



Arthur A. Mendonsa Hearing Room  
September 8, 2009 1:30 PM  
MINUTES

**September 8, 2009 Regular MPC Board Meeting**

**Members Present:** Jon Todd, Chairman  
Shedrick Coleman, Vice-Chairman  
Adam Ragsdale, Secretary  
Susan Myers, Treasurer  
Russell Abolt  
Michael Brown  
Ellis Cook  
Ben Farmer  
Lacy Manigault  
Stephen Lufburrow  
Jon Pannell

**Members Not Present:** David Hoover  
Timothy Mackey  
Tanya Milton

**Staff Present:** Thomas Thomson, P.E. AICP, Executive Director  
Melony West, CPA, Director, Finance & Systems  
Marilyn Gignilliat, Executive Assistant  
James Hansen, AICP, Director, Development Services  
Gary Plumbley, Development Services Planner  
Jack Butler, Comprehensive Planner  
Bri Finau, Administrative Assistant  
Mary Mitchell, Administrative Assistant  
Christy Adams, Director, Administration  
Shanale Booker, Administrative/IT Assistant  
Julie Yawn, IT Assistant

**Advisory Staff Present:** Randolph Scott, City Zoning Inspector

**I. CALL TO ORDER AND WELCOME**

**II. INVOCATION**

**III. PLEDGE OF ALLEGIANCE**

**IV. NOTICES, PROCLAMATIONS and ACKNOWLEDGEMENTS**

**Notice(s)**

1. [September 29, 2009 Regular MPC Meeting at 1:30 P.M. in the Arthur A. Mendonsa Hearing Room, 112 East State Street.](#)

**V. PRESENTATIONS**

2. [Historic District Ordinance Revisions - Briefing](#)

Attachment: [Historic District - Update.pdf](#)

Attachment: [Presentation.pdf](#)

Sarah Ward presented the process and updates to the Historic District Ordinance Revision project. Ms. Ward presented the following information:

- The Public Comment period for the Historic District Ordinance Revisions ended on July 12, 2009.
- MPC staff has compiled more than 100 comments received.
- Staff is continuing to meet with interested individuals and organizations in order to better understand some of the comments received and to provide further education on the proposed amendments.
- MPC and City of Savannah staff have carefully considered all of the comments received. Consultation with Sottile and Sottile has been conducted as needed to fully evaluate recommendations related to height as it pertains to all development within the Historic District, visual compatibility, massing standards for large-scale development, penthouses and additional stories.
- Inquiries about legal matters regarding appeals and variances have been responded to by the City Attorney's office.
- All of the suggestions provided during this process have been considered, studied, and where possible and appropriate, incorporated into the proposed draft ordinance.
- The revised draft is underway and will be presented to the MPC following review by the City Attorney.

**VI. ITEM(S) REQUESTED TO BE REMOVED FROM THE FINAL AGENDA**

**Tower - New Facility/Nonconcealed Freestanding-Monopole**

3. [Uncle Bob's Self - Storage -10901 Abercorn Street](#)

Attachment: [All Images.pdf](#)

Attachment: [Continuance Request 9-1-09.pdf](#)

10901 Abercorn Street  
New Cellular WTF at Uncle Bob's Storage  
Aldermanic District: 6  
County Commission District: 6  
Zoning District: PUD-BN  
Acres: 5.3  
PIN: 2-0693-05-003  
Savannah Storage Associates, Owner  
Fred Womble, SBA Network Services, Agent  
MPC File No. T-090402-41934-2

Jack Butler, MPC Project Planner

Request to construct a concealed 130-foot monopole wireless telecommunications facility behind a self-storage facility.

**Board Action:**

The petitioner has requested that this item be removed from the Final Agenda and rescheduled to - PASS the September 29, 2009 Regular Meeting.

**Vote Results**

Motion: Stephen Lufburrow

Second: Ben Farmer

Russ Abolt	- Not Present
Michael Brown	- Aye
Shedrick Coleman	- Aye
Ellis Cook	- Aye
Ben Farmer	- Aye
Stephen Lufburrow	- Aye
Timothy Mackey	- Not Present
Lacy Manigault	- Aye
Susan Myers	- Aye
Jon Pannell	- Aye
Adam Ragsdale	- Aye
Jon Todd	- Aye

**Zoning Petition - Map Amendment**

4. [Rezone 9 Hampstead Avenue from an RM-15 to a BC classification](#)

Enmark Rezoning  
9 Hampstead Avenue  
RM-15 Classification to BC Classification

.30 Acres PIN: 2-0127 -04-007 and -012  
City Council District: 5  
County Commission District: 5  
9 Hampstead, LLC, Owner  
Harold Yellin, Agent  
MPC File No. Z-090819-42211-2

Jim Hansen, MPC Project Planner

Mr. Harold Yellin spoke in behalf of the petitioner to inform the Board that they have spoken with the neighbors and will speak with them again to please the Board.

**Board Action:**

STAFF has requested that this item be removed from the Final Agenda and rescheduled to the September 29, 2009 Regular Meeting. - PASS

**Vote Results**

Motion: Stephen Lufburrow

Second: Adam Ragsdale

Russ Abolt	- Not Present
Michael Brown	- Aye
Shedrick Coleman	- Aye
Ellis Cook	- Aye
Ben Farmer	- Aye
Stephen Lufburrow	- Aye
Timothy Mackey	- Not Present
Lacy Manigault	- Aye
Susan Myers	- Aye
Jon Pannell	- Aye
Adam Ragsdale	- Aye
Jon Todd	- Aye

**The Consent Agenda consists of items for which the applicant is in agreement with the staff recommendation and for which no known objections have been identified nor anticipated by staff. Any objections raised at the meeting will result in the item being moved to the Regular Agenda. At a 12:30 briefing, the staff will brief the Commission on Consent Agenda items, and, time permitting, Regular Agenda items. No testimony will be taken from applicants, supporters or opponents, and no votes will be taken at the briefing.**

**VII. CONSENT AGENDA**

**Approval of MPC Meeting Minutes and Briefing Minutes**

5. [Approval of August 18, 2009 MPC Meeting Minutes and Briefing Minutes](#)

Attachment: [08.18.09 MPC BRIEFING MINUTES.pdf](#)  
Attachment: [08.18.09 MPC Meeting Minutes \(Revised\).pdf](#)

**Board Action:**

APPROVAL of the MPC Meeting and Briefing Minutes as submitted. - PASS

**Vote Results**

Motion: Stephen Lufburrow  
Second: Lacy Manigault  
Russ Abolt - Not Present  
Michael Brown - Aye  
Shedrick Coleman - Aye  
Ellis Cook - Aye  
Ben Farmer - Aye  
Stephen Lufburrow - Aye  
Timothy Mackey - Not Present  
Lacy Manigault - Aye  
Susan Myers - Aye  
Jon Pannell - Aye  
Adam Ragsdale - Aye  
Jon Todd - Aye

**Authorization(s)**

6. [Authorization for Executive Director to Execute Contract with GDOT for FY 2010 Transit Planning Assistance, Project Accounting Number: MT00-0155-00-011.](#)

Attachment: [Contract Approval for CORE MPO Transit Planning Grant.pdf](#)

This is a formula grant from the Federal Transit Administration through GDOT that is used to accomplish the transit planning tasks that are outlined in the CORE MPO Unified Planning and Work Program (UPWP).

**Board Action:**

APPROVE authorization for Executive Director to Execute Contract with GDOT for FY 2010 Transit Planning Assistance, Project Accounting Number: MT00-0155-00-011. - PASS

**Vote Results**

Motion: Ben Farmer  
Second: Susan Myers  
Russ Abolt - Not Present

Michael Brown	- Aye
Shedrick Coleman	- Aye
Ellis Cook	- Aye
Ben Farmer	- Aye
Stephen Lufburrow	- Aye
Timothy Mackey	- Not Present
Lacy Manigault	- Aye
Susan Myers	- Aye
Jon Pannell	- Aye
Adam Ragsdale	- Aye
Jon Todd	- Aye

**VIII. ITEMS MOVED FROM CONSENT AGENDA**

**IX. OLD BUSINESS**

**X. REGULAR BUSINESS**

**General Development Plan / Group Development Plan**

7. [Trinity Worship and Praise Ministries](#)

- Attachment: [Staff report.pdf](#)
- Attachment: [Location aerial.pdf](#)
- Attachment: [Project Site Aerial.pdf](#)
- Attachment: [Trinity Worship Site Plan.pdf](#)

Trinity Worship and Praise Ministries  
12532 White Bluff Road  
Aldermanic District: 6  
County Commission District: 6  
Zoning District: R6  
Acres: 2.71  
PIN: 2-0652-04-003  
Greenline Architecture, Architect  
Robert Poticny, Agent

MPC Project Planner, Marcus Lotson

Staff Recommends APPROVAL of the General Development Plan / Group Development

Mr. Coleman asked is the drainage heading?

Mr. Lotson stated the General Development Plan does not show; however that will be incorporated during the development stages.

Robert Poticny, petitioner, stated they tried to do all so that no variances will

be needed. The specifics of the design will come later and the civil engineer has stated there is no anticipated problem with the drainage. They intend to keep as much of the grass as they can.

**Board Action:**

APPROVAL of the General Development Plan /  
Group Development - PASS

**Vote Results**

Motion: Stephen Lufburrow

Second: Adam Ragsdale

Russ Abolt	- Not Present
Michael Brown	- Aye
Shedrick Coleman	- Aye
Ellis Cook	- Aye
Ben Farmer	- Aye
Stephen Lufburrow	- Aye
Timothy Mackey	- Not Present
Lacy Manigault	- Aye
Susan Myers	- Aye
Jon Pannell	- Aye
Adam Ragsdale	- Aye
Jon Todd	- Aye

**XI. OTHER BUSINESS**

8. [Staff Briefing: What Happens After Site Plan Approval?](#)

Attachment: [What Happens After Site Plan Approval.pdf](#)

Mr. Jim Hansen, Director of Development Services Department, presented the following information for public knowledge:

Recently, several letters to the local newspaper prompted an editorial which questioned the wisdom of allowing developments to linger after having received necessary approvals from regulating authorities. "Necessary approvals" include zoning and subdivision- related approvals and permit approvals. The latter approval – permits – is not the purview of the MPC.

In response to public outcry over a recent development in which the land was cleared but very minimal work has taken place (thereby creating issues for neighboring property owners), the MPC chairman asked staff to investigate similar occurrences and assess how current ordinances regulate the completion of development. Staff is not aware of any ordinances that would force a developer to complete a project once land disturbance is underway. In fact, there is nothing to prevent land disturbance before a site plan is approved.

The above case is atypical of the development process. As the process can be time and financially intensive, it is unlikely that a developer would stand the expense of securing the necessary approvals required for a project, and then willfully delay construction and occupancy to an uncertain future date. However, unforeseen circumstances, such as an economic down turn, judicial review, or a death of one of the principals can and has caused delay. In many cases, initial development such as land clearing, grading, utility work, etc. has begun, only to be stopped, and the projects becoming inactive until the situation can be resolved.

#### The First Step in the Development Process

Zoning and/or subdivision-related approvals are the first “hurdle” in the development process. MPC staff or the Planning Commission reviews many zoning-related plans; however, some plans may be approved by permitting staff (e.g. single family detached residential). In the City, the Permit Coordinator and Zoning Administrator determine which plans are forwarded to the MPC; the Zoning Administrator makes this determination in the County.

#### When are Land Disturbing (Clearing) and Building Permits Issued?

For reviews conducted by MPC staff and boards, permits are not issued as a part of the approval process. Instead, clearing and development permits must be obtained through the City (Development Services) or the County (Building Safety and Regulatory Services). Prior to issuing the necessary permits, these departments are responsible for verifying that the zoning and/or subdivision for a property is consistent with the plans sought to be permitted as MPC staff does see plans submitted for land clearing or construction.

#### When an Approved Plan is Amended

If an amendment to an approved plan is sought by a developer after a land disturbing or building permit has been issued, the City or County is responsible for identifying whether any changes have been made that would affect the zoning-related approval, or at least directing the developer back to the MPC to make that verification. At the time of verification, MPC staff identifies whether the change constitutes a staff or board level approval.

#### Do Approved Plans Expire?

With the exception of variances and special uses approved by the City and County Zoning Boards of Appeals, zoning-related approvals made by the MPC staff and related boards do not have an expiration. Land disturbance and building permits, however, typically have an expiration date. As development and other regulations change that could affect the property, the permit expiration period serves as a way to ensure that more recent development standards will be achieved. It is possible for a permit to be revoked or extended, but that decision rests with the City or County.

#### What Happens When a Development Project is Halted?

The zoning ordinance does not regulate this outcome as the project has moved into the construction phase. To the knowledge of MPC staff, there is no way to “force” the



continuation of a project. But, the condition of the site can be regulated to ensure compliance with applicable ordinances. For example, a cleared site may have to provide soil erosion controls to control dust. And, it is not uncommon for local government to work with developers to eliminate other issues that could cause potential nuisances for nearby property owners or create blight.

#### Items for Discussion

The following are not intended to be all inclusive. They are merely suggestions presented to the Board for discussion. Some may require amendments to specific ordinances; others would serve as starting points for discussion with City and County departments to better identify appropriate policies and responsibilities.

- MPC staff should sign off on all construction plans, thus assuring that the construction plans are consistent with the MPC approved plans. Prior to the issuance of a certificate of occupancy (CO), the staff planner should visit the site to verify that the site conditions are in compliance with the MPC approved plan. Increased educational opportunities should be made available for all staff responsible for issuing permits - from clearing to electrical - to assure better understanding of potential zoning issues. Regulations could be strengthened to require that sites to be appropriately screened if, for whatever reason, land disturbing activities begin and are then stopped and not resumed for a specified period of time.

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Mr. Hansen stated that in no way is MPC staff attempting to infringe on the responsibilities of the City or County. Verifying the implementation of approved decisions would be within the MPC's purview.

Mr. Lufburrow asked if non-compliance occurred frequently in approved plans in which construction later were halted due to financial restraints?

Mr. Thomson replied it is rare that it comes back to the knowledge of the MPC of lack of compliance. Knowledge of it usually comes from a citizen. In instances such as Chu's, this type of situation happens enough that we should look at reasonable mitigation efforts after some period of time. The neighbor was promised a vegetative screen that would prevent the lights from the cars from shining into her back windows. She now has a baseball netting rather than the vegetative screen as promised. It's been a few years now; more than enough time to have something in place.

Mr. Lufburrow stated a developer is usually required by the City or County to place a bond to do certain things within a certain period of time. Could that be a part of process or requirement to ensure litigation?

Mr. Coleman stated he believes this is not the body to police these matters; that is what City and County Inspections is for. When a project is abandoned, they cannot be forced to complete.

Mr. Farmer stated as things change due to the market, the money availability changes. Sometimes it is out of the hands of the developer and they cannot finish.

Mr. Brown stated we need to find out how often this occurs. There are certain elements of a project that should be in place from the beginning before pouring foundation; such as parts of the buffers. Though the time of year should be considered regarding vegetation, at least have sufficient bond to provide for protection to install at some point the basic buffer. The resident neighbors are entitled to basic, visual screen prior to the project starts. He stated he would like for the myth to be dispelled that what is approved by the MPC is not actually followed.

Mr. Todd stated he wanted this to be an education process for the public and the new members of the Board. Many complain that the MPC fails to follow up.

Mr. Hansen stated that all are fully aware that the particular situation discussed is certainly the exception rather than the rule. There is not a significant problem. We are open to suggestions to improve.

Mr. Manigault stated the MPC should not be afraid to be criticized. Do we have authority to enforce the item in question? Who's responsible?

Mr. Brown motioned for staff to look at the basic site plan requirements specifically how we do the screening, how we could provide basic certain requirements that are non-negotiable, including time frame and discuss in another planning meeting.

Mr. Coleman requested some provision for project abandonment or close-out.

**Board Action:**

Mr. Brown made a motion directing that staff investigate the adequacy of existing screening requirements; particularly any requirements calling for screening at the beginning of a project. Further, staff is to make recommendations for what screening should be required at project commencement and how such requirements could be bondable. - PASS

**Vote Results**

Motion: Michael Brown

Second: Ben Farmer

Russ Abolt	- Not Present
Michael Brown	- Aye
Shedrick Coleman	- Aye
Ellis Cook	- Aye
Ben Farmer	- Aye
Stephen Lufburrow	- Aye
Timothy Mackey	- Not Present
Lacy Manigault	- Aye
Susan Myers	- Aye

Jon Pannell	- Aye
Adam Ragsdale	- Aye
Jon Todd	- Aye

9. Election of MPC Officers Proposed Slate: W. Shedrick Coleman, Chairman; J. Adam Ragsdale, Vice Chairman; Jon Pannell, Secretary; Lacy Manigault, Treasurer.

**Board Action:**

Election of MPC Officers Proposed Slate: W. Shedrick Coleman, Chairman; J. Adam Ragsdale, Vice Chairman; Jon Pannell, Secretary; Lacy Manigault, Treasurer. - PASS

**Vote Results**

Motion: Stephen Lufburrow  
Second: Michael Brown  
Russ Abolt - Not Present  
Michael Brown - Aye  
Shedrick Coleman - Aye  
Ellis Cook - Aye  
Ben Farmer - Aye  
Stephen Lufburrow - Aye  
Timothy Mackey - Not Present  
Lacy Manigault - Aye  
Susan Myers - Aye  
Jon Pannell - Aye  
Adam Ragsdale - Aye  
Jon Todd - Aye

**XII. ADJOURNMENT**