

CHATHAM COUNTY-SAVANNAH METROPOLITAN PLANNING COMMISSION

MPC MINUTES

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

August 19, 2008

1:30 PM

Members Present: Jon Todd, Chairman
Robert Ray, Vice Chairman
Shedrick Coleman, Secretary
Russ Abolt
Douglas Bean
Michael Brown
Ben Farmer
Timothy Mackey
Lacy Manigault
Adam Ragsdale

Members Absent: Susan Myers, Treasurer
David Hoover
Steven Lufburrow

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
Constance Morgan, Administrative Assistant
Sabrina Thomas, Administrative Assistant

Advisory Staff Present: Randolph Scott, City Zoning Administrator
Bob Sebek, County Zoning Administrator

I. CALL TO ORDER AND WELCOME

Chairman Todd called the August 19, 2008 Regular MPC Meeting to order at 1:30 PM. He asked everyone to stand for the Invocation and the Pledge of Allegiance. He explained the agenda and asked all to be sure to have signed in on the sign-in sheet. All that wanted to speak on a petition before the Board were encouraged to fill out the blue speaker cards provided.

II. NOTICES, PROCLAMATIONS AND ACKNOWLEDGMENTS

A. Notice(s)

1. Alderman Tony Thomas and Commissioner Gallantly were welcomed.

Mr. Farmer **moved** to suspend the rules and rearrange agenda in order to hear MPC File No. Z-080620-49573-2 after Regular Business. The motion was seconded by Mr. Manigault.

MPC ACTION: The motion carried with none opposed. The motion was to suspend the rules and rearrange the agenda in order to hear MPC File No. Z-080620-49573-2 after Regular Business. Voting were: Mr. Abolt, Mr. Bean, Mr. Brown, Mr. Coleman, Mr. Farmer, Mr. Mackey, Mr. Manigault, Mr. Ray, Mr. Ragsdale, and Mr. Todd.

2. August 19, 2008 at 11:30 a.m. MPC Finance Committee Meeting in the J. P. Jones Conference Room, 112 East State Street.
3. September 2, 2008 Regular MPC Meeting at 1:30 PM in the MPC Arthur A. Mendonsa Hearing Room, 112 East State Street.
4. Second Quarter 2008 Work Program Report.

B. Acknowledgements

1. Thomas Thomson introduced Sabrina Thomas as the Site Plan and Subdivision Administrative Assistant.
2. Thomas Thomson introduced Michael Adams as a Transportation Planner.

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

A. Zoning Petitions - Map Amendments / Text Amendments

931 Chevis Road (Vallambrosa Plantation PUD)
Aldermanic District: 6
County Commission District: 6
Proposed PUD Zoning District
PINs: 2-1003 -01-002, -003, -012, -013, -014, -055, -056,
1-1003-01-032, 1-1002-01-003, -004 (County PINs annexed by City)
Vallambrosa Development Co, LLC, Owner
Chad Zittrouer, Kern-Coleman & Co., LLC, Agent
MPC File No. Z-071219-39397-2

Gary Plumbley, MPC Project Planner

AND

Master Plan/PUD Ordinance

Vallambrosa Plantation PUD
931 Chevis Road
Aldermanic District: 6
County Commission District: 6
Proposed PUD Zoning District
PINs: 2-1003 -01-002, -003, -012, -013, -014, -055, -056,
1-1003-01-032, 1-1002-01-003, -004 (County PINs annexed by City)
Vallambrosa Development Co, LLC, Owner
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MPC File No. Z-071219-39397-2

Gary Plumbley, MPC Project Planner

The petitioner has requested that MPC File No. Z-071219-39397-2 be removed from the Agenda and scheduled for the September 2, 2008 Regular Meeting.

Chairman Todd said that he would take public comments on this petition following the Consent Agenda.
Note: Further discussion on MPC File No. Z-071219-3937-2 continues on Page 5.

Mr. Abolt **moved** to approve the petitioner's request to remove MPC File No. Z-071219-39397-2 from the Agenda and reschedule it for September 2, 2008. Mr. Ray seconded the motion.

MPC ACTION: The motion carried with none opposed. The motion was to remove MPC File No. Z-071219-39397-2 from the Agenda and reschedule it for September 2, 2008. Voting were: Mr. Abolt, Mr. Bean, Mr. Brown, Mr. Coleman, Mr. Farmer, Mr. Mackey, Mr. Manigault, Mr. Ray, Mr. Ragsdale, and Mr. Todd.

IV. CONSENT AGENDA**A. Approval of August 5, 2008, MPC Planning Meeting Minutes and Briefing Minutes.**

Mr. Manigault **moved** to approve the August 5, 2008 MPC Meeting Minutes and Briefing Minutes as submitted. Mr. Ray seconded the motion.

MPC ACTION: The motion to approve the August 5, 2008 MPC Meeting Minutes and Briefing Minutes as submitted carried with none opposed. Voting were: Mr. Abolt, Mr. Bean, Mr. Brown, Mr. Coleman, Mr. Farmer, Mr. Mackey, Mr. Manigault, Mr. Ray, Mr. Ragsdale, and Mr. Todd.

B. Zoning Petition

Barklow, Inc., Owner
3109 Ogeechee Road
Aldermanic District: 1
County Commission District: 8
Zoning District R-4 to P-B-G
PIN: 2-0637-16-010
Frederick Maner, Agent
MPC File No. Z-080729-29922-2

Jim Hansen, MPC Project Planner

Issue: At issue is the requested rezoning of an approximate .52 acre tract of land from an R-4 (Four-family Residential) classification to a P-B-G (Planned-General-Business) classification.

Policy Analysis: The proposed rezoning is consistent with the land use designation in the Tricentennial Comprehensive Plan and will establish a district that is compatible with the surrounding development pattern within the immediate area of the community.

Staff Recommendation: **Approval** of the request to rezone the subject property from an R-4 classification to a P-B-G classification.

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

MPC Action: **The motion to approve the staff recommendation carried with none opposed.** Voting were: Mr. Abolt, Mr. Bean, Mr. Brown, Mr. Coleman, Mr. Farmer, Mr. Mackey, Mr. Manigault, Mr. Ray, Mr. Ragsdale, and Mr. Todd.

C. Comprehensive Plan Amendment

Text Amendment to the Tricentennial Plan
RE: Community Assessment, *Section 9.2.4 Protected Rivers and Corridors*
MPC File No. F-080107-37787-1

Dennis Hutton, MPC Project Planner

Issue: Update Community assessment Section 9.2.4 Protected Rivers and Corridors to reflect most current State of Georgia policies.

Policy Analysis: Chatham County is committed to preserving its natural resources by making available the latest and most accurate version of plans to protect these resources.

Mr. Coleman **moved** to approve the petition. Mr. Farmer seconded the motion.

MPC ACTION: **The motion to approve the staff recommendation carried with none opposed.** Voting were: Mr. Abolt, Mr. Bean, Mr. Brown, Mr. Coleman, Mr. Farmer, Mr. Mackey, Mr. Manigault, Mr. Ray, Mr. Ragsdale, and Mr. Todd.

V. Old Business**A. Public Comment on Zoning Petitions - Map Amendments / Text Amendments**

931 Chevis Road (Vallambrosa Plantation PUD)
Aldermanic District: 6
County Commission District: 6
Proposed PUD Zoning District
PINs: 2-1003 -01-002, -003, -012, -013, -014, -055, -056,
1-1003-01-032, 1-1002-01-003, -004 (County PINs annexed by City)
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Gary Plumbley, MPC Project Planner

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Gary Plumbley, MPC Project Planner

Chairman Todd stated that these comments would be received for information only. The Board would not act on the petition at this meeting.

Speaking on the petition:

David Gellatly, County Commissioner for the 6th District, stated he was not against the project, nor are the citizens he has talked with. His concerns were for the safety of the citizens living there and the effects of this project on the natural environment. The problem is with the dump trucks and bringing in construction equipment to begin the project. Several slides were presented to illustrate the size of trucks that are not-proportionate to the size of the roads and trees. He asked that Chevis Road, Grove Point Road and Wild Heron Road not be used; that the Highway 17 entrance be utilized.

Lori Brady, Savannah-Chatham County School Board Member, highlighted the dangers presented to children going to and from the schools in the area. Ms. Brady shared an e-mail which stated that 312 children walk to school in the area. Also, there are 30 school buses transporting students from this area. She requested their safety to be considered in deliberation of this project. She stated was opposed to the use of Chevis, Wild Heron and Grove Point roads for the project and requests only the entrance from Highway 17 be utilized.

VI. Regular Business

A. Zoning Petitions

City of Savannah, Petitioner
Brickyard Neighborhood
Aldermanic District 1
County Commission District 8
Zoning District R-B to R-4 and R-B-1
MPC File No. Z-080422-39637-2

Dennis Hutton, MPC Project Planner

Issue: Rezoning of a portion of the Brickyard Neighborhood in West Savannah.

Policy Analysis: The City of Savannah's policy is to protect the integrity of existing single family neighborhoods and to promote the well-being of its citizens by affording them the opportunity to live and work harmoniously.

Staff Recommendation: Rezone the R-B properties to R-4, except the gas station which would be rezoned to R-B-1.

Speaking on the Petition:

Pamela Howard Oglesby, Vice President of the West Savannah Community, reminded the Board that the Brickyard residents chose that area rather than be a part of the Carver Heights community. She stated that the residents are pleased with the rezoning recommendation.

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

MPC Action: The motion to approve the staff recommendation carried with none opposed. Voting were: Mr. Abolt, Mr. Bean, Mr. Brown, Mr. Coleman, Mr. Farmer, Mr. Mackey, Mr. Manigault, Mr. Ray, Mr. Ragsdale, and Mr. Todd.

B. General Development Plan / Group Development

Timothy Hilliard, Owner
Cost to Cure Plan for Lo-Cost Pharmacy
11111 Abercorn Street
Aldermanic District 6
County Commission District 6
Zoning District P-I-P (Planned-Institutional-Professional)
0.75 Acres
PIN: 2-0693-05-027a
Harold Yellin, Attorney, Agent
MPC File No. P-080514-54027-2

Geoff Goins, MPC Project Planner

Nature of Request: The petitioner is requesting approval of a General Development Plan\Group Development, to allow two additional buildings to be used as professional offices within a P-I-P (Planned-Institutional-Professional) zoning classification.

Findings: The disturbed area of the site consists of 0.94 acre and is located at the corner of Abercorn Street and Deerfield Road. The site is currently developed with retail and restaurant uses.

Staff Recommendation: Approval of the General Development Plan\Group Development subject to the following conditions: Approval by all appropriate City Site Plan Review 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 City Landscape Architect shall review the Landscape Plan; 2) Drainage Plan. The City Stormwater Engineer shall review the Drainage Plan; 3) 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; 4) A Signage Plan. MPC staff shall review the Signage Plan. The location of any freestanding signage shall be shown on the Specific Plan.

Speaking on the petition: **Harold Yellin**, attorney for the petitioner, presented a condemnation plan for Abercorn specific to the petition that is before the Board. The petitioner is also concerned about traffic. He believes speed bumps will be an acceptable alternative to deter danger in the area.

Tony Thomas, 6th District Alderman, stated that he has no problem with the development plan. He believes it will be beneficial because that intersection has been problematic. He is concerned about the flow-through traffic. He is requesting a 'no left turn' restriction onto Collinwood.

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

MPC Action: The motion to approve the staff recommendation carried with none opposed. Voting were: Mr. Abolt, Mr. Bean, Mr. Brown, Mr. Coleman, Mr. Farmer, Mr. Mackey, Mr. Manigault, Mr. Ray, Mr. Ragsdale, and Mr. Todd.

C. Zoning Petition – Map Amendment/Text Amendment

Charlie Russo, Jr., Owner
201 – 209 East 40th Street
Aldermanic District: 5
County Commission District: 2
Zoning District TC-1 and TC-1* to TC-1 and TC-1*
PIN: 2-0075-08-003
Murray K. Barnard, A.I.A, Agent
MPC File No: Z-080620-49573-2

Jim Hansen, MPC Project Planner

Requested Zoning: TC-1

Policy Analysis: The Tricentennial Future Land Use Plan was amended to Traditional Commercial land uses at this location when the property was rezoned from TN-2 to TC-1*. Although the requested zoning classification would be consistent with the future land use designation, some uses allowed in the district are not compatible with the residential character of the area. The uses allowed therein are too intense for the eastern portion of the property.

Staff Recommendation: Denial of the request to rezone the subject property from a TC-1 and TC-1* classification to a TC-1 classification.

Mr. Thomson noted that Mr. Barnard asked the MPC to rezone the third lot, which currently houses the restaurant, to B-C. At the time, the MPC was approximately six-months away from completing the mid-city zoning. Therefore, it could not be supported; it was too broad a category and thought it would best to wait and use the new rezoning code. The previous B-C property was rezoned TC-1, which allowed a restaurant on the corner, but not on an interior lot (TN-2, later rezoned to TC-1*).

Speaking on the Petition:

Murray Barnard, agent, stated that Mr. Russo initially wanted a take-out, but found the customers wanted to eat in the establishment. The building would not hold more than 28 to 30 people, therefore parking would not be an issue. Thirty parking spaces are available; his client has never experienced parking or traffic congestion. He stated the Assistant City Attorney said that tables could be placed outside of the building, but not on the inside under the present classification. The only change made to the building was the addition of an awning to the side of the building. Mr. Russo would like to allow patrons to eat in if they desire to.

Chairman Todd added that the records indicate take-out only. Mr. Barnard stated it was not with full understanding and is now requesting zone amendment to operate as expected.

Speaking on the Petition:

Tom Mahoney, attorney for the petitioner, stated discussions were held with the MPC staff and the City in which Mr. Russo was advised to wait. He stated the application was filed in March of 2005 to rezone from TN-2 to TC-1. The MPC recommended denial and the City agreed to rezone to TC-1 * in connection with Section 8.31.D.1.a. The intent was take-out, but the customer's actions informed Mr. Russo they wanted to eat in, not to violate any part of the ordinance. Mr. Mahoney stated Mr. Russo was given a business tax certificate that gave him license to operate as a full service restaurant; that was the only one he was given.

Walter Corrish, supporter of the petition, stated he's known Mr. Russo over 60 years. He stated he was there when the Assistant City Attorney said patrons could eat on the deck.

Denny Herb, supporter of the petition, stated he's known Mr. Russo over 55 years and did not understand the issue.

Mike Sloan, supporter of the petition, stated he's known Mr. Russo for over 30 years. He stated he didn't understand why it is such an issue with such a small amount of traffic. He asked that a local, second-generation family be allowed to stay in business.

Charlie Smith, supporter of the petition, stated the family plans to pass on the family business. He stated he's eaten his food inside and patrons should be allowed to eat where they purchase their food.

Kathleen Russo-Coppage, daughter and supporter of the petitioner, stated she and her family believe they were doing as recommendation and are now being penalized. She informed of the hurt her family feels because of the negative publicity and its impact.

Virginia Mobley, opposed to the petition, requested the letter submitted from Yvette McQueen, the neighboring home owner to the restaurant, as part of public record. Parking can be an issue. She believes Mr. Russo is trying to circumvent the decisions and restrictions imposed.

Pam Oglesby, opposed to the petition, stated this will set a precedent for the rest of the city and will affect future zoning decisions.

Petitioner Rebuttal:

Charles Russo, the petitioner, stated he is confused and had no idea it would become this large. He admitted that what he and his party thought and what the City meant were two different things.

Mr. Bean **moved** to reject staff recommendation and grant the petitioner's request. Mr. Farmer seconded the motion.

MPC ACTION: The motion to approve the petition and deny staff recommendation carried.

Voting in favor of the motion were: Mr. Bean, Mr. Farmer, Mr. Mackey, Mr. Ragsdale, and Mr. Todd. Voting against the motion were: Mr. Brown, Mr. Coleman, Mr. Manigault, and Mr. Ray. Mr. Abolt was not in the room when the vote was taken.

VII. Other Business

Mr. Ray stated that the Nominating Committee, which consisted of Stephen Lufburrow (Committee Chairman), Robert Ray, and Doug Bean, presented the following report:

“The Nominating Committee nominates the following MPC Officers for the 2008-2009 year: Jon Todd, Chairman; Shedrick Coleman, Vice-Chairman; Adam Ragsdale, Secretary; and, Susan Myers, Treasurer.”

VIII. Adjournment

There being no further business to come before the Commission, the August 19, 2008, Regular MPC Meeting was adjourned at 4:27 PM.

Respectfully submitted,

Thomas L. Thomson
Executive Director

NOTE: Minutes not official until signed.