

CHATHAM COUNTY-SAVANNAH METROPOLITAN PLANNING COMMISSION

MPC MINUTES

ARTHUR A. MENDONSA HEARING ROOM 110 EAST STATE STREET

March 18, 2008

1:30 PM

Members Present: Robert Ray, Vice Chairman
Shedrick Coleman, Secretary
Susan Myers, Treasurer
Douglas Bean
Michael Brown
Ben Farmer
David Hoover
Stephen R. Lufburrow
Timothy S. Mackey
Lacy Manigault

Members Not Present: Jon Todd, Chairman
Russ Abolt
Freddie Gilyard
Adam Ragsdale

Staff Present: Thomas L. Thomson, P. E., AICP, Executive Director
Jim Hansen, AICP, Director, Development Services
Gary Plumbley, Development Services Planner
Geoffrey Goins, Development Services Planner
Marilyn Gignilliat, Executive Assistant
LaToya Bynum, Administrative Assistant
Constance Morgan, Administrative Assistant

Advisory Staff Present: Bob Sebek, County Zoning Administrator

I. CALL TO ORDER AND WELCOME

Vice Chairman Ray called the March 18, 2008 Regular MPC Meeting to order at 1:35 P.M. 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.

II. NOTICES, PROCLAMATIONS AND ACKNOWLEDGMENTS

A. Notice(s)

1. The Planning Academy will meet on March 25, 2008 at 6:00 P.M. in the Arthur A. Mendonsa Hearing Room, 112 East State Street.

2. The April 1, 2008 Regular MPC Meeting will be at 1:30 P.M. in the MPC Arthur A. Mendonsa Hearing Room, 112 East State Street.
3. The next MPC Planning Session Meeting will be April 8, 2008 at 1:00 P.M. in the MPC Arthur A. Mendonsa Hearing Room, located at 112 East State Street.

B. Acknowledgements(s)

None.

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

A. Zoning Petitions - Map Amendments / Text Amendments

1. Text Amendment to the City of Savannah Zoning Ordinance
Re: Text Amendment to Article K
Dennis Hutton, MPC Project Planner
MPC File No. Z-080107-41909-2

The staff has requested MPC File No. Z-080107-41909-2 be removed from the Agenda and rescheduled to the April 1, 2008 Regular Meeting.

Ms. Myers **moved** to approve the request to remove MPC File No. Z-080107-41909-2 from the Final Agenda and reschedule it for the April 1, 2008 Regular Meeting. Mr. Mackey seconded the motion.

MPC Action: The motion carried with none opposed. The motion was to approve the request to remove MPC File No. Z-080107-41909-2 from the Final Agenda and reschedule it for the April 1, 2008 Regular Meeting. Voting were: Mr. Ray, Ms. Myers, Mr. Coleman, Mr. Bean, Mr. Brown, Mr. Farmer, Mr. Hoover, Mr. Lufburrow, Mr. Manigault, and Mr. Mackey.

IV. CONSENT AGENDA

A. Approval of March 4, 2008 MPC Meeting Minutes and Briefing Minutes as submitted.

Mr. Manigault **moved** to approve the March 4, 2008 MPC Meeting Minutes and Briefing Minutes as submitted. Mr. Coleman seconded the motion.

MPC Action: The motion to approve the March 4, 2008 MPC Meeting Minutes and Briefing Minutes as submitted carried with none opposed. Voting were: Mr. Ray, Ms. Myers, Mr. Coleman, Mr. Bean, Mr. Brown, Mr. Farmer, Mr. Hoover, Mr. Lufburrow, Mr. Manigault, and Mr. Mackey.

B. Acceptance of Fourth Quarter 2007 Work Program Report

Ms. Lufburrow **moved** to accept the Fourth Quarter 2007 Work Program Report as submitted. Mr. Coleman seconded the motion.

MPC Action: The motion to accept the Fourth Quarter 2007 Work Program Report as submitted carried with none opposed. Voting were: Mr. Ray, Ms. Myers, Mr. Coleman, Mr. Bean, Mr. Brown, Mr. Farmer, Mr. Hoover, Mr. Lufburrow, Mr. Manigault, and Mr. Mackey.

C. Specific Development Plan / Group Development Plan

Hancock Askew Office Complex
100 Riverview Drive
PUD-IS Zoning District
PIN 1-0235-02-023
Phillip McCorkle, Agent
Blue Heron Savannah, LLC, Owners
Gary Plumbley, MPC Project Planner
MPC File No. P-070926-00042-1

Nature of Request: The petitioner is requesting approval of a Specific Development Plan for a proposed building to be used as a combination of professional office and restaurant located at the southwest corner of East President Street and Runaway Point Road within a PUD-IS (Planned Unit Development-Institutional) zoning district. No variances are requested.

Staff Recommendation: Approval of the Specific Development Plan subject to the following conditions: 1) submit a Lighting Plan and Signage Plan to the MPC staff for review and approval. A building permit will not be issued prior to the approval by the MPC staff of a Lighting Plan and Signage Plan; and, 2) **approval** by the Chatham County Engineer.

Ms. Myers **moved** to approve staff recommendation. Mr. Mackey seconded the motion.

MPC Action: The motion to approve staff recommendation carried with none opposed. Voting were: Mr. Ray, Ms. Myers, Mr. Coleman, Mr. Brown, Mr. Farmer, Mr. Hoover, Mr. Lufburrow, Mr. Manigault, and Mr. Mackey. Mr. Bean abstained from the vote and submitted a Conflict of Interest form for the file.

D. General Development Plan / Group Development Plan

Grand Oaks at Ogeechee River
5800 & 5806 Ogeechee Road
P-R-3-18 Zoning District
PIN 1-1006-01-003, 1-1006-01-024, 1-1005-01-002
Hal Kraft, Hussey, Gay, Bell & DeYoung, Inc., Agent
Blanchard & Calhoun Commercial, Property Owner
Geoff Goins, MPC Project Planner
MPC File No. P-080116-00018-1

Nature of Request: The petitioner is requesting approval of a General Development Plan/Group Development Plan in order to construct an apartment complex within a P-R-3-18 (Planned Multi-Family Residential, 18 units per net acre) zoning district. The petitioner is requesting the following variance: 1) a 14 foot height variance from the 36 foot height requirement of Section 4-6.1 of the Chatham County Zoning Ordinance.

Staff Recommendation: Approval of the 14 foot height variance and approval of the General Development Plan/Group Development Plan subject to the following conditions: 1) the recombination of the lots will need to be done prior to Specific Development Plan approval; 2) **approval** by the County Engineer, the County Health Department, the County Landscape Arborist and the Georgia DOT; 3) a wetland delineation and written Army Corps of Engineers approval; 4) a marsh delineation with DNR – Coastal Resources Division written approval; and 5) construction of a southbound right turn/through lane and a northbound left turn lane at the site entrance on US Highway 17 with funding provided by the developer. The specific design will be subject to approval by the Georgia Department of Transportation.

Mr. Coleman **moved** to approve staff recommendation as outlined above.
Ms. Myers seconded the motion.

MPC Action: The motion to approve staff recommendation as outlined carried with none opposed. Voting were: Mr. Ray, Ms. Myers, Mr. Coleman, Mr. Brown, Mr. Bean Mr. Farmer, Mr. Hoover, Mr. Lufburrow, Mr. Manigault, and Mr. Mackey.

V. OLD BUSINESS**A. Zoning Petitions – Map Amendments**

203 West Victory Drive
Theodore Jackson, Agent
Victory Drive Deliverance Temple, Owner
Geoffrey Goins, MPC Project Planner
MPC File No. Z-071212-35658-2

Issue: The petitioner is seeking to rezone approximately 0.28 acres of land from an R-B (Residential Business) zoning classification to a B-G (General Business) zoning classification. Whereas the B-G classification is not consistent with the existing Traditional Commercial land use designation listed on the Comprehensive Plan, an amendment to the Plan to a Commercial-Suburban designation is also sought.

Policy Analysis: The proposed rezoning is inconsistent with the City's Future Land Use Plan and would allow for the encroachment of heavy commercial uses into an area that is transitioning to residential/retail and mixed uses. The property was rezoned to the current R-B classification to act as a buffer between the single family residences to the south and heavy commercial, industrial uses. The B-G district would eliminate this protection and jeopardize the livability and quality of life for the surrounding residences.

Recommendation: Denial of the request to rezone the subject property from an R-B classification to a B-G classification and it is also recommended that the requested Comprehensive Plan Amendment to the Future Land Use Map from the Traditional Commercial category to the Commercial Suburban category be Denied.

Speaking on the Petition:

Mr. Travis Windsor, Agent stated that he disagreed with the assessment that changing the zoning on this piece of property would drastically alter the neighborhood or allow for encroachment of other types of activities that are currently not allowed in this neighborhood. His client is only trying to remedy an error made by posting the sign.

Theodore Jackson, Petitioner stated that this readerboard will enhance the community and the church and it will aid in the community outreach programs that the church has organized. He asked that church be allowed to keep the readerboard and that the zoning request be approved.

Board Discussion:

Mr. Lufburrow stated that he had concerns with changing the zoning on a piece of property, which may have long term effects, in order to allow the petitioner to keep a portion of the sign. He stated with the sign ordinance in review, it may in the future allow this type of signage in the present zoning district. He also added that the City may allow the petitioner to keep the sign as inoperable until such decision is made.

Mr. Mackey stated that an alternative would be to delay this petition for 30 days in order to give staff an opportunity to review some of the other options available.

Mr. Manigault disagreed. He said by delaying this petition would not solve any problems presented.

Mr. Bean agreed and stated that this is a zoning request and that the Board should only address the zoning issue.

Mr. Brown requested that staff take the 30 day delay to do a zoning analysis of the R-B and the B-N area from Barnard Street to Montgomery Street, which would include this parcel.

Mr. Thomson stated that the 30 day delay may provide MPC staff the time to question city zoning personnel to determine if action on this petition can be delayed until answers to specific questions can be answered.

Mr. Hoover asked if it would be possible to have the petitioner delay the sign issue and Board Members vote only on the rezoning?

Mr. Brown stated that the concerns of the Commission were valid concerns that they may do a spot zone. To do this was not good planning. To rezone this property B-G (General Business) would allow uses in here that are not good for the area. He suggested reviewing the R-B (Residential Business) zone, and the B-N (Neighborhood Business) in this area and maybe it can all be rezoned so that it will allow moderate signage and transitional. He said that the City Staff will ask the Court not to take action regarding this issue, but the petitioner will not be allowed to turn the sign on until this issue is resolved. He said that the instructions will be given to the City's Inspections Department not to enforce the ordinance and for MPC Staff to take a look at the two R-B (residential business) lots in conjunction with the I-L (Light Industrial) and come back with a minor study similar to the one that was done to established the P-R-I-P-B (Planned Residential Medium Density) classification.

Mr. Thomson recommended that 1) the applicant withdraw his application; or 2) that staff is given three or four months continuance to allow staff to follow the instructions Mr. Brown outlined.

Mr. Bean noted that the petitioner has erected a sign that is not allowed in a particular zoning classification and this Board is attempting to enable the posting of an illegal sign. He added that the B-N district does not allow an electronic message board. The present zoning is the least intensive commercial zone that does allow an electronic message board. This is not a good reason to rezone this property.

Mr. Bean **moved** to approve staff recommendation for denial of the Future Land Use Plan Amendment. Ms. Myers seconded the motion.

Mr. Mackey **moved** to continue the petition for 60 days to allow staff to follow Mr. Brown's instructions as previously outlined. Mr. Brown seconded the motion.

Mr. Ray stated that a motion to continue takes precedence over the previous motion.

MPC Action: The motion for a 60 day continuance failed. Voting in favor of the motion were: Mr. Mackey and Mr. Brown. Voting against the motion were: Mr. Ray, Mr. Bean, Mr. Hoover, Mr. Manigault, Mr. Farmer, Mr. Lufburrow, Ms. Myers, and Mr. Coleman.

Vice Chairman Ray returned to the original motion which was to approve staff recommendation for denial of the Future Land Use Plan Amendment. Ms. Myers seconded the motion.

MPC Action: The motion to approve staff recommendation carried. Voting in favor of the motion were: Mr. Ray, Mr. Bean, Mr. Hoover, Mr. Manigault, Mr. Farmer, Mr. Lufburrow, Ms. Myers, and Mr. Coleman. Voting against the motion were: Mr. Brown and Mr. Mackey

Ms. Myers **moved** to approve staff recommendation for denial of the request to rezone the subject property from an R-B classification to a B-G classification. Mr. Bean seconded the motion.

MPC Action: The motion to approve staff recommendation carried. Voting in favor of the motion were: Mr. Ray, Mr. Bean, Mr. Hoover, Mr. Manigault, Mr. Farmer, Mr. Lufburrow, Ms. Myers, and Mr. Coleman. Voting against the motion were: Mr. Brown and Mr. Mackey.

VI. REGULAR BUSINESS

None.

VIII. ADJOURNMENT

There being no other business to come before the Commission the March 18, 2008 Regular Meeting was adjourned at 2:20 P.M.

Respectfully Submitted,

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

Note: Minutes not official until signed