



Arthur A. Mendonsa Hearing Room
June 8, 2010 1:30 p.m.
MINUTES

June 8, 2010 Regular MPC Board Meeting

Members Present: Shedrick Coleman, Chairman
J. Adam Ragsdale, Vice-Chairman
Jon Pannell, Secretary
Lacy Manigault, Treasurer
Russ Abolt
Ellis Cook
Tanya Milton
Rochelle Small-Toney
Jon Todd
Joseph Welch

Members Not Present: Ben Farmer
Stephen Lufburrow
Timothy Mackey
Susan Myers

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
Christy Adams, Director, Administration
Bri Finau, Administrative Assistant
Shanale Booker, Administrative Assistant/IT Assistant

Advisory Staff Present: Randolph Scott, City Zoning Administrator

I. CALL TO ORDER AND WELCOME

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

IV. NOTICES, PROCLAMATIONS and ACKNOWLEDGEMENTS

Notice(s)

1. [June 29, 2010 Regular MPC Meeting at 1:30 P.M. in the Arthur A. Mendonsa Hearing Room, 112 E. State Street.](#)
2. [Finance Committee Meeting to be held June 8, 2010 at 11:30 AM in the West Conference Room](#)

Attachment: [Finance Committee MeetingAgenda 06.08.10.pdf](#)

V. PRESENTATIONS

3. [NONE](#)

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

Zoning Petition - Map Amendment

4. [911 West 37th Street Zoning - R-4 to RM-25](#)

Attachment: [VICINITYMAP.pdf](#)

Attachment: [TAXMAP.pdf](#)

Attachment: [ZONINGMAP.pdf](#)

Attachment: [AERIALMAP.pdf](#)

Attachment: [staff rpt3.pdf](#)

Board Action:

The petitioner has requested that the petition be withdrawn. - PASS

Vote Results

Motion: Adam Ragsdale

Second: Jon Pannell

Russ Abolt - Aye

Shedrick Coleman - Aye

Ellis Cook - Aye

Timothy Mackey - Not Present

Lacy Manigault - Aye

Tanya Milton - Aye

Jon Pannell - Aye

Adam Ragsdale - Aye

Rochelle Small-Toney - 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

5. [Approval of May 18, 2010 MPC Meeting Minutes and Briefing Minutes](#)

Attachment: [05.18.10 MPC BRIEFING MINUTES.pdf](#)

Attachment: [05.18.10 MINUTES.pdf](#)

Board Action:

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

Vote Results

Motion: Adam Ragsdale

Second: Russ Abolt

Russ Abolt - Aye

Shedrick Coleman - Aye

Ellis Cook - Aye

Timothy Mackey - Not Present

Lacy Manigault - Aye

Tanya Milton - Aye

Jon Pannell - Aye

Adam Ragsdale - Aye

Rochelle Small-Toney - Aye

Jon Todd - Aye

Joseph Welch - Aye

Authorization(s)

6. [Authorize Executive Director to Execute CORE MPO FY 2011 Planning Services Contract \(PL\)](#)

Attachment: [CORE MPO FY 2011 Planning Services Contract 6 8 10 MPC Meeting.pdf](#)

Board Action:

Approve Executive Director to execute CORE MPO FY 2011 Planning Services Contract (PL) as submitted. - PASS

Vote Results

Motion: Jon Todd

Second: Russ Abolt

Russ Abolt	- Aye
Shedrick Coleman	- Aye
Ellis Cook	- Aye
Timothy Mackey	- Not Present
Lacy Manigault	- Aye
Tanya Milton	- Aye
Jon Pannell	- Aye
Adam Ragsdale	- Aye
Rochelle Small-Toney	- Aye
Jon Todd	- Aye
Joseph Welch	- Aye

7. [Authorize Executive Director to Sign Audit Engagement Letter](#)

Attachment: [Non-Major Contract with Karp Ronning Tindol \(06 08 10 MPC\).pdf](#)

Board Action:

Approve Executive Director to sign Audit Engagement Letter of a Non-Major Contract with Karp, Ronning, and Tindol. - PASS

Vote Results

Motion: Jon Todd

Second: Russ Abolt

Russ Abolt	- Aye
Shedrick Coleman	- Aye
Ellis Cook	- Aye
Timothy Mackey	- Not Present
Lacy Manigault	- Aye
Tanya Milton	- Aye
Jon Pannell	- Aye
Adam Ragsdale	- Aye
Rochelle Small-Toney	- Aye
Jon Todd	- Aye
Joseph Welch	- Aye

General Development Plan / Group Development Plan

8. [New Pulaski Elementary School](#)

Attachment: [TAX_MAP.pdf](#)

Attachment: [ZONING_MAP.pdf](#)

- Attachment: [AERIAL_MAP.pdf](#)
Attachment: [General G1.1.pdf](#)
Attachment: [Picture of Fence and adjacent property.pdf](#)
Attachment: [06-08-10 P-100419-61048-2 Pulaski Elementary School.pdf](#)

Board Action:

The MPC staff recommends **denial** of the variance from the required Type B Buffer. Staff further recommends **approval** of a modified buffer along the adjacent residential properties and the proposed General Development Plan/Group Development. - PASS

Vote Results

Motion: Adam Ragsdale
Second: Lacy Manigault
Russ Abolt - Aye
Shedrick Coleman - Aye
Ellis Cook - Aye
Timothy Mackey - Not Present
Lacy Manigault - Aye
Tanya Milton - Aye
Jon Pannell - Aye
Adam Ragsdale - Aye
Rochelle Small-Toney - Aye
Jon Todd - Aye
Joseph Welch - Aye

Victorian District - New Construction

9. Petition of Baxter Frost for AKUMA Group - N-100524-59681-2 - 207 W. Duffy Street - New Construction of a garage

- Attachment: [Staff Report.pdf](#)
Attachment: [Vicinity_MAP.pdf](#)
Attachment: [Tax_MAP.pdf](#)
Attachment: [Aerial_MAP.pdf](#)
Attachment: [Submittal Packet.pdf](#)

Board Action:

Approval of the request as submitted. - PASS

Vote Results

Motion: Adam Ragsdale
Second: Joseph Welch
Russ Abolt - Aye
Shedrick Coleman - Aye

Ellis Cook	- Aye
Timothy Mackey	- Not Present
Lacy Manigault	- Aye
Tanya Milton	- Aye
Jon Pannell	- Aye
Adam Ragsdale	- Aye
Rochelle Small-Toney	- Aye
Jon Todd	- Aye
Joseph Welch	- Aye

VIII. ITEMS MOVED FROM CONSENT AGENDA

10. NONE

IX. OLD BUSINESS

Zoning Petition - Map Amendment

11. [Amended zoning request for 199, 201, 203, 205 and one unaddressed parcel on Lathrop Ave.](#)

Attachment: [Tax Map.pdf](#)
Attachment: [Site Photo.pdf](#)
Attachment: [EXISTING R-4 USES.pdf](#)
Attachment: [Proposed RB-1 USES.pdf](#)
Attachment: [Zoning Map.pdf](#)
Attachment: [zoning view.pdf](#)
Attachment: [Lathrop Closeup.pdf](#)
Attachment: [Staff Report 0608.pdf](#)

Petitioner: A. Fox Construction
Request: Rezone from R4 to RB-1
Address: 199, 201, 203, 205 and one unaddressed parcel on Lathrop Avenue
Acres: .33
City Council District: 1
County Commission District: 8
MPC File NO. Z-09127-40110-2

MPC Project Planner: Marcus Lotson

The petitioner is requesting to rezone five lots from an R-4 classification to an RB-1 classification. Three of the lots are north of Richards Lane, two are on the south. This item was continued from the April 27, 2010 MPC meeting in order to allow staff time to assess a potential change to the Comprehensive Future Land Use Map. Due to the adjacency of the I-L zoning on the east side of Lathrop and the B-G zoning on the north and the possibility that the petitioner could provide off-street parking on the southernmost lots, staff previously recommended that only the three lots on the north side of the lane be rezoned. The proposed classification is inconsistent with the definition of

residential single-family, and the current classification does not permit commercial use. Staff is currently recommending the item be continued until the petitioner can submit a site plan in conjunction with the rezoning that would have to be approved by staff and the MPC Board prior to the rezoning. This is to ensure a uniform development and protect the adjacent neighborhood. If the Board chooses to approve the petition as requested, an amendment to the Savannah Tri-Centennial Comprehensive Plan Future Land Use Map from the current residential single-family designation to the neighborhood commercial designation.

Mr. Pannell asked if the petition is approved as requested, would the Land Use Map that the Board has already approved have to be changed.

Mr. Lotson replied yes.

Ms. Small-Toney stated her concern was of the impact of the possible rezoning on the neighboring parcels. The intrusion would give vulnerability to the neighboring parcels.

Mr. Ragsdale stated he has the same concerns. All of the needed setback variances reduce the amount of feasibility.

Mr. Abolt stated he is for preserving the neighborhood and would not vote for this type of change in land use.

Mr. Todd asked if Lathrop was a major arterial.

Mr. Lotson stated he believes Lathrop is a collector. The required setback is 60 feet from the center line and 25 feet from the adjacent residential property.

Mr. Todd stated to remove approximately 55 feet from a lot of 97 feet deep does not leave much area to develop without considerable variances.

Mr. Lotson stated that was a concern for Staff and the basis of the original recommendation of denial. He stated they met with the petitioner's architect and he understands that if the current staff recommendation is approved, the development standards would be required to be met.

Rick Gilpin, architect for the petitioner, acknowledged the concerns of the Board and staff. He stated that considering the entire neighborhood, particularly the heavy industrial use on east side of Lathrop, rezoning the corner properties on Richard and Lathrop would be an appropriate use. It is an opportunity to introduce a new zoning to provide a neighborhood with some conveniences. The petitioner is not proposing to construct a large building, only about 1,600 square feet total which would include shops of 400 to 500 square feet each.

Mr. Gilpin requested the Board to agree with staff's recommendation and provide the petitioner time to prepare a site plan for review.

Mr. Todd stated he does not see how a 1, 600 square foot building would fit on the lots with all of the variances.

Mr. Gilpin asked for an opportunity to try.

Mr. Coleman stated this goes beyond simply the properties. The Board is also considering what the action may do to the neighborhood beyond this site.

Mr. Ronald Williams, citizen and area resident, stated many in the neighborhood prefer for the zoning to remain as it is.

Mr. Manigault asked Mr. Williams if he was speaking for the neighborhood or as an individual.

Mr. Williams stated as an individual.

Mrs. Ernestine J. Jones, citizen and area property owner, stated she would appreciate the zoning to remain as is. She expressed appreciation for the work A. Fox Construction has done in the community and would appreciate it more if they would consider putting nice homes on the lots to allow homeownership.

Ms. Janice Fox, petitioner, stated the location has always been a mixed-use function. She stated she agreed with staff recommendation.

Mr. Manigault asked how do they plan to make it a commercial outlet on such a small property with the new zoning coming into effect. He stated the Board is looking at it from the perspective of the people that live there. Whatever is built on the lots is adjacent to the neighborhood. Everyone does not have the ability to move to a more desirable location and to disrupt a neighborhood may force others to try to relocate. Mr. Manigault also asked what happens to the traffic and how many parking spaces do they believe they can provide.

Ms. Fox deferred the question to Mr. Gilpin, the petitioner's architect. Mr. Gilpin stated to his understanding of the code, approximately eight spaces will be provided with a 1,600 square foot building.

Ms. Small-Toney stated the concern is encroachment where housing exists.

Mr. Todd stated the Board is charged with finding a balance and best use of a particular property. He stated he does believe the petition for commercial is not the best use for the property. There is an opportunity to recreate residential on Richards Street. Returning with a site plan is not practical.

Board Action:

Denial of the request as submitted. - PASS

Vote Results

Motion: Jon Todd	
Second: Russ Abolt	
Russ Abolt	- Aye
Shedrick Coleman	- Aye
Ellis Cook	- Aye
Timothy Mackey	- Not Present
Lacy Manigault	- Aye
Tanya Milton	- Aye
Jon Pannell	- Aye
Adam Ragsdale	- Aye
Rochelle Small-Toney	- Aye
Jon Todd	- Aye
Joseph Welch	- Aye

X. REGULAR BUSINESS

Zoning Petition - Text Amendment

12. [Text Amendment to the Savannah Zoning Ordinance - Section 8-3182](#)

Attachment: [staff report city 06-08.pdf](#)

Text Amendment to the Savannah Zoning Ordinance

Re: Amend Section 8-3182 (Procedure for Amendment)

Staff Petition

An amendment to clarify notice procedures in accordance with applicable State statutes.

MPC File No. Z-060817-30324-2

Jim Hansen, MPC Project Planner

This is a request to reconsider an action previously heard on the February 23, 2010 meeting regarding modification of the notification procedure of large publicly-initiated zoning requests only. The proposal is to follow the minimum requirements of state law which is that notices are to be published in a paper of general circulation within a county not more than 45 or less than 15 days of circulation. This request is in anticipation of adoption of the new zoning ordinance, which under the current requirements would necessitate sending out approximately 2.4 million notices within Savannah and unincorporated Chatham County. All property owners and residents within 200 feet of a particular property are required to be notified under the current requirements; in some areas 20 to 60 notices would be received per property owner. In accordance with recent amendment to the MPC Procedural Manual, all property owners will receive notification by mail in addition to various other communication sources, such as websites, public meetings, varying media outlets, advisory committees, etc.

The City and County attorneys recommended bringing this item to the MPC

again for reconsideration since the Board amended the Procedural Manual. They felt it would be more appropriate to reconsider and specifically include the manners of notification to eliminate confusion by the public or elected officials. The attorneys also requested the inclusion of the statement "for the purpose of identifying property owners" when tax records are used to obtain property ownership information.

Ms. Small-Toney asked in regard to Finding 6.5 of the Staff Report, if the recommendation is for the Advisory Committee be formed by Staff or the Commission.

Mr. Hansen replied the committee could possibly be formed by both; but if Staff were to form the committee, it would be with the advice and consent of the Board.

Mr. Todd stated he felt what Staff is suggesting is the best option possible with today's economy.

Mr. Manigault stated the Board appreciates all of the work Staff has done. He stated the budget will not fund the notification process as it is currently.

Mr. Mark Smith, citizen, stated he believes to amend the current publicly-initiated large-scale notification process to be by newspaper as the only form of notification of the hearing is not sufficient. He feels that a mailed notification should go to all of the necessary property owners of all zoning changes over three acres initiated by the County or City and the related hearing. He stated specifying a publicly- or privately-initiated zoning change would be invalid to a neighboring property owner; the notification process should be the same. Mr. Smith also stated notifying the Neighborhood Association presidents about meetings is not an adequate method of notifying all necessary citizens. He requested that this change be limited only to the adoption of the Unified Zoning Ordinance and not any other zoning changes three acres or more.

Mr. Manigault stated he attends many of the neighborhood meetings and it is not uncommon to have a low number of neighborhood attendees. He stated he does not understand what sending a mailed notice will do to encourage people to attend. The problem is that some choose not to be involved; some don't even know who their neighbors are.

Mr. Coleman addressed Mr. Smith regarding private versus public notification. A private developer will notify 200 feet from his one parcel of property. From a public perspective in context to the petition, each person within 200 feet of each parcel of the multiple parcels would have to be notified. The comparison is not valid. In regard to the neighborhood meetings, it is a choice for the citizens to attend.

Mr. Todd commended Mr. Smith for his interest in the community and wished there were more like him. Responsible property owners will make sure that they find out what is going on in their community.

Mr. Thomson stated this Commission is an opportunity for the public to come and speak to their government about issues that concern them; the mission is for an open process and the best is done within the resources allowed. This petition is not about notice for the Planning Commission meetings, it is about the City Council and County Commission meetings before they respectively act on zoning issues.

Board Action:

It is recommended that the proposed text amendment to Section 8-3182 of the Savannah Zoning Ordinance be approved. - PASS

Vote Results

Motion: Jon Pannell

Second: Russ Abolt

Russ Abolt - Aye

Shedrick Coleman - Aye

Ellis Cook - Aye

Timothy Mackey - Not Present

Lacy Manigault - Aye

Tanya Milton - Aye

Jon Pannell - Aye

Adam Ragsdale - Aye

Rochelle Small-Toney - Aye

Jon Todd - Aye

Joseph Welch - Aye

13. [Text Amendment to the Chatham County Zoning Ordinance \(Section 11-2.7\)](#)

Attachment: [staff report 0608.pdf](#)

Text Amendment to the Chatham County Zoning Ordinance

Re: Amend Section 11-2.7

Staff Petition

An Amendment to clarify notice procedures in accordance with applicable State statutes.

MPC File No. Z-100111-00002-1

Jim Hansen, MPC Project Planner

This is a request to reconsider an action previously heard on the February 23, 2010 meeting regarding modification of the notification procedure of large publicly-initiated zoning requests only. The proposal is to follow the minimum requirements of state law which is that notices are to be published in a paper of general circulation within a county not more than 45 or less than 15 days of circulation. This request is in anticipation of adoption of the new zoning

ordinance, which under the current requirements would necessitate sending out approximately 2.4 million notices within Savannah and unincorporated Chatham County. All property owners and residents within 200 feet of a particular property are required to be notified under the current requirements; in some areas 20 to 60 notices would be received per property owner. In accordance with recent amendment to the MPC Procedural Manual, all property owners will receive notification by mail in addition to various other communication sources, such as websites, public meetings, varying media outlets, advisory committees, etc.

The City and County attorneys recommended bringing this item to the MPC again for reconsideration since the Board amended the Procedural Manual. They felt it would be more appropriate to reconsider and specifically include the manners of notification to eliminate confusion by the public or elected officials. The attorneys also requested the inclusion of the statement "for the purpose of identifying property owners" when tax records are used to obtain property ownership information.

Ms. Small-Toney asked in regard to Finding 6.5 of the Staff Report, if the recommendation is for the Advisory Committee be formed by Staff or the Commission.

Mr. Hansen replied the committee could possibly be formed by both; but if Staff were to form the committee, it would be with the advice and consent of the Board.

Mr. Todd stated he felt what Staff is suggesting is the best option possible with today's economy.

Mr. Manigault stated the Board appreciates all of the work Staff has done. He stated the budget will not fund the notification process as it is currently.

Mr. Mark Smith, citizen, stated he believes to amend the current publicly-initiated large-scale notification process to be by newspaper as the only form of notification of the hearing is not sufficient. He feels that a mailed notification should go to all of the necessary property owners of all zoning changes over three acres initiated by the County or City and the related hearing. He stated specifying a publicly- or privately-initiated zoning change would be invalid to a neighboring property owner; the notification process should be the same. Mr. Smith also stated notifying the Neighborhood Association presidents about meetings is not an adequate method of notifying all necessary citizens. He requested that this change be limited only to the adoption of the Unified Zoning Ordinance and not any other zoning changes three acres or more.

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Mr. Todd commended Mr. Smith for his interest in the community and wished there were more like him. Responsible property owners will make sure that they find out what is going on in their community.

Mr. Thomson stated this Commission is an opportunity for the public to come and speak to their government about issues that concern them; the mission is for an open process and the best is done within the resources allowed. This petition is not about notice for the Planning Commission meetings, it is about the City Council and County Commission meetings before they respectively act on zoning issues.

Board Action:

It is recommended that the proposed text amendment to Section 11-2.7 of the Chatham County Zoning Ordinance be approved. - PASS

Vote Results

Motion: Adam Ragsdale

Second: Joseph Welch

Russ Abolt - Aye

Shedrick Coleman - Aye

Ellis Cook - Aye

Timothy Mackey - Not Present

Lacy Manigault - Aye

Tanya Milton - Aye

Jon Pannell - Aye

Adam Ragsdale - Aye

Rochelle Small-Toney - Aye

Jon Todd - Aye

Joseph Welch - Aye

XI. OTHER BUSINESS

14. [NONE](#)

XII. ADJOURNMENT

15. [Submittal](#)

There being no further business to come before the Commission, the June 8, 2010 Regular MPC Meeting adjourned at 2:40 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.