



Arthur A. Mendonsa Hearing Room
February 23, 2010 1:30 p.m.
MINUTES

February 23, 2010 Regular MPC Board Meeting

Members Present: Shedrick Coleman, Chairman
Adam Ragsdale, Vice-Chairman
Jon Pannell, Secretary
Lacy Manigault, Treasurer
Michael Brown
Ellis Cook
Timothy Mackey
Tanya Milton
Susan Myers
Jon Todd
Joseph Welch

Members Not Present: Russ Abolt
Ben Farmer
Stephen Lufburrow

Staff Present: Thomas Thomson, Executive Director
Melony West, Finance and Systems
James Hansen, AICP, Director, Development Services
Gary Plumbley, Development Services Planner
Marcus Lotson, Development Services Planner
Bri Finau, Administrative Assistant
Christy Adams, Director, Administration
Shanale Booker, Administrative Assistant/IT

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

I. CALL TO ORDER AND WELCOME

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

IV. NOTICES, PROCLAMATIONS and ACKNOWLEDGEMENTS

Notice(s)

1. [March 16, 2010 Regular MPC Meeting at 1:30 P.M. in the Arthur A. Mendonsa Hearing Room, 112 East State Street.](#)

V. PRESENTATIONS

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

Final Minor Subdivision

2. [6210 LaRoche Avenue - Bonna Bella 7 Subdivision](#)

Attachment: [TAX MAP S-100202-88642-1.pdf](#)

Attachment: [ZONING MAP S-100202-88642-1.pdf](#)

Attachment: [AERIAL MAP S-100202-88642-1.pdf](#)

Attachment: [Recorded SD Plat.pdf](#)

Attachment: [Superior Court Order March 21, 2008.pdf](#)

Attachment: [MPC Decision in 1993 - Bona Bella.pdf](#)

Attachment: [02-23-10 STAFF REPORT S-100202-88642-1 Bonna Bella 7 Subdivision Minor Revision to a Recorded Plat.pdf](#)

Board Action:

Postpone Item - The petitioner has requested to postpone item to the March 16, 2010 MPC meeting. - PASS

Vote Results

Motion: Jon Pannell

Second: Lacy Manigault

Russ Abolt - Not Present

Michael Brown - Not Present

Shedrick Coleman - Aye

Ellis Cook - Aye

Ben Farmer - Not Present

Stephen Lufburrow - Not Present

Timothy Mackey - Aye

Lacy Manigault - Aye

Tanya Milton - Aye

Susan Myers - Aye

Jon Pannell - Aye

Adam Ragsdale - Aye

Jon Todd - Aye

Joseph Welch - Aye

Zoning Petition - Map Amendment

3. [131 Hutchinson Island Road SEDA - Hutchinson Island Zoning \(I-H to I-P\)](#)

Board Action:

Based upon the request of the petitioner and staff,
it is recommended that this application be continued to March 16, 2010. - PASS

Vote Results

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

4. [12214 Deerfield Road](#)

Board Action:

It is recommended that this item be continued to the MPC meeting on April 27, 2010. - PASS

Vote Results

Motion: Ellis Cook
Second: Lacy Manigault
Russ Abolt - Not Present
Michael Brown - Aye
Shedrick Coleman - Aye
Ellis Cook - Aye

Ben Farmer	- Not Present
Stephen Lufburrow	- Not Present
Timothy Mackey	- Aye
Lacy Manigault	- Aye
Tanya Milton	- Aye
Susan Myers	- Aye
Jon Pannell	- Aye
Adam Ragsdale	- Aye
Jon Todd	- Aye
Joseph Welch	- Aye

5. 199 E. Lathrop Avenue - Rezoning Request from R-4 to RB-1

Board Action:

The MPC Staff recommends this item be continued until the March 16th regular meeting. - PASS

Vote Results

Motion: Ellis Cook

Second: Tanya Milton

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

6. 533 East 38th Street (East Broad Lofts - BN and R-4 to PUD)

Board Action:

At the request of the applicant and staff, it is recommended that the petition be continued to March 16, 2010. - PASS

Vote Results

Motion: Lacy Manigault

Second: Ellis Cook

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

7. [Approval of February 2, 2010 MPC Meeting Minutes and Briefing Minutes](#)

Attachment: [02.02.10 MPC BRIEFING MINUTES.pdf](#)

Attachment: [02.02.10 MINUTES.pdf](#)

Board Action:

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

Vote Results

Motion: Susan Myers

Second: Lacy Manigault

Russ Abolt	- Not Present
Michael Brown	- Aye
Shedrick Coleman	- Aye
Ellis Cook	- Aye

Ben Farmer	- Not Present
Stephen Lufburrow	- Not Present
Timothy Mackey	- Aye
Lacy Manigault	- Aye
Tanya Milton	- Aye
Susan Myers	- Aye
Jon Pannell	- Aye
Adam Ragsdale	- Aye
Jon Todd	- Aye
Joseph Welch	- Aye

General Development Plan

8. 239 Stephenson Avenue - Watson Eye Center

Attachment: [02-23-10 P-100204-35712-2 Staff Review Watson Eye Center General Development Plan.pdf](#)

Attachment: [Aerial map.pdf](#)

Attachment: [Taxmap.pdf](#)

Attachment: [GENERAL DEVELOPMENT PLAN P-100204-35712-2.pdf](#)

239 Stephenson Avenue
Watson Eye Center
Aldermanic District: 4
County Commission District: 1
Zoning District: P-I-P
Acres: 0.2
PIN: 2-0545-03-043
Donald L. Watson, Owner
Tom Cetti, Agent
MPC File No.: P-100204-35712-2

Gary Plumbly, MPC Project Planner

Mr. Ragsdale recused himself from this item due to involvement with project.

Board Action:

The MPC staff recommends **approval** of the General Development Plan and the requested- PASS variances.

Vote Results

Motion: Jon Todd

Second: Lacy Manigault

Russ Abolt - Not Present

Michael Brown - Aye

Shedrick Coleman	- Aye
Ellis Cook	- Aye
Ben Farmer	- Not Present
Stephen Lufburrow	- Not Present
Timothy Mackey	- Aye
Lacy Manigault	- Aye
Tanya Milton	- Aye
Susan Myers	- Aye
Jon Pannell	- Aye
Adam Ragsdale	- Abstain
Jon Todd	- Aye
Joseph Welch	- Aye

VIII. ITEMS MOVED FROM CONSENT AGENDA

IX. OLD BUSINESS

Amended Specific Development Plan

9. [1809 Staley Avenue - Mighty Auto Parts Tire Shredder](#)

Attachment: [Findings of Zoning Administrator.pdf](#)

Attachment: [agreement letter.pdf](#)

Attachment: [Buffer Exhibit.pdf](#)

Attachment: [Aerial Photo.pdf](#)

Attachment: [Staff Report.pdf](#)

1809 Staley Avenue
Mighty Auto Parts
Aldermanic District: 5
County Commission District: 5
Zoning District: IL
Acres: 2.28
PIN: 2-0702-01-007
Travis Burke, Agent
Trey Cook, Owner

Marcus Lotson, MPC Project Planner

Mr. Lotson presented the petition on behalf of staff. Mr. Lotson reminded the Board that the General Development Plan was approved by the Board at the December 22, 2009 MPC meeting with the condition that the Specific Plan be presented to the Board to address the property buffer to the immediate east. The petitioner's intent is to construct a 20 foot by 17 foot building for the purpose of housing a tire shredder. The City of Savannah zoning administrator has stated a tire shredder is an allowed use within a Light Industrial classification. The buffering plan submitted proposes to screen the tire shredder building from the adjacent property with a 15 foot wide by 100

foot long evergreen hedge. There will also be a 60 foot long evergreen hedge along Staley Avenue. The adjacent property owner, Ms. Jennifer Quick has provided written acceptance of the petitioner's buffer plan. The proposed tire shredder housing would be required to attenuate sound by using foam insulation, and the shredder is to be housed completely indoors. The MPC staff recommends approval of the Specific Development Plan.

Harold Yellin, representative of the petitioner, introduced **Trey Cook**, Chief Operating Officer of Savannah Tire and Mighty Auto Parts and **Terry Coleman** and **Travis Burke** of Kern-Coleman, project engineers. Mr Yellin stated that the hours of operation would be from 7:30 AM to 5:30 PM, Monday through Friday and that they would so note said information on the Specific Development Plan. Additionally, the petitioner will add notations to the plan which state that no outside storage of tires is to be allowed; that shredded tire material will only be stored in the on-site dump trailer; and that the owner/operator will remain in full compliance with the City of Savannah Noise Ordinance.

Mr. Manigault asked if 7:30 AM is a standard business starting time in a residential neighborhood or 8:00 AM?

Mr. Yellin replied they would usually be functioning between 8:00 AM and 5:00 PM. The half hour is simply a bracketed idea so that compliance can be assured. Busses are running at 7:30 AM; it is not a quiet zone and people are up.

Mr. Clifton Jones, Alderman of the 5th District and area resident, spoke in opposition to the request. He stated he believed there is a conflict in the documentation he obtained regarding the I-L zoning as there is no specific reference to tire shredders.

Mr. Jones also said that Mr. Yellin stated he spoke with Ms. Quick, the adjacent property owner. Mr. Jones stated he disagrees with Mr. Yellin's statement since they live in the neighborhood and Ms. Quick is only a property owner. Mr. Yellin should have met with more residents. He stated he believed the MPC Board has the ability to approve or disapprove petitioned requests. He noted that the zoning inspector indicated in his letter to Ms. Quick concerns regarding noise, odor, smoke and other objectionable characteristics in a neighborhood. Some of the things listed in the Ordinance that the Board acted upon was disregarded. He stated he did not feel that was fair to the people and the Board is to represent the people as he is as alderman. Property owners have rights and property owners living on their property have rights as well and the Board should abide by that. The command for your decisions are already written in the rules.

Mr. Jones continued that he believes the petitioner's request regarding the buffer is not in line with the rules governing the Board. Mr. Jones stated he is of the opinion that if it is stated, the buffer should be along the entire residential side of the property, that's the way it should be. He stated he opposes anything different from what is written in the guidelines to guide the Board. He stated he read the minutes from the December 22, 2009 meeting.

In the minutes, it was stated another building was not supposed to be located on the property when it was asked about expansion on this property. He stated he was not sure how the Board would handle the situation if the petitioner wanted expand the recycling business located there. He disagreed with the petitioner's statement that there is a state law that allows him to stack 3,000 tires on the property. He would like to know if that is true and would like a response to his requests.

Mr. Coleman stated some of his questions would have to be answered by staff or the petitioner during his rebuttal. The procedure regarding what the Board approves or disapproves is not without procedure. The matter is regarding a group development approval, not a zoning approval. The zoning is in place and the use is approved under the group development guidelines. The Board is charged with finding if the petitioner meets the requirements of the zoning, that the use is allowed and that the site plan meets the requirements of a group development. If it does not meet the requirements, it can be approved or disapproved with certain criteria added. But we do not have the latitude to decide based on other guidelines beyond the group development standards by law.

Mr. Scott, City Zoning Administrator, stated he concurred with the chairman. He stated the classification is not specifically listed as 'tire shredder' within the Ordinance. 'Tire shredder' is a manufacturing use and through various listed items in the Ordinance, Section 83-L points to a product from a previously-made product. The tire shredder is a process that produces a product from previously prepared materials, (i.e., tires).

Mr. Jones asked Mr. Scott if the shredder was not listed specifically in the Ordinance previously, why should it be recommended now?

Mr. Scott responded that when the owner called and proposed the request, he was first required to determine if it would be allowed in the zone desired. He also had to determine if it would be a similar use. He stated he insisted the use be indoors. He stated he knew they would have to construct a building of some sort and informed the petitioner they would have to go before the MPC Board.

Mr. Jones asked if the MPC minutes regarding the statements Mr. Lotson made in reference to additional building on the property could be addressed.

Mr. Coleman stated he is not aware of anything in the zoning manual relative to a zoning position, unless the site could not accommodate the building, preventing one from putting an additional building on a site if it comes within a group development and meets the criteria. From the standpoint of not being allowed, it would have to be a site that would not allow another building specifically. Per the December 22, 2009 minutes, Mr. Lotson's statement was that they were not allowed, by-right, to build a building on a site without going to the proper channels to do so. The proper channel is to have the MPC Board Review the site plan for the building.

Mr. Jones stated his interpretation of Mr. Lotson's statement is different from Mr. Coleman's explanation, but he accepts it.

Mr. Coleman stated he appreciated having the opportunity to clarify it.

Mrs. Ernestine Jones, resident, stated most of her questions were answered by the petitioner after meeting with him prior to this meeting. She stated she is concerned about the buffer; what is the required buffer that area? Should the petitioner do the entire east side of the lot? What is the mode of transportation for the facility? The road is very narrow. If the residents observe tires being stored on the lot, what would be their recourse?

Mr. Todd stated these companies are regulated by the State of Georgia under Ordinance 391-3-4.19 under Scrap Tire Management. They are also regulated and monitored by the Department of Environmental Protection.

Mr. Coleman stated he thinks Ms. Jones is asking more about City enforcement and what they are about to approve. Mr. Coleman requested Mr. Scott to address Ms. Jones' request.

Mr. Scott stated the concern should be forwarded to the Zoning and Inspections Department. Regarding enforcing the state's guidelines, though it may appear stringent to the commercial user, it is actually pretty liberal regarding the amount of tires to be stored. We do have the right to enforce the development plan. If the owner agrees in writing to specifics in the development plan, they would have to adhere to it. It depends on what is in the development plan in addition to what the state would require.

Ms. Jones stated she asked the question because tires are stored at the facility as of the day of this meeting. Is it possible to request the list of specifications in the event they deviate from what they are to do regarding the hours of operation, no outdoor storage, recycable material only in the building, etc., so it would be in the minutes?

Mr. Thomson stated a copy of the minutes describing this meetings discussion will be sent to you.

Mr. Coleman requested Mr. Lotson to address Ms. Jones' question regarding the buffer.

Mr. Lotson stated this is an existing use and the petitioner is proposing a buffer which the Board has the ability to approve an buffering plan. If this were a new development, the full 40 feet in width along the east side of the property would be required.

Mr. Ragsdale asked if the petitioner is proposing to remove asphalt to plant the buffer on the east side of the property?

Mr. Lotson replied yes.

Mr. Brown asked if the adjacent property was zoned R-6, single-family?

Mr. Lotson replied yes.

Mr. Brown asked what would happen if the adjacent property were subdivided into single-family residential lots?

Mr. Lotson stated nothing would happen; the existing buffer would be in place and the adjacent lot could be subdivided and be developed as residential.

Mr. Brown asked if the houses to the south of the adjacent lot would have to face the development site of the I-L.

Mr. Lotson stated if there were homes developed there, it be wise install a buffer.

Mr. Brown asked would that be the obligation of the developers/homeowners?

Mr. Lotson stated if someone chose to develop the property as residential.

Mr. Brown asked if it were not the practice to have the commercial developer with an I-L property adjacent to a residential property . . . that some protection needs to be in place in the event of development?

Mr. Lotson confirmed that has happened in the past.

Mr. Brown suggested that staff consider that. He then asked is Liberty Parkway Extension an arterial?

Mr. Lotson stated the MPC transportation planner may need to be consulted regarding that.

Mr. Brown stated he is not sure if they have legal access to Liberty Parkway but the petitioned property does abut the Liberty Parkway arterial, does it not?

Mr. Lotson replied it does.

Mr. Brown then asked if it was the practice that if a property abuts an arterial that a P-designation is placed on that property?

Mr. Lotson replied that was correct.

Mr. Brown asked why was that not applied or suggested in this case?

Mr. Lotson replied this was an existing use. This property has always had access to Staley Avenue. Access to Liberty Parkway was not considered.

Mr. Brown stated in the past, in other areas, such as Wilmington Island, when a property abuts an arterial and when a petition comes in the arterial was

considered to trigger a 'P' in front of whatever zone was there. For example, on Wilmington Island where Barnes and the Dawg House buildings are, most of those do not abut directly but they do not have direct access to Johnny Mercer but they do submit plans as if they are 'P' designations, to his recollection. Why would that be done on Wilmington Island but not Liberty Parkway?

Mr. Lotson stated he does not disagree that there is an opportunity for the petitioned property; that would help the residents on Staley. It was verified that Liberty Parkway is a collector.

Mr. Brown states that he believed Liberty is an arterial. But as a lesson for the future, we should look at when a property abuts a collector, making a 'P' designation apply in certain circumstances. He stated he is certain that when there have been I-L or B-C or B-G properties abutting residential or multi-family properties - we have had multi-family properties buffered for the length of properties against adjacent single family properties. He requested the same standards be applied to provide residential protection against I-Ls wherever we have them, and this petition is an opportunity to do so.

Mr. Yellin confirmed the property is zoned I-L. Prior to filing his petition, it was established that this was a permitted use in the Zoning Ordinance. Mr. Yellin replied to Mr. Jones that he did not speak with Ms. Quick; Mr. Lotson stated that the petitioner spoke with Ms. Quick and that she has signed off on the petitioner's plan which includes the buffer. He stated no disrespect was intended and all efforts of respect were expended. He is aware they will not be able to satisfy all; at least a consensus was reached, but no disrespect was shown.

Mr. Yellin continued regarding the buffer, the building to be built is 20 x 17, or 340 square feet. The two buffers will be in excess of 2,000 square feet, six times the size of the building. The buffer does not need to be along the entire side of the property; that would go all the way to Staley and block our access and we would not be able to enter or exit our property. Ms. Quick's buffer would be the one most impacted and she is fine with the proposed buffer plan. There is currently a building existing on the lot with no buffer at all; Ms. Quick recognizes the proposition as a dramatic improvement of the current conditions. Regarding expansion of the buildings, we are required to return to the MPC for approval of the group development. We have the right to expand but not without the consent of the MPC Board. We are willing and have agreed to have our comments on our Specific Development Plan and provide them to Mrs. Jones, as she requested. The transportation of the tires will continue as they are now, on an 18-wheeled truck bringing them in from the various stores. The purpose of the shredder is to eliminate the storage of tires; when in place, the tires will be shredded and no longer stacked.

Mr. Manigault asked that the tires will be stored inside the building, not outside, correct?

Mr. Yellin stated the the shredded tire will be in a flatbed trailer inside the building for storage.

Mr. Manigault said that would be different from the current process, correct? The neighbors need to understand clearly why it's being done and what protection they have. They need to know there is a storage process, the building will be protected from noise, and all the other things discussed previously.

Mr. Yellin stated it was clear to us.

Mr. Brown motioned to approve the planned petition subject to the conditions stated by the petitioner and additionally that if the adjacent residential property develops that the additional buffer be installed.

Mr. Mackey seconded the motion.

Mr. Pannell asked if there were any plans that the MPC is aware of to develop the adjacent property?

Mr. Coleman stated there are none to his knowledge.

Mr. Pannell asked if it were reasonable to require a petitioner to buffer a property that has no future plans for development?

Mr. Coleman stated to Mr. Pannell this would be his opportunity and prerogative to state an amended motion. That is the procedure.

Mr. Pannell requested to make a substitute motion to amend staff recommendation with the conditions proposed by the petitioner but not to include Mr. Brown's added conditions.

Mr. Coleman stated there are two motions on the floor; the amended motion will be addressed first. It is to accept staff recommendation with the addition of the agreements made by the petitioner as part of the plan. The motion was made by Mr. Pannell and seconded by Mr. Todd.

Mr. Mackey stated a substitute motion does not have to be seconded. He asked staff if there were any other circumstances where this Board has asked for this type of designation to be applied? He stated he was referring to the original motion made by Mr. Brown stating in the event the adjacent property was developed at a later date that the buffering be put in at the behest of the petitioner. Has this been done before?

Mr. Lotson stated he was not aware of such a requirement by the Board previously.

Mr. Todd stated "Robert's Rules and Order" state that "an amended motion is to change, add words, to omit words from a pending or original motion. The change is usually to clarify or improve the wording of the original motion. It must, of course, be germane to that motion. An amendment cannot interrupt another speaker; must be seconded; is debatable if the motion to be amended is

debatable. It may itself be amended by an amendment to the amendment; can be reconsidered and requires a majority vote even if the motion to amendment requires two-thirds."

Mr. Mackey stated as point of clarification that Mr. Pannell did not make an amendment; he made a substitute motion. Substitute motions do not have to be seconded.

Mr. Todd stated the definition for subsidiary or substitute motions is "otherwise referred to as an amended motion."

Mr. Coleman said we have a second motion on floor.

Mr. Brown asked to present to the Board the case where there was a church development on Wilmington Island at the corner of Penn Waller. The church had been there a long time and it abutted residential property. The Board took about two months to go over that site plan and required the church to buffer itself against single family even though the single family had been there for years. Whenever we've had light industrial, B-C, or B-G uses adjacent to single-family property, even when they are vacant or occupied, we've required these types of site considerations. He stated he did not think Penn Waller is an arterial or Johnny Mercer. Similarly situated streets deserve the same thing; it's an I-L property. Why do we exist as a Planning Commission if we don't try to enhance our areas? Why did we go through a comprehensive update of our zoning codes and rezone anything? He stated he wanted the Board to look down the road. He suggested the petitioner be a good neighbor and buffer against their residential neighbor in the event the residential property gets developed. The Board has helped the company previously get into neighborhoods such as Waters Avenue. If this situation comes up again in an area like Wilmington Island or another area they are sensitive to that, he stated he would have to ask why would they want to make that buffer against their neighbor? They have every right to be a heavy industry and they can do whatever they want because they are zoned for it.

Mr. Plumbley stated Mr. Brown was correct regarding the church and the buffer was planted last week.

Mr. Brown asked how long did the Board work on that? Two years?

Mr. Plumbley stated true, but where the church buffer was extended, a paved parking lot was installed. It is incumbent upon the Board to make the decision 'Does the proposed approval of the group development on Staley and ACL constitute a need to buffer the entire property?' Does the Board believe there are portions of the property that will be used that would be appropriate to buffer from the adjacent single-family residential property? If the Board deems 'yes', it would be incumbent to require the buffer now, not at a future time. If the Board deems 'no', then the staff recommendation should be acceptable. As far as requiring it for the future, Mr. Plumbley stated he never heard of that.

Mr. Coleman stated the actions of the Board will decide the buffering

situation.

Mr. Cook stated the adjacent property owner has already agreed to the proposed 100 foot by 15 foot wide buffer. If there was opposition to that, Ms. Quick would have said something.

Mr. Todd said he remembers the petition Mr. Brown was speaking of and does not think it can be a direct comparison. He agrees that the adjacent property owner gave up their position by agreeing to a lesser buffer. The burden of buffering would then fall upon that property owner.

Mr. Pannell stated we don't know when the adjacent property may be developed in the future. There are five parcels to the east of the property next door, none of which are developed either. He stated he does not think it is fair for the Board to force the petitioner to make buffer along an area when we don't know when the adjacent property may or may not be developed. The adjacent property owner is satisfied with the 100 foot buffer in place.

Mr. Mackey stated though he does not disagree with what is being said, when one has to look at it and deal with it daily, it's different than living next to a lake or river. This Board has given due consideration in the past. He stated if residents from The Landings or Wilmington Island say they want something, it's done. The matter at hand is do for one what would be done for the other. What is being now is a continuation of what was done in the past. We are being asked to approve a Specific Development Plan that was based on the recommendation from a General Development Plan. The fact that no one lives on the adjacent property now is not the issue. Mr. Brown made a motion based on a future development. If there was a future home development across the street from the petitioner's property, the residents would be looking into a tire shredding facility. It's not to belabor or put undue burden on the petitioner; it is a logical theory. It is a fact that this type of development is predominately prevalent on the eastside and westside of Savannah and in poorer neighborhoods. That's why UZO is addressing those issues since 2002; those are the areas that abut industrial, light industrial, and heavy industrial areas.

Mr. Coleman addressed the motion on the floor.

Board Action:

Staff recommends approval with the following conditions:

1. The specific development plan be in compliance with the approved general development plan. - PASS
2. The landscape plan be approved by the city landscape architect.

With agreements by petitioner with no extension agreement.

Vote Results

Motion: Jon Pannell

Second: Jon Todd

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

Zoning Petition - Text Amendment

10. [Amend Section 8-3182 Procedure For Amendment \(Notification\)](#)

Attachment: [staff report city 2-23.pdf](#)

Attachment: [MPC Thomson Notification Memo 100223.pdf](#)

Text Amendment to the Savannah Zoning Ordinance

Re: Amend Section 8-3182 Procedure For Amendment

MPC File No. Z-060817-30324-2

Jim Hansen, MPC Project Planner

It is proposed that an amendment be made to Section 8-3182 (Procedure For Amendment) of the Savannah Zoning Ordinance to clarify procedures in accordance with applicable state statutes.

Mr. Hansen presented the request along with the following item (County Ordinance Section 11-2.7) jointly. He informed the Board that the request of the Board from the February 2, 2010 meeting was for staff to propose additional requirements to the amendments has been done. He stated the recommendation remains the same: projects three acres in size or more that have been proposed by the Mayor and Aldermen, City of Savannah, or and the Chatham County Commissioners be noticed by following state statute. This requires notification in a newspaper or general circulation within the affected area. The additional policies that will be subscribed to are:

1. Written postcard notice to property owners within the subject area

- indicating the occurrence of a 'large-scale' public zoning action and information about proposed public meetings and project forums;
2. Establishment of website providing proposal information, such as drafts of texts and/or maps, public meetings, and links for additional project information;
 3. Various internet applications such as Facebook and/or blogging sites which will allow questions to be directly answered by staff;
 4. Public meetings to inform residents of proposed developments and/or zoning changes. Efforts will be made to engage all known neighborhood associations within and adjacent to the affected area, civic groups, and trade and/or business organizations
 5. Press releases;
 6. Media notifications; and
 7. Specific neighborhood, technical, or advisory groups formed for drafting and evaluating.

Mr. Hansen stated the Ordinance should follow the state statute because if it is done wrong, that gives someone the ability to challenge a potential error, which may be as simple as sending the notice to the incorrect address or person. Following the state statute eliminates opportunity for legal challenge.

Ms. Myers requested the suggested policies to be recorded in the minutes of the meeting.

Mr. Hansen stated they are not suggesting what has been presented thus far are not the only suggestions that may be adopted.

Mr. Coleman stated we have not discussed making it policy yet. To include as a policy act is premature as to what was charged to the Staff to carry out.

Ms. Myers said since we are being asked to vote on the amendment, she'd like to have what was presented to the Board in the minutes.

Mr. Pannell supported Ms. Myers request and wanted it to be clear that these are just recommendations to add language to the Ordinance at this time.

Mr. Brown stated he believes this sends the message that the MPC is eliminating notification requirements for future rezonings. He is concerned that the properties in discussion may have changes and not be notified.

Mr. Pannell restated the action today is for the properties over three acres brought forth by public body for change will not be subject to the 200 foot rule or the newspaper notification in the Ordinance. They are still subject to state law notification requirements which is that the notice has to be published in legal wording of the County. In addition, staff is recommending other policies to be put in place to give other notifications and staff is to held to that.

Board Action:

Approval of amendment as presented to the Board with the intent of MPC policy to follow and present to City Council. - PASS

Vote Results

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

11. [Amend Section 11-2.7 Hearing Procedure \(Notification\)](#)

Attachment: [staff report2.pdf](#)

Attachment: [MPC Thomson Notification Memo 100223.pdf](#)

Text Amendment to the Chatham County Zoning Ordinance
Re: Amend Section 11-2.7 Hearing Procedure
MPC File No. Z-100111-00002-1
Jim Hansen, MPC Project Planner

It is proposed that an amendment be made to Section 11-2.7 (Hearing Procedure) of the Chatham County Zoning Ordinance to clarify notice procedures in accordance with state statutes.

The discussion of this item is found in the previous item.

Board Action:

Approval of the amendment as presented to the Board with the intent of the MPC to follow and present to the County Commission. - PASS

Vote Results

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

X. REGULAR BUSINESS

Zoning Petition - Text Amendment

12. [Text Amendment to the Chatham County Subdivision Ordinance \(Bonding\)](#)

Attachment: [staff rpt2.pdf](#)

Text Amendment to the Chatham County Subdivision Ordinance
Re: Amend Section 703.04 Certificate from County Engineer
MPC File No. Z100111-00001-1
Jim Hansen, MPC Project Planner

It is proposed that an amendment be made to Section 703.04 (Certificate from County Engineer) of the Chatham County Subdivision Regulations to enact stricter regulations regarding construction of required infrastructure improvements and the warranty thereof.

Mr. Hansen stated that this request is in relation to bonding. It was heard at the last meeting, February 2, 2010. However, after the approval, it was found the information provided was incorrect. There were changes made and discussions with the Home Builders Association and county staff. The information provided today is correct and is for the consideration of the Board. The action of the February 2, 2010 meeting regarding this item will not be forwarded to the County Commission. The amended amendment is presented before the Board for approval. Mr. Hansen introduced Ms. Suzanne Cooler, Senior Engineer for Chatham County.

Board Action:

Approval of the proposed amendment as presented to the Board. - PASS

Vote Results

Motion: Jon Todd

Second: Ellis Cook

Russ Abolt - Not Present

Michael Brown - Not Present

Shedrick Coleman - Aye

Ellis Cook - Aye

Ben Farmer - Not Present

Stephen Lufburrow - Not Present

Timothy Mackey - Not Present

Lacy Manigault - Aye

Tanya Milton - Aye

Susan Myers - Aye

Jon Pannell - Aye

Adam Ragsdale - Aye

Jon Todd - Aye

Joseph Welch - Aye

XI. OTHER BUSINESS

13. [Request for Discussion for Robert's Rules of Order](#)

Mr. Ragsdale requested of Mr. Coleman to consider the topic of disposition of motions for the next pre-meeting. He also stated the Rules of Order informs that "words and explanations must not become speeches."

14. [2010 Work Program](#)

Mr. Thomson presented the 2010 Work Program for MPC and encouraged all to review it.

XII. ADJOURNMENT

15. [Submittal](#)

There being no further business to come before the Commission, the February 23, 2010 Regular MPC Meeting adjourned at 3:12 PM.

Respectfully Submitted,

Thomas L. Thomson
Executive Director

/bf

Note: Minutes not official until signed.

The Chatham County - Savannah Metropolitan Planning Commission provides meeting summary minutes which are adopted by the respective Board. Verbatim transcripts of minutes are the responsibility of the interested party.