

**CHATHAM COUNTY-SAVANNAH METROPOLITAN PLANNING COMMISSION
MPC MINUTES
ARTHUR A. MENDONSA HEARING ROOM 110 EAST STATE STREET**

August 5, 2008

1:30 PM

Members Present: Jon Todd, Chairman
Robert Ray Vice Chairman
Shedrick Coleman, Secretary
Susan Myers, Treasurer
Russ Abolt
Douglas Bean
Ben Farmer
Lacy Manigault

Members Absent: Michael Brown
David Hoover
Steven Lufburrow
Timothy Mackey
Adam Ragsdale

Staff Present: Thomas L. Thomson, P.E. AICP Executive Director
Jim Hansen, AICP, Director, Development Services
Marilyn Gignilliat, Executive Assistant
Geoff Goins, Development Services Planner
Gary Plumbley, Development Services Planner
Marcus Lotson, Development Services Intern
Shanale Booker, Administrative Assistant
Sabrina Thomas, Administrative Assistant
Constance Morgan, Administrative Assistant

Advisory Staff Present: Randolph Scott, City Zoning Administrator

I. CALL TO ORDER AND WELCOME

Chairman Todd called the August 5, 2008 Regular MPC Meeting to order at 1:33 PM and asked that everyone stand for the Invocation and the Pledge of Allegiance. He explained the agenda for the benefit of those attending the meeting for the first time.

II. NOTICES, PROCLAMATIONS AND ACKNOWLEDGMENTS

A. Notice(s)

1. August 12, 2008 MPC Planning Meeting at 1:00 PM in the MPC Arthur A. Mendonsa Hearing Room, 112 East State Street.
2. August 19, 2008 Regular MPC Meeting at 1:30 PM in the MPC Arthur A. Mendonsa Hearing Room, 112 East State Street.

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

A. Zoning Petitions - Map Amendments / Text Amendments

John Paul Davis, Property Owner
502 East 63rd Street
Aldermanic District: 4
County Commission District: 1
Zoning District R-6 to RIP
PIN: 2-0105-04-008
John Paul Davis, Agent
MPC File No. Z-080620-47522-2

Geoff Goins, MPC Project Planner

The petitioner has requested that MPC File Number Z-080620-47522-2 be withdrawn from the Agenda.

Ms. Myers **moved** to approve the petitioner's request to withdraw MPC File Number Z-080620-47522-2 from the Agenda. Mr. Ray seconded the motion.

MPC ACTION: The motion carried with none opposed. The motion was to withdraw MPC File Number Z-080620-47522-2 from the Agenda. Voting were: Mr. Todd, Mr. Ray, Mr. Coleman, Ms. Myers Mr. Abolt, Mr. Bean, Mr. Farmer, and Mr. Manigault.

IV. CONSENT AGENDA

A. Approval of July 15, 2008, MPC Planning Meeting Minutes and Briefing Minutes.

Ms. Myers **moved** to approve the July 15, 2008 MPC Meeting Minutes and Briefing Minutes as submitted. Mr. Ray seconded the motion.

MPC Action: The motion to approve the July 15, 2008 MPC Meeting Minutes and Briefing Minutes as submitted carried with none opposed. Voting were Mr. Todd, Mr. Ray, Mr. Coleman, Ms. Myers, Mr. Abolt, Mr. Bean, Mr. Farmer, and Mr. Manigault.

B. Approval of August 12, 2008 MPC Preliminary Planning Meeting Agenda

Mr. Manigault **moved** to approve the August 12, 2008 Preliminary Planning Meeting Agenda. Mr. Ray seconded the motion.

MPC Action: The motion to approve the August 12, 2008 Preliminary Planning Meeting Agenda carried with none opposed. Voting were: Mr. Todd, Mr. Ray, Mr. Coleman, Ms. Myers, Mr. Abolt, Mr. Bean, Mr. Farmer, and Mr. Manigault.

C. Request Authorization for the Executive Director to Execute Contract for the Long Range Transportation Plan Update (Part 3) L230 Grant Between the Department of Transportation and the Metropolitan Planning Commission.

Ms. Myers **moved** to Authorize the Executive Director to Execute Contract for the Long Range Transportation Plan Update (Part 3) L230 Grant Between the Department of Transportation and the Metropolitan Planning Commission. Mr. Ray seconded the motion.

MPC Action: The motion carried with none opposed. The motion was for approval to authorize the Executive Director to Execute Contract for the Long Range Transportation Plan Update (Part 3) L230 Grant Between the Department of Transportation and the Metropolitan Planning Commission. Voting were: Mr. Todd, Mr. Ray, Mr. Coleman, Ms. Myers, Mr. Abolt, Mr. Bean, Mr. Farmer, and Mr. Manigault.

D. Request Authorization for the Executive Director to Execute Contract for the Long Range Transportation Plan Update (Part 4) L230 Grant Between the Department of Transportation and the Metropolitan Planning Commission

Mr. Ray **moved** to approve the Request to Authorize the Executive Director to Execute Contract for the Long Range Transportation Plan Update (Part 4) L230 Grant Between the Department of Transportation and the Metropolitan Planning Commission. Mr. Manigault seconded the motion.

MPC Action: The motion carried with none opposed. The motion was to authorize the Executive Director to Execute Contract for the Long Range Transportation Plan Update (Part 4) L230 Grant Between the Department of Transportation and the Metropolitan Planning Commission. Voting were: Mr. Todd, Mr. Ray, Mr. Coleman, Ms. Myers, Mr. Abolt, Mr. Bean, Mr. Farmer, and Mr. Manigault

E. Request Authorization for the Executive Director to Execute Contract for supplemental 2008 Congestion Management Process Grant Between the Department of Transportation and the Metropolitan Planning Commission.

Mr. Ray **moved** to approve authorize the Executive Director to Execute the Contract for supplemental 2008 Congestion Management Process Grant Between the Department of Transportation and the Metropolitan Planning Commission. Mr. Manigault seconded the motion.

MPC Action: The motion carried with none opposed. The motion was to authorize the Executive Director to Execute Contract for supplemental 2008 Congestion Management Process Grant Between the Department of Transportation and the Metropolitan Planning Commission.

V. Regular Business

A. Zoning Petition

Beacon Builders, Inc., Owner
1180 Bradley Boulevard
Aldermanic District: 5
County Commission District: 6
Zoning District PUD to PUD Amended
PIN 2-1030-01-009
Chad Zittrouer, Kern-Coleman & Co., LLC, Agent
MPC File No. Z-080702-55826-2

Jim Hansen MPC Project Planner

Issue: At issue is the requested rezoning of an approximate 45.47 acre tract of land from a PUD (Planned Unit Development) classification to a PUD (Planned Unit Development) amended classification. The petitioner intends to develop a 271 unit single family residential complex.

Policy Analysis: The proposed rezoning is consistent with the City's Future Land Use Plan and will establish a zoning district that is compatible for the surrounding development pattern while offering a unique housing choice within the immediate area of the community.

Staff Recommendation: **Approval** of the request to rezone the subject property from a PUD classification to a PUD classification amended.

Mr. Coleman asked for clarification that the original setback had the same stipulation that was 4 foot minimum but that there was also that 10 foot requirement total between structures and that that would be maintained in this new setback requirement as well.

Mr. Hansen confirmed that it would be maintained. The only difference would be that the new setback requirement would be one (1) foot and nine (9) feet as opposed to four (4) feet and six (6) feet.

Speaking on the Petition

Chad Zittrouer, agent stated that staff had explained the petitioner's request well and that he would answer any questions that the Board may have had.

Mr. Farmer **moved** to approved the staff recommendation. Mr. Bean seconded the motion.

MPC Action: The motion to approve the staff recommendation carried with none opposed. The motion was to approve staff recommendation to rezone 1180 Bradley Boulevard from a PUD classification to a PUD classification amended. Voting were: Mr. Todd, Mr. Ray, Mr. Coleman, Ms. Myers, Mr. Abolt, Mr. Bean, Mr. Farmer, and Mr. Manigault.

B. Master Plan Revision

HRTW Development, LLC, Owner
Bradley Point South
Bradley Boulevard and Highway 17
Aldermanic District: 5
County Commission District: 6
Zoning District PUD-M-5
PIN: 2-1030F-01-028
Landmark 24, Agent
MPC File No. M-080716-40402-2

Geoff Goins, MPC Project Planner

Nature of Request: The petitioner is requesting approval of an amendment to a Master Plan for a residential development located south of Highway 17 South (Ogeechee Road) on both sides of Bradley Boulevard within a PUD-M-5 (Planned Unit Development Multi-Family-5 units/acre) zoning classification. The petitioner is also requesting the following variances for future phase development: 1) a 10 foot lot width variance from the 60 foot requirement; and, 2) a 1,000 square foot lot area variance from the 6,000 square foot requirement.

Staff Recommendation: **Approval** of the 10 foot lot width variance and the 1,000 square foot lot area variance. The MPC Staff recommends **approval** of the Amended Master Plan subject to the following condition: 1) **approval** by the City Review Departments.

Mr. Todd disclosed that he has done some consulting work for one of the principles of Landmark 24; however, it would have no bearing on his effectiveness to make an unbiased decision regarding this petition.

Mr. Bean disclosed that the agent has been a customer of his but this would not affect his judgment or objectivity in this particular matter.

Speaking on the Petition: Terry Coleman, agent was available for any questions Board Members may have.

Mr. Coleman added that the drawings show the lot has been reduced by 10 feet. The building area is now a 40x50 pad. He asked that the correction is made to show this change.

Mr. Farmer **moved** to approve staff recommendation. Mr. Ray seconded the motion.

MPC Action: The motion to approve the staff recommendation carried with none opposed. The motion was to approve staff recommendation subject to the condition of approval by City Review Departments. Voting were: Mr. Todd, Mr. Ray, Mr. Coleman, Ms. Myers, Mr. Abolt, Mr. Bean, Mr. Farmer, and Mr. Manigault.

C. Amended Concept Plan

21 South LLC, Owner
101 Driftpin Road (formerly 145 Snow Green Road)
Fort Argyle Village Subdivision
Formerly 21 South 204 Subdivision
Aldermanic District: 5
County Commission District 7
Zoning District R-A /CO
PIN 1-1034-01-003 (portion)
Steve Wohlfeil, Agent
MPC File No. S-080717-30886-2
MPC Reference File Number: S-061128-39584-2
Gary Plumbley, MPC Project Planner

Nature of Request: The petitioner is requesting approval of an Amended Concept Plan for a proposed single family residential development located on the north side of Fort Argyle Road approximately 2, 325 feet east of Bush Road within an R-A/CO Residential Agriculture-Annexed) zoning district. The petitioner is also requesting approval of the following variances: 1) a 15-foot lot width variance (from the required 60 feet) for lots 1 through 70; 2) a 20-foot lot width variance (from the required 60 feet) for lots 71 through 153; 3) a 1,500 square foot lot area variance (from the required 6,000 square feet) for lots 1 through 70; 4) a 2,000 square foot lot area variance (from the required 6,000 square feet) for Lots 71 through 153; 5) a 5 foot front yard building setback variance (from the required 25 feet) for all lots to be measured from the front wall of the residential structure; and, 6) a 10 foot front yard building setback variance (from the required 25 feet) for all lots to be measured from the front porch.

Staff Recommendation: **Approval** of a 15 foot lot width variance (from the required 60 feet) for Lots 1 through 70; a 20 foot lot width variance (from the required 60 feet) for Lots 71 through 153; a 1,500 square foot lot area variance (from the required 6,000 square feet) for Lots 1 through 70; a 2,400 square foot lot area variance (from the required 6,000 square feet) for Lots 71 through 153; a 5 foot rear yard building setback variance (from the required 25 feet) for all lots to be measured from the front porch and, a 5 foot rear yard setback variance (from the required 25 feet) for all lots; a 3 foot side yard setback variance (from the required 5 feet) on one side of all perimeter lots (lots 1 through 70) way between the residential structure and the side lot line. Also, the side yard setback along the other side lot line will be required to be not less than 8 feet. This will ensure a separation of 10 feet between structures, allow the installation of a driveway, and provide a minimum width of 2 feet to maintain the residential structure. Staff further recommends **approval** of the proposed amended Concept Plan subject to the following condition: 1) revise the Concept Plan to show the area to be established as 20 foot access easement as a 20 foot "private" lane right-of-way independent of the abutting single family lots. Also, relocate the 20 foot right-of-way between Baltine Road and Tithe Barn Road to eliminate the 90 degree turn and extend the right-of-way to intersect with Driftpin Road and Chantere Road; 2) revise the Concept Plan to establish 2 additional greenspace parcels.

Each parcel shall be not less than one-half acre in size. This could be accomplished by locating one parcel in the middle of the block between Driftpin Road (the portion that runs east to west) and Baltine Road. The other parcel could be located in the middle of the block between Tithe Barn Road and Barge Landing Road. The cumulative area of the four greenspace parcels shall be not less than 2 acres. The location and design of the greenspace parcels must be approved by the MPC staff; 3) revise the Concept Plan to show Drift Pin Road as Driftpin (one word) Road. In absence of this, the street must be renamed to name approved by the MPC staff; 4) identify the detention ponds, delineated wetlands, private 20'lane right-of-way, and greenspace parcels as common area. All common area must be owned and maintained by the Fort Argyle Village Homeowner's Association; 5) revise the Concept Plan to show a non-access easement along the public road rights-of-way on all lots with lane access; 6) revise the Concept Plan to show a non-access easement along the public road rights-of-way on all lots with lane access; 7) the driveway on all lots accessed from a public street right-of-way shall extend to a point not less than 40 feet beyond the front wall of the front porch (toward the rear yard); 8) the areas designated as greenspace shall be limited to use as passive recreation only. Such uses shall include benches, walking trails, etc. There shall be no active recreation permitted within these areas. No trees 4 inches or greater (bdh) shall be removed from the greenspace parcels without the approval of the City Landscape Architect. Also, additional planting may be required if the existing trees do not provide adequate tree cover to shade the entire site; 9) approval of the curb cut on Fort Argyle Road by the Georgia Department of Transportation; 10) approval by the City review departments including the City Engineer; 11) Restrictive Covenants: to ensure that the subdivision maintains its viability as a single family residential subdivision, a declaration of restrictive covenants should be developed to establish standards applicable to all property owners within the proposed development. The MPC should be provided a copy of the Restrictive Covenants for review as a condition of Final Plat approval. Some areas of concerns and details to be included in the covenants are as follows: 1) the restrictive covenants shall be valid for an initial period of 20 years and shall be automatically renewed for 10 year increments unless 51 percent of the property owners (one lot one vote) vote to legally dissolve the covenants; 3) amendments to the restrictive covenants can be made by a majority of property owners in attendance or by proxy vote at a called meeting by the Board of Directors provided that a minimum of 25 percent of the property owners (one lot one vote) within the subdivision vote in favor of the amendment(s); 4) the storage of RV's, travel trailers, boats, etc will not be allowed to be stored on the individual lots or public streets. However, this type of vehicle may be parked on the driveway or public street temporarily for a period not to exceed 24 hours within a 7 day period. Also, boats limited in length to 18 feet or less and uncovered utility trailers may be parked in the rear yard provided they are not visible from the street; 5) all fencing must be uniform in style and materials as determined by the Board of Directors; 6) vehicles that are allowed to be parked daily in the driveway and /or public streets shall be limited to passenger cars, mini-vans, SUV's pick-up trucks, motorcycles, and similar types of vehicles. Vehicles that cannot be parked daily in the driveway and/or the public streets are commercial trucks such as box vans and larger, buses, trucks greater than one ton, and similar type vehicles. Moving vans and commercial trucks servicing a property shall be allowed on a temporary basis;

7) decorations in yards and on residential structures commemorating holidays and events such as Christmas, Halloween, 4th of July, etc. shall be restricted to a time period of 15 days before and after the event for a maximum of 30 days; .8) there shall be no sports equipment allowed (example: basketball goals) on the individual properties or public streets other than a swing set or similar type of equipment which shall be located in the rear yard; 9) the front yards of all properties in this subdivision shall be maintained by the Homeowners Association and/or its designee as determined by the Board of Directors. The cost of this service shall be included in the amenities fees established by the Board of Directors; 10) a fine shall be established for violations to the Restrictive Covenants. The fine amount should be adequate to deter frequent violations (example: \$100 per day for parking a bus in the driveway or public street) and should include the cost of collecting the fine if it involves the attorney for the Board of Directors and /or court; and, 11) the final authority for matters not clearly defined in the Restrictive Covenants shall be the Homeowners Association Board of Directors and shall be made with the intent of the Restrictive Covenants as the guide for rendering a decision.

Speaking on the Petition:

Steve Wohlfeil, agent stated that the petitioner is in agreement with the conditions outlined in the staff report and will accept those conditions as part of the approval.

Cord Wilson, builder stated that he has spoken with his attorneys and together they have drawn up a set of covenants that will be able to enforce the covenant restrictions.

Mr. Farmer **moved** to approve staff recommendation. Mr. Manigault seconded the motion.

Ms. Myers **moved** to amend the motion to change the wording in item Number 11 Restrictive Covenants to read as follows: To ensure that the subdivision maintains its viability as a single family residential subdivision, a declaration of restrictive covenants ~~should~~shall be developed to establish standards applicable to all property owners within the proposed development; and the MPC ~~should~~shall provided a copy of the Restrictive Covenants for review as a condition of Final Plan approval. Mr. Manigault seconded the motion.

MPC Action:The motion to approve staff recommendation carried. The motion was to approve staff recommendation subject to the conditions outlined in the report with the additional amendment that the wording under condition number 11, Restrictive Covenants the word should is changed to shall. Voting in favor of the motion were: Mr. Todd, Mr. Ray, Mr. Abolt, Ms. Myers, Mr. Bean, Mr. Farmer and Mr. Manigault. Mr. Coleman voted against the motion.

VI. Other Business

Appointment of Nominating Committee

Chairman Todd appointed the following Commissioners to the nominating committee: Mr. Lufburrow, Mr. Bean, and Mr. Ray.

VII. Adjournment

There being no further business for the Commission to discuss, the August 5, 2008, Regular MPC Meeting was adjourned at 2:30 PM.

Respectfully submitted,

Thomas L. Thomson
Executive Director

NOTE: Minutes not official until signed.