

CHATHAM COUNTY-SAVANNAH METROPOLITAN PLANNING COMMISSION

MPC REGULAR MEETING MINUTES

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

January 20, 2009

1:30 PM

Members Present: Jon Todd, Chairman
Shedrick Coleman, Vice-Chairman
Adam Ragsdale, Secretary
Susan Myers, Treasurer
Russ Abolt
Michael Brown
Ellis Cook
Ben Farmer
David Hoover
Timothy S. Mackey
Lacy Manigault
Robert Ray

Members Not Present: Stephen Lufburrow

Staff Present: Thomas Thomson, P.E. AICP, Executive Director
James Hansen, AICP, Director, Development Services
Gary Plumbley, Development Services Planner
Marcus Lotson, Development Services Planner
John Butler, Comprehensive Planner
Michael Adams, Transportation Planner
Melony West, CPA, Director, Finance & Systems
Marilyn Gignilliat, Executive Assistant
Shanale Booker, Administrative Assistant
Bri Finau, Administrative Assistant
Constance Morgan, Administrative Assistant

Advisory Staff Present: Tiras Petrea, City Zoning Administrator
Bob Sebek, County Zoning Administrator

I. CALL TO ORDER AND WELCOME

Chairman Todd called the January 20, 2009 Regular MPC Meeting to order at 1:35 PM. He requested everyone to stand for the Invocation and the Pledge of Allegiance. He explained the agenda and asked all in attendance to be sure to record their attendance on the sign-in sheet. All who wished 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. The MPC Finance Committee met on January 6, 2009 at 11:30 AM in the West Conference Room, 110 East State Street.
2. The next Regular MPC Meeting will be held February 3, 2009 at 1:30 P.M. in the MPC Arthur A. Mendonsa Hearing Room, 112 East State Street.
3. Mr. Todd congratulated the reappointed Commission members. The County reappointed Ben Farmer, Shedrick Coleman, and Susan Myers. Ellis Cook was newly appointed, replacing Douglas Bean. The City reappointed Timothy Mackey.

B. Acknowledgement(s)

There were no acknowledgements.

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

- A. Nicholas C. Hale, Owner
5419 LaRoche Avenue
Aldermanic District 4
County Commission District 3
Zoning District R-6 to P-RM-12
Acres 1.95
PIN: 2-0138-01-044
Phillip McCorkle, Attorney
MPC File No. Z-080826-28558-2

Gary Plumbley, MPC Project Planner

(Two separate actions)

1. Consideration of Tricentennial Comprehensive Plan Amendment Relating to the Zoning Request
2. The petitioner is requesting rezoning of property at 5419 LaRoche Avenue of a 1.95 acre site from an R-6 (Single Family Residential – 6 Units Per Net Acre) classification to a P-RM-12 (Planned Residential Multi-Family (Residential – 12 units per net acre) classification.

AND

General Development Plan / Group Development

The Residences on LaRoche Avenue
5419 LaRoche Avenue
Aldermanic District 4
County Commission District 3
Zoning District P-RM-12 (Proposed)
Acres 1.95
PIN: 2-0138-01-044
Phillip McCorkle, Attorney
MPC File No. P-080918-55791-2

Gary Plumbley, MPC Project Planner

Variances are requested.

The petitioner has requested that this item be removed from the Final Agenda and rescheduled to the February 3, 2009 Regular Meeting.

Mr. Coleman **moved** to the approve petitioner's request to reschedule MPC File Nos. Z-080826-28558-2 and P-080918-55791-2 to the February 3, 2009 Regular Meeting. Mr. Farmer seconded the motion.

MPC Action: The motion carried with none opposed. The motion was reschedule MPC File Nos. Z-080826-28558-2 and P-080918-55791-2 to the February 3, 2009 Regular Meeting. Voting were: Mr. Todd, Mr. Coleman, Mr. Ragsdale, Ms. Myers, Mr. Abolt, Mr. Brown, Mr. Cook, Mr. Farmer, Mr. Hoover, Mr. Mackey, Mr. Manigault, and Mr. Ray.

Mr. Todd asked if anyone was present to speak on this petition. There was no one present to speak on this petition.

B. Tower

Wireless Telecommunications
59 Log Landing Road
County Commission District 4
Zoning District PUD-R/EO
Acres 1.67
PIN: 1-0259H-03-007
Southside Communities Fire Protection, Inc., Owner
Belinda Bodie (Faulk and Foster Realty), Agent
MPC File No.: Z-080916-00110-1

Jack Butler, MPC Project Planner

The petitioner has requested that this item be removed from the Final Agenda and rescheduled to the March 3, 2009 Regular Meeting.

Mr. Coleman **moved** to the approve petitioner's request to postpone MPC File No.: Z-080916-00110-1 to the March 3, 2009 Regular Meeting. Mr. Ray seconded the motion.

MPC Action: The motion carried with none opposed. The motion was to postpone MPC File No.: Z-080916-00110-1 to the March 3, 2009 Regular Meeting. Voting were: Mr. Todd, Mr. Coleman, Mr. Ragsdale, Ms. Myers, Mr. Abolt, Mr. Brown, Mr. Cook, Mr. Farmer, Mr. Hoover, Mr. Mackey, Mr. Manigault, and Mr. Ray.

C. General Development Plan

Village at Isle of Hope
7360 Skidaway Road
County Commission District 3
Zoning District P-B-N / TC
Acres 7.3
PINs: 1-0377-10-002, -002A, -002B, -004
Landmark 24, Owner
Jamie Csizmadia, Agent

MPC File No. P-081117-43021-2

Gary Plumbly, MPC Project Planner

The petitioner has requested that this item be removed from the Final Agenda and rescheduled to the March 3, 2009 Regular Meeting.

Mr. Farmer **moved** to the approve petitioner's request to postpone MPC File No.: P-081117-43021-2 to the March 3, 2009 Regular Meeting. Mr. Ray seconded the motion.

MPC Action: The motion carried with none opposed. The motion was to postpone MPC File No.: P-081117-43021-2 to the March 3, 2009 Regular Meeting. Voting were: Mr. Todd, Mr. Coleman, Mr. Ragsdale, Ms. Myers, Mr. Abolt, Mr. Brown, Mr. Cook, Mr. Farmer, Mr. Hoover, Mr. Mackey, Mr. Manigault, and Mr. Ray.

Mr. Todd asked if anyone was present to speak on this petition. There was no one present to speak on this petition.

IV. CONSENT AGENDA

A. Approval of January 6, 2009 MPC Meeting Minutes and Briefing Minutes.

Mr. Ragsdale **moved** to approve the January 6, 2009 MPC Regular Meeting Minutes and Briefing Minutes as submitted. Mr. Ray seconded the motion.

MPC Action: The motion carried with none opposed. The motion was to approve the January 6, 2009 MPC Meeting Minutes and Briefing Minutes as submitted. Voting were: Mr. Todd, Mr. Coleman, Mr. Ragsdale, Ms. Myers, Mr. Abolt, Mr. Brown, Mr. Cook, Mr. Farmer, Mr. Hoover, Mr. Mackey, Mr. Manigault, and Mr. Ray.

B. Approval of 2009 Budget and Work Program

Ms. Myers **moved** to approve the 2009 Budget and Work Program as submitted. Mr. Farmer seconded the motion.

MPC Action: The motion carried with none opposed. The motion was to approve the 2009 Budget and Work Program. Voting were: Mr. Todd, Mr. Coleman, Mr. Ragsdale, Ms. Myers, Mr. Abolt, Mr. Brown, Mr. Cook, Mr. Farmer, Mr. Hoover, Mr. Mackey, Mr. Manigault, and Mr. Ray.

C. Adoption of the Authorizing Resolution for the Section 5303 Transit Planning Grant for State Fiscal Year 2010 to allow the Executive Director to Execute the Application for the Section 5303 Grant.

Mr. Hoover **moved** to adopt the Authorizing Resolution for the Section 5303 Transit Planning Grant for State Fiscal Year 2010 as submitted. Mr. Ray seconded the motion.

MPC Action: The motion carried with none opposed. The motion was to adopt the Authorizing Resolution for the Section 5303 Transit Planning Grant for State Fiscal Year 2010 to allow the Executive Director to Execute the Application for the Section 5303 Grant. Voting were: Mr. Todd, Mr. Coleman, Mr. Ragsdale, Ms. Myers, Mr. Abolt, Mr. Brown, Mr. Cook, Mr. Farmer, Mr. Hoover, Mr. Mackey, Mr. Manigault, and Mr. Ray.

D. Demolition

City of Savannah Property Maintenance Department
501-503 West 38th Street
Aldermanic District 1
County Commission District 8
Total Demolition
PIN. 2-0073-09-019
Lawrence E. Waring, Owner
Juanita Simmons, Agent
MPC File No. N-081104-68408-2

Beth Reiter, MPC Project Planner

Due to the lack of a quorum at the January 6, 2009 MPC Regular Meeting, this item has been placed on the consent agenda so that the Planning Commission can ratify the proposed motion of that meeting. The January 6, 2009 motion was to approve staff recommendation of a 30-day continuance, with the continuance start date being January 6, 2009.

Ms. Myers remained recused from this item.

Mr. Coleman **moved** to ratify the proposed motion of the January 6, 2009 meeting. Mr. Hoover seconded the motion.

MPC Action: The motion carried with none opposed. The motion was to approve staff's recommendation of a 30-day continuance, with the continuance start date being January 6, 2009. Voting were: Mr. Todd, Mr. Coleman, Mr. Ragsdale, Mr. Abolt, Mr. Brown, Mr. Cook, Mr. Farmer, Mr. Hoover, Mr. Mackey, Mr. Manigault, and Mr. Ray. Ms. Myers did not vote.

Ms. Myers rejoined the Commission for the remainder of the meeting.

E. General Development Plan

City of Savannah
Laurel Grove Cemetery, North
2101 Kollock Street
Aldermanic District 1
County Commission District 8
Zoning District RM-25
Acres 38.83
PIN: 2-0067-01-001
Mayor and Alderman, Owner
Brandy Leighton, Agent
MPC File No.: P-081231-37002-2

Marcus Lotson, MPC Project Planner

Variances are requested.

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

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

V. OLD BUSINESS

A. Minor Subdivision

Lands of John B. Demere
2120 Turner’s Road (Whitemarsh Island)
County Commission District 4
Zoning District R-1-A/EO
Acres 169
PIN: 1-0112-01-001Y and 001Z
John B. Demere, Owner
Phillip McCorkle, Agent
MPC File No.: S-081125-60016-1

Gary Plumbley, MPC Project Planner

Nature of Request: The petitioner is requesting approval of a Final Plat for a Minor Subdivision located on the east side of Turner’s Rock Road approximately 1,475 feet south of Johnny Mercer Boulevard within an R-1-A/EO (Single Family Residential – 3.5 units per net acre/Environmental Overlay) zoning district. The petitioner is also requesting a variance to allow the creation of additional lots on an unpaved substandard access way.

Staff Recommendation: The MPC staff recommends **denial** of a variance to allow the creation of additional lots on an unpaved substandard access way based on the previously stated findings. Staff further recommends **approval** of a variance to allow the creation of additional lots on a paved substandard access way and the proposed minor subdivision subject to the following conditions:

1. *Turner's Rock Road must be improved to provide a pavement width an 18 foot pavement width (2 lanes 9 feet in width) and shoulders not less than 2 feet in width from the private gate on Turner's Rock Road to the southern property line of the petitioned site as a condition of Final Plat approval.*
2. *Submit an Environmental Site Assessment to the County Engineer for review and approval as a condition of Final Plat approval.*
3. *Approval by the Chatham County Health Department and the County Engineer.*

Mr. Todd explained the procedure for presentations. He then asked those who wished to speak on the petition to come forward.

Mr. Ragsdale, Mr. Farmer, and Mr. Cook informed the Board that Mr. McCorkle represented their firms in other matters; however, they saw no conflict of interest in this matter.

Speaking on the Petition:

Mr. Phillip McCorkle presented a video to support his client's petition request. He objects to staff's requirement to improve the existing road. The preliminary design requirements comply with design requirements of the Ordinance and MPC is required to approve the preliminary plan. He stated there was no variance requested and that was not a part of their application; the MPC has no authority to require improvements on existing roads unless allowed to do so by the Ordinance. He acknowledged it is a substandard road and does not meet the requirement. If there is an existing road, nothing can be done about it unless the design standard requires bringing the road to a current standard. He referred to Section 601.02a and stated it does not apply because the street in question is paved and is a minor subdivision; Section 601.02a applies to unpaved streets and major subdivisions. The Health Department and County Engineers were satisfied with current paved road.

Mr. Farmer asked Mr. Thomson or Mr. Plumbley if Mr. McCorkle's statement is accurate.

Mr. Plumbley replied that the MPC is empowered to decide based on Sections 600 and 602.01a, which includes all subdivisions; they must conform to the design requirements of the Ordinance. He stated Mr. McCorkle's video showed there was sufficient area to provided 18 feet of paved road. He stated the issue is whether the road should be improved or if the 11 feet should suffice.

Mr. Thomson concurred with Mr. Plumbley.

Mr. McCorkle maintained that the Ordinance applies to public streets, not private streets. He suggested getting the County Attorney's interpretation regarding this section of the Ordinance.

Mr. Ragsdale stated a platted right-of-way or easements are needed to comply with the Ordinance and this is not proposing to do so.

Mr. Farmer stated he was not clear on this and would like to know the County Attorney's opinion on this.

Ms. Betty King Reiter, representing her father, Harry King, was in favor of the petition request.

Harold Yellin, represented twelve homeowners in opposition to the petition. He stated Robert Demere, the brother of the petitioner and another property owner in the area, submitted a letter to request the petition be delayed until covenants can be implemented to assist with land management issues. He added that the petitioner did request a variance for the subdivision based on information they have received. His clients do not want the island built out; they value their current way of life and do not want a subdivision. The Special Finding in the 1993 Decision would restrict additional lots, unless the road and 22' access easement are paved in accordance with the minimum standards required by the County Engineer. MPC Staff recommended denial of the subdivision based on the current road, but Staff would recommend approval if the road was brought to Ordinance requirement. The road is owned by tenants in common and they are opposed to widening of the road which would subsequently yield to further development on the island. He presented a copy of the 1937 deed that entitled the owners to one-seventh of the road as tenants in common. A Master Plan is needed to address issues of minimum lot size, maximum density, maintenance and road repair. He stated the decision by the MPC should be in the best interest of all homeowners, not just one.

Mr. Farmer stated his understanding that no one wants the road widened.

Mr. Yellin explained though that is true, in order to approve the subdivision, the road would have to be widened. He stated all homeowners would have to agree to an acceptable road width to avoid over population.

Mr. Ragsdale said MPC is being asked to decide on a road that is held as tenancy in common on property not owned by the petitioner.

Mr. Hoover asked the average size of the lots on the island.

Mr. McCorkle stated there were originally seven lots, approximately 20 acres each.

Mr. Manigault stated that he does not believe the matter should be voted on today; it should return to the County Attorney advice.

Mr. Manigault **moved** to continue to the petition in order consult with the County Attorney. Mr. Ray seconded the motion.

Mr. Brown stated the decision should not be deferred to others. He stated MPC is obligated to research and address the planning issues and decide accordingly.

Mr. Farmer stated he would like to find which position is correct.

Mr. Manigault requested to withdraw his motion.

Mr. Todd denied the request.

MPC Action: The motion was defeated. The motion was to continue until the February 3, 2009 meeting. Mr. Farmer and Mr. Manigault voted in favor of the motion. Those opposed were: Mr. Todd, Mr. Coleman, Mr. Ragsdale, Ms. Myers, Mr. Abolt, Mr. Brown, Mr. Cook, Mr. Hoover, Mr. Mackey, and Mr. Ray.

Mr. Brown **moved** to continue public comment. Mr. Mackey seconded the motion.

MPC Action: The motion carried with none opposed. The motion was to continue public comment. Those voting were: Mr. Todd, Mr. Coleman, Mr. Ragsdale, Ms. Myers, Mr. Abolt, Mr. Brown, Mr. Cook, Mr. Farmer, Mr. Hoover, Mr. Mackey, Mr. Manigault, and Mr. Ray.

Mr. Coleman stated the access to the new properties resulting from the subdivision is important. Guidelines state that a certain type of access is required by Ordinance in order to have the subdivision. He stated nothing could be done without the road meeting the requirements of the Ordinance criteria.

Mr. Thomson stated in the past, the Board has given variances for paving. This is different from previous petitions.

Mr. Plumbley added that there were some similar cases but he cannot recall any just like this. The MPC has never entertained any kind of subdivision where the access road was not a part of the requirement. It is the requirement of the MPC to be sure every lot has suitable access based on the design standards of the Chatham County Subdivision Regulations.

Mr. Abolt stated the County Attorney would only need to advise if a variance is required to subdivide due to the nature of the road.

Speaking on the Petition:

Eleanor Titus, resident, stated she was opposed to the petition. She and the other neighbors are trying to develop a Master Plan and are asking the MPC for more time to agree and make presentation to MPC. They are working with a professional to develop the Master Plan and are asking for about 90 days.

Charles Ellis, resident, stated he was in opposition to the petition and is not aware of anyone other than the petitioner in support of the petition.

Richard Solomans, resident, in opposition to the petition, yielded his time to others.

Jack Jones, resident, in opposition to the petition, referred to the MPC Special Finding of 1993 where no additional building permits were to be granted until the main road was brought to standard.

Mr. McCorkle suggested the MPC Board to get an opinion from the County Attorney before making a decision.

Mr. Farmer asked Mr. McCorkle if he was asking for a continuance.

Mr. McCorkle stated yes, allowing the County Attorney ample time to research.

Mr. Abolt added that specific questions should be posed to the County Attorney, particularly the need of a variance, and would like to see some progress in a month's time. He requested effort be put forth to develop a Master Plan while waiting on the County Attorney's response.

Mr. Brown further requested that the County Attorney provide finding if legal rights access is sufficient to act upon petition at this time; does the petitioner have the legal right to petition this request.

Mr. Farmer **moved** to continue the petition to the February 17, 2009 Regular Meeting to submit and receive information from the County Attorney regarding the legal right of the petitioner's request. Mr. Ray **seconded** the motion.

MPC Action: The motion carried with none opposed. The motion was to postpone MPC File No.: S-081125-60016-1 to the February 17, 2009 Regular Meeting to obtain County Attorney's findings regarding the legal right of the petitioner's request. Voting were: Mr. Todd, Mr. Coleman, Mr. Ragsdale, Ms. Myers, Mr. Abolt, Mr. Brown, Mr. Cook, Mr. Farmer, Mr. Hoover, Mr. Mackey, Mr. Manigault, and Mr. Ray.

VI. REGULAR BUSINESS

A. Text Amendment

Text Amendment to the City of Savannah Zoning Ordinance
Re: Savannah Gardens Planned Unit Development
MPC File No.: Z-081231-40739-2

Jim Hansen, MPC Project Planner

B. Rezoning – Map Amendment

Savannah Gardens
601 Crescent Drive
Aldermanic District 3
County Commission Districts 2 and 3
Zoning District: R-4 to PUD
PINs: 2-0039-02-005 and 006
CHSA Development, Owner
Darrel Daise, Agent
MPC File No.: Z-081231-40739-2

Jim Hansen, MPC Project Planner

Requested Zoning: PUD (Planned Unit Development)

Policy Analysis: The proposed zoning is consistent with the Tricentennial Comprehensive Plan Future Land Use Map. Zoning to a PUD will allow redevelopment of the site to be unified, coordinated and phased based on available facilities. A PUD classification will also encourage flexibility, diversity and integration of uses and development standards that would not otherwise be allowed by the Zoning Ordinance.

Staff Recommendation: **APPROVAL** of the request to rezone the subject property from an R-4 (Four-family Residential) classification to a PUD (Planned Unit Development) classification in conjunction with approval of a Master Plan and an ordinance to establish uses, development standards and procedures.

Speaking on the Petition:

Clyde Martin, resident, in opposition to the petition, stated opening the street will increase noise and traffic. He stated it will also cause problems with safety and parking, and decrease home value in the area.

Ms. Myers asked if Foster Street has sidewalks.

Mr. Martin replied no.

Mr. Todd asked if sidewalks will be installed on the new part to Crescent Drive.

Mr. Hansen replied that at least one sidewalk is required according to the Ordinance.

Mr. Brown asked that all have an open mind. An extensive public participation process was done.

Mr. Brown **moved** to have a three-week delay to meet the residents again. Mr. Mackey seconded the motion.

Mr. Farmer stated he'd like to hear what all have to say in order to follow procedure. He stated he is interested in the parking arrangements; the residents would lose off-street parking.

Mr. Brown asked that his motion be deferred until all are heard today.

Matt Toole, resident, opposed to opening the street. He is representing himself and other Twickenham residents. He presented a petition signed by others who oppose to opening the street to the Board. The stated the rezoning would negatively impact Twickenham's desire to become nationally registered and threaten the historic pattern. Area residents favor the model of Ashley Park; two-story or single family homes. With the new zoning increases the density.

Ms. Myers asked if two weeks would be enough time for the residents to get together to again discuss their issues.

Mr. Martin replied that it would be enough time.

Mr. Cook stated his concern is regarding the lack of communication. He stated he believes there are many in the audience may be unaware as well and two weeks may not be enough time.

Mr. Coleman stated the redevelopment in the City has improved the City and that should be acknowledged. He stated that is the same goal for the Twickenham community.

Mr. Brown **moved** to continue for one month. Mr. Farmer seconded the motion.

MPC Action: The motion carried with none opposed. The motion was to continue MPC File Nos.: MPC File No.: Z-081231-40739-2 and MPC File No.: Z-081231-40739-2 to the February 17, 2009 Regular Meeting in order to meet with CHSA, City Housing, the developers and residents. Voting were: Mr. Todd, Mr. Coleman, Mr. Ragsdale, Ms. Myers, Mr. Abolt, Mr. Brown, Mr. Cook, Mr. Farmer, Mr. Hoover, Mr. Mackey, Mr. Manigault, and Mr. Ray.

VII. OTHER BUSINESS

Mr. Todd requested for the Personnel Committee to meet at 11:30 AM on February 3, 2009 to prepare for the Executive Director's evaluation.

VIII. ADJOURNMENT

Being no further business to come before the Commission, the January 20, 2009 Regular Meeting adjourned at 4:00 PM.

Respectfully Submitted,

Thomas L. Thomson
Executive Director

Note: Minutes not official until signed.

/bf