrest Avenue, was also in opposition of the petition and stated she was not made aware of this petition.

Mr. Lufburrow **moved** to approve staff recommendation for 14 Hopecrest Avenue, MPC File No. S-070612-33477-1. Mr. Farmer seconded the motion.

MPC Action: The motion to approve staff recommendation for 14 Hopecrest Avenue, MPC File No. S-070612-33477-1 carried with none opposed. Voting were Mr. Todd, Mr. Ray, Mr. Lufburrow, Mr. Bean, Mr. Manigault, Mr. Hoover, Mr. Farmer, Mr. Ragsdale, and Mr. Coleman. Mr. Brown and Mr. Abolt were not present when the vote was taken.

VI. OTHER BUSINESS

None

VII. ADJOURNMENT

There being no other business to come before the Commission the October 2, 2007 Regular Meeting was adjourned.

Respectfully Submitted,

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

Note: Minutes not official until signed