



Arthur A. Mendonsa Hearing Room
May 18, 2010 1:30 p.m.
MINUTES

May 18, 2010 Regular MPC Board Meeting

Members Present: Shedrick Coleman, Chairman
J. Adam Ragsdale, Vice-Chairman
Jon Pannell, Secretary
Lacy Manigault, Treasurer
Russell Abolt
Ellis Cook
Ben Farmer
Stephen Lufburrow
Timothy Mackey
Tanya Milton
Susan Myers
Rochelle Small-Toney
Jon Todd
Joseph Welch

Members Not Present: ALL BOARD MEMBERS PRESENT

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
Julie Yawn, Systems Analyst

Advisory Staff Present: Robert Sebek, County Zoning Administrator
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 8, 2010 Regular MPC Meeting at 1:30 P.M. in the Arthur A. Mendonsa Hearing Room, 112 E. State Street.](#)

V. PRESENTATIONS

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

General Development Plan / Group Development Plan

2. [Pulaski Elementary School](#)

Attachment: [VICINITY_MAP.pdf](#)

Attachment: [TAX_MAP.pdf](#)

Attachment: [AERIAL_MAP.pdf](#)

Attachment: [General G1.1.pdf](#)

Attachment: [05-18-10 P-100419-61048-2 Pulaski Elementary School.pdf](#)

Board Action:

Postpone Item - This item has been requested to be removed from the Final Agenda at the petitioner's request and rescheduled for the June 8, 2010 MPC Meeting. - PASS

Vote Results

Motion: Stephen Lufburrow

Second: Ben Farmer

Russ Abolt - Aye

Shedrick Coleman - Aye

Ellis Cook - Aye

Ben Farmer - Aye

Stephen Lufburrow - Aye

Timothy Mackey - Aye

Lacy Manigault - Aye

Tanya Milton - Aye

Susan Myers - Aye

Jon Pannell - Aye

Adam Ragsdale - Aye

Rochelle Small-Toney - Aye

Jon Todd - Aye

Joseph Welch - Aye

Zoning Petition - Map Amendment

3. [911 West 37th Street Zoning - R-4 to RM-25](#)

Attachment: [VICINITYMAP.pdf](#)

Attachment: [TAXMAP.pdf](#)

Attachment: [ZONINGMAP.pdf](#)

Attachment: [AERIALMAP.pdf](#)

Attachment: [staff rpt2.pdf](#)

Board Action:

Postpone Item - This item has been requested to be removed from the Final Agenda at the petitioner's request and rescheduled to the June 8, 2010 MPC Meeting. - PASS

Vote Results

Motion: Stephen Lufburrow

Second: Joseph Welch

Russ Abolt - Aye

Shedrick Coleman - Aye

Ellis Cook - Aye

Ben Farmer - Aye

Stephen Lufburrow - Aye

Timothy Mackey - Aye

Lacy Manigault - Aye

Tanya Milton - Aye

Susan Myers - 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

4. [Approval of April 27, 2010 MPC Meeting Minutes and Briefing Minutes](#)

Attachment: [04.27.10 MINUTES.pdf](#)

Attachment: [04.27.10 MPC BRIEFING MINUTES.pdf](#)

Board Action:

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

Vote Results

Motion: Adam Ragsdale

Second: Lacy Manigault

Russ Abolt - Aye

Shedrick Coleman - Aye

Ellis Cook - Aye

Ben Farmer - Aye

Stephen Lufburrow - Aye

Timothy Mackey - Aye

Lacy Manigault - Aye

Tanya Milton - Aye

Susan Myers - Aye

Jon Pannell - Aye

Adam Ragsdale - Aye

Rochelle Small-Toney - Aye

Jon Todd - Aye

Joseph Welch - Aye

Amended Master Plan

5. [Savannah Highlands - Phase 2](#)

Attachment: [Highlands Master Plan.pdf](#)

Attachment: [Highland Tract L.pdf](#)

Attachment: [Highlands Phase II.pdf](#)

Attachment: [staff rpt.pdf](#)

Savannah Highlands (Highlands at Godley Station - Tract L)

Highlands Boulevard

PIN: 2-1016 -02-021 (portion)

Sunburst Properties, Inc., Owner

Chad Zittrouer, Agent

Aldermanic District: 1

County Commission District: 7

Zoning District: PUD-C

Acres: 195.3

MPC File No. M-100304-87268-2

MPC Reference File No. M-050413-38354-2 and S-070618-36237-2

Jim Hansen, MPC Project Planner

The petitioner is requesting approval of an amendment to the Savannah Highlands Master Plan, and variances for lot width and lot area.

Mr. Todd informed the Board and public that he has a contractual relationship with the declarant, Landmark 24 Development, but no contractual relationship with the petitioner, resulting in no conflict.

Board Action:

The MPC staff recommends that the requested master plan amendment be approved. Further, it is recommended that the requested lot width and lot area variances be approved. - PASS

Vote Results

Motion: Jon Pannell

Second: Tanya Milton

Russ Abolt - Aye

Shedrick Coleman - Aye

Ellis Cook - Aye

Ben Farmer - Aye

Stephen Lufburrow - Aye

Timothy Mackey - Aye

Lacy Manigault - Aye

Tanya Milton - Aye

Susan Myers - Aye

Jon Pannell - Aye

Adam Ragsdale - Aye

Rochelle Small-Toney - Aye

Jon Todd - Aye

Joseph Welch - Aye

General Development Plan

6. Wakely Office Development

Attachment: [VICINITY_MAP.pdf](#)

Attachment: [TAX_MAP.pdf](#)

Attachment: [AERIAL_MAP.pdf](#)

Attachment: [Oblique Photo of Area.pdf](#)

Attachment: [Picture of fence detail.pdf](#)

Attachment: [GDP - Wakely Office Dev P-100429-32254-2.pdf](#)

Attachment: [05-18-10 P-100429-32254-2 STAFF REPORT WAKELY OFFICE DEVELOPMENT.pdf](#)

211 Magnolia Avenue
Site Area: 0.72 Acres
PIN 2-0648-02-005
Wakely Properties, LLC, Owner
Doug Morgan, EMC Engineering Company, Agent
Aldermanic District: 6
County Commission District: 5
Zoning District: PUD-IS-B
MPC File Number P-100429-32254-2

Gary Plumbley, MPC Project Planner

The petitioner is requesting approval of a General Development Plan for a site located at 211 Magnolia Avenue for the purpose of constructing an office building.

Board Action:

The MPC staff recommends **approval** a General Development Plan and of the requested variance of a 25 foot buffer variance (from the required 50 feet) along the southern lot line adjacent to single family structures and General Development Plan. - PASS

Vote Results

Motion: Jon Pannell

Second: Adam Ragsdale

Russ Abolt	- Aye
Shedrick Coleman	- Aye
Ellis Cook	- Aye
Ben Farmer	- Aye
Stephen Lufburrow	- Aye
Timothy Mackey	- Aye
Lacy Manigault	- Aye
Tanya Milton	- Aye
Susan Myers	- Aye
Jon Pannell	- Aye
Adam Ragsdale	- Aye
Rochelle Small-Toney	- Aye
Jon Todd	- Aye
Joseph Welch	- Aye

Amended Subdivision

7. [South Harbor](#)

Attachment: [Aerial.pdf](#)
Attachment: [South Harbor Plat.pdf](#)
Attachment: [Area Map.pdf](#)
Attachment: [Staff Report.pdf](#)

202 & 204 Noble View
South Harbor Phase G2
PIN(S): 1-0334-01-010 & 1-0334-01-006
Marsh Hammocks L.P., Owner
Bill Foster, Thomas & Hutton Engineering, Agent
Aldermanic District:
County Commission District:
Zoning District:
Acres: 2.14 Acres
Zoning: PUD-R E/O
MPC File Number: S-100420-00021-1

Marcus Lotson, MPC Project Planner

The petitioner is requesting approval of a Revision to a Recorded Plat.

Mr. Lufburrow reclused himself from this item due to personal interests involved. He removed himself from the dais and returned after the vote for this item.

Board Action:

Approval of the Subdivision Amendment for lots
201 & 205 of South Harbor Subdivision Phase G2. - PASS

Vote Results

Motion: Russ Abolt

Second: Timothy Mackey

Russ Abolt	- Aye
Shedrick Coleman	- Aye
Ellis Cook	- Aye
Ben Farmer	- Aye
Stephen Lufburrow	- Abstain
Timothy Mackey	- Aye
Lacy Manigault	- Aye
Tanya Milton	- Aye
Susan Myers	- Aye
Jon Pannell	- Aye
Adam Ragsdale	- Aye
Rochelle Small-Toney	- Aye
Jon Todd	- Aye

Joseph Welch

- Aye

VIII. ITEMS MOVED FROM CONSENT AGENDA

IX. OLD BUSINESS

X. REGULAR BUSINESS

Zoning Petition - Text Amendment

8. Amendment to the City of Savannah Zoning Ordinance Section 8-3021 (41) R-I-P-D and Section 8-3025 (d)

Attachment: 05-18-10 STAFF REPORT Z-100429-86922-2 Text Amendment to Section 8-3021(41) & 8-3025(d).pdf

MPC File Number Z-100429-89622-2
Mr. William Cogswell, Petitioner/Agent
Geoff Goins, MPC Project Planner

The petitioner is requesting an amendment to Section 8-3021 (41) R-I-P-D to increase the maximum permitted residential density from 70 units per net acre of developable land area to 100 units per gross acre of developable land area. The petitioner is also requesting an amendment to Section 8-3025 (d) Schedule of Development Standards to reduce the minimum lot area required from 600 square feet per residential unit to 435 square feet per residential unit.

Mr. Goins presented the request to amend the Savannah Zoning Ordinance to change the net to gross calculation of the R-I-P District and the number of units permitted per acre. The second part of the petition is a rezoning of 516 Drayton Street, from R-I-P-A to the amended R-I-P-D district.

Currently, the area north of Gwinnett, is allowed at 70 units per net acre. Some areas have the capacity for greater density in the major arterial and commercial areas. Some developments exceed the permitted usage, about 100 properties are greater than 70 units per acre and about 30 properties greater than 100 units per acre. The petitioner's style of request is not new to the downtown area.

Board Action:

The MPC staff recommends **approval** of the proposed text amendment(s). - PASS

Vote Results

Motion: Ellis Cook
Second: Susan Myers
Russ Abolt
Shedrick Coleman

- Aye
- Aye

Ellis Cook	- Aye
Ben Farmer	- Aye
Stephen Lufburrow	- Aye
Timothy Mackey	- Aye
Lacy Manigault	- Aye
Tanya Milton	- Aye
Susan Myers	- Aye
Jon Pannell	- Aye
Adam Ragsdale	- Aye
Rochelle Small-Toney	- Aye
Jon Todd	- Aye
Joseph Welch	- Aye

Zoning Petition - Map Amendment

9. [516 Drayton Street and 607 Abercorn Street - R-I-P-A to R-I-P-D](#)

Attachment: [VICINITY_MAP.pdf](#)

Attachment: [TAX_MAP.pdf](#)

Attachment: [ZONING_MAP.pdf](#)

Attachment: [LAND_USE_MAP.pdf](#)

Attachment: [AERIAL_MAP.pdf](#)

Attachment: [FUTURE LAND USE MAP \(FLUM\).pdf](#)

Attachment: [STAFF REPORT Z-100429-51204-2 516 Drayton Street and 607 Abercorn Street.pdf](#)

516 Drayton Street and 607 Abercorn Street

Site Area: 1.54 Acres

PINs: 2 0032-60-002 and 2-0032-60-003

Atlantic Southern Bank, Owner

William Cogswell, Petitioner/Agent

Aldermanic District: 2

County Commission District: 2

Zoning District: R-I-P-A to R-I-P-D

MPC File Number Z-100429-51204-2

Geoff Goins, MPC Project Planner

Petitioner is requesting :

Consideration of a zoning map amendment to rezone a 1.54 acre site located at 516 Drayton Street and 607 Abercorn Street from its current R-I-P-A classification to an R-I-P-D classification.

Mr. Goins gave a brief history of the property's prior usage.

Mr. Farmer asked how many units would be allowed under the current zoning?

Mr. Goins stated about 50 units, based on the density calculations.

Mr. Manigault asked if one space of parking per apartment would be required under the new zoning?

Mr. Goins stated there is an exemption for the parking standards from the suburban standards for downtown as it exists currently. All of the R-I-P's are one per unit and BC-1 is totally exempted. This would tie into the existing standard; it will not change for the R-I-P-D, just the density calculation of the number of units.

Ms. Myers asked about the parking requirements for the Mercy Housing?

Mr. Goins replied it is approximately 233 units with 24 parking spaces on site. It is a mixed-use building; residential and restaurants.

Board Action:

The MPC staff recommends **approval** of the petitioner's request a zoning map amendment to rezone a 1.54 acre site located at 516 Drayton Street and 607 Abercorn Street from its current R-I-P-A classification to an R-I-P-D classification. - PASS

Vote Results

Motion: Russ Abolt

Second: Ben Farmer

Russ Abolt	- Aye
Shedrick Coleman	- Aye
Ellis Cook	- Aye
Ben Farmer	- Aye
Stephen Lufburrow	- Aye
Timothy Mackey	- Nay
Lacy Manigault	- Aye
Tanya Milton	- Aye
Susan Myers	- Aye
Jon Pannell	- Aye
Adam Ragsdale	- Aye
Rochelle Small-Toney	- Aye
Jon Todd	- Aye
Joseph Welch	- Aye

10. [1032 Old Oatland Island Road Zoning - R-1/EO to P-B-N/EO](#)

Attachment: [TAX_MAP.pdf](#)

Attachment: [ZONING_MAP.pdf](#)

Attachment: [AERIAL_MAP.pdf](#)
Attachment: [staff rpt.pdf](#)

1032 Old Oatland Island Road
PIN: 1-0128 -02-008 and -009
Homer C. and Marvin C. Jenkins, Owners/Petitioners
Aldermanic District:
County Commission District: 1
Zoning District: R-1/EO to P-B-N/EO
Acres: 0.606
MPC File No. Z-100429-00020-1

Jim Hansen, MPC Project Planner

The petitioner is requesting to rezone land at 1032 Old Oatland Island Road from an R-1/EO classification to a P-B-N/EO classification.

Mr. Hansen stated an existing commercial development is located on the north side of Highway 80. The southern portion is commercially oriented with some residential. The use to the west and north of the subject property is single-family residential. The petitioners held a neighborhood meeting informing the residents of their request to rezone for the third time. The zoning R-1 Residential follows the property lines. Staff is concerned with the proposed rezoning because of northern intrusion into the neighborhood that may cause detrimental impact if it were zoned to a commercial use along Old Oatland Island Road. It could also introduce traffic impacts where they currently do not exist. There is an easement that provides access to another lot that must remain open. Staff is supportive of the Future Land Use Map and the Comprehensive Plan that shows the area as residential. Staff recommends denial of the petitioned request. If the Board decides to approve, a recommendation of an amendment of the Future Land Use Map for suburban commercial designation would be needed.

Mr. Farmer asked if Staff discussed restructuring the property with the petitioner as presented to the Board.

Mr. Hansen stated it was brought up but there was no extensive discussion in the recent past. Split zoning could be done though not recommended. Or recommendation could be made for the petitioner to return to subdivide the land; though that may not leave a developable parcel.

Mr. Abolt stated he has taken part in all of the discussion regarding this parcel in this neighborhood since its inception. He stated one would have to go beyond what is visually seen because it fails to show the immensity of the commercial and business south of the parcel. He stated he is concerned about the neighborhood that is well-defined by the bordering roadways. He asked why invade a neighborhood that has long been established?

Mr. Mackey asked if the site or lot could be developed residentially.

Mr. Hansen stated the Staff Report indicated given the surrounding uses and what has occurred in the recent past, it is unlikely that it would be developed for residential purposes.

Mr. Mackey stated if the petitioner was willing to section off his property in the manner indicated, it seems to him to be a reasonable accommodation.

Ms. Small-Toney stated her concern was regarding encroachment; a neighborhood being squeezed in between commercial properties.

Mr. Hansen stated the majority is single-family residential and has been an established neighborhood for years.

Ms. Myers asked if the properties north of the commercial property were all residential?

Mr. Hansen replied yes.

Mr. Abolt stated he wanted to reemphasize that this is an established neighborhood. He believes it makes no sense to go into this neighborhood and destroy the livability of a residential area.

Mr. Welch stated the property is an eyesore to the community. He stated he would not want to build a house next to a restaurant and he finds it hard to believe that anyone would want to buy that property for residential use. He believes the back of the property could be used as a buffer. If the neighborhood could come to an agreement to beautify the area.

Ms. Milton asked what does the developer plan to do with the property?

Mr. Marvin Jenkins, petitioner, stated at no time was it proposed for the back portion to be rezoned, only the southern part of the parcel. Extensive buffering has been offered to protect the residents. He stated a portion of his property was purchased and condemned by Chatham County, so there is no threat of activity west of Oatland Island Road. He stated in 2000, he and the area residents agreed that at no time would commercial access be allowed on the residential portion of Oatland Island Road. Mr. Jenkins stated he disagrees with the Staff recommendation of denial. Past decisions regarding the traffic light and relocating Old Oatland Island Road have adversely impacted the residential area today.

Mr. Jenkins acknowledged Mr. Hansen's suggestion to a split zoning thus resulting in a legal description defining the P-B-N district as being to the south. He stated he always proposed leaving the buffers. He stated he has tried to work things out with the residents and believes by developing the property it will finally fulfill its legitimate use and offer some control and protection for the neighbors. To clear it out and put houses on it would not be in the best interest of those potential homeowners. He stated he lives very close to the property and it has never been his intention to do anything that would

embarrass himself or his neighbors. He stated if all is done correctly, he will honor what he has said to them and what the Ordinance requires by offering a buffer as gracious as possible. He believes that will give the neighbors some protection because a R-1 status really does not.

Mr. Farmer asked if the area to the east belongs to Chatham County?

Mr. Jenkins replied that is correct. The County condemned it in 1999 and acquired the property.

Mr. Farmer stated it appears that with the County redesign and acquisition, the petitioner's property became the buffer that was needed for the area.

Mr. Jenkins agreed with Mr. Farmer and stated that was discussed with the County in regard to damages to the property. He stated he was assured that though the County took a significant portion, they were aware of his goal to zone the property commercial. He stated the County indicated there was a clear demarcation line in which no more development would occur.

Mr. Farmer asked if the property was subdivided and developed with ingress and egress only on the access road with no curb cuts onto Oatland Island Road, could the petitioner make that work himself?

Mr. Jenkins stated yes, he could and that is what he has proposed all the while.

Mr. Lufburrow asked Mr. Jenkins if he were able to obtain a split zoning on this property, with residential to the northern part and commercial or business to the south, what would be the intentions for the northern portion? Mr. Lufburrow stated he is aware that Mr. Jenkins would be able to request from the Zoning Board of Appeals to use the northern portion for parking.

Mr. Jenkins stated he is on record stating that is not his intention nor would he permit using the northern portion of his property as parking.

Ms. Myers asked when the land was purchased from you by the County, were limitations of use of the remaining property discussed?

Mr. Jenkins stated the County informed him the property would be easier to develop; it would be an improvement to his property. It was clear to him that the zoning request would be approved once the road was completed. From the 1998 application, the goal was to zone the property consistent with the P-B-N zoning with the neighbors and they chose not to fight the County.

Mr. Manigault asked Mr. Jenkins if he would be open to returning to the MPC staff and discuss the idea of splitting the zoning in order to get an approval?

Mr. Jenkins stated in his discussion with Mr. Hansen, they were trying to determine how to file so as to get an approval. He stated he was assured the MPC Commission could designate a split zoning and the technicalities could be worked out. He stated this has been going on for a while though he has been

denied previously, he has faith that the MPC Commissioners will make a good decision based on the facts and he feels comfortable with the decision that is to be made.

Mr. Ragsdale asked Mr. Jenkins if it were feasible to subdivide the property, would he consider putting the northern triangle into a type of conservation easement?

Mr. Jenkins stated he would have to get with legal counsel before committing to something like that. But he restated he will commit to not utilize the northern portion for anything other than what it is.

Mr. Abolt requested that a map be shown to indicate the commercial versus residential in the area. He stated it is important to visualize the land use relationship because this is the last island of residential development. He does not understand why to try to make something work to the detriment of an established neighborhood.

Mr. Mackey stated that the question was asked earlier regarding the ownership of the other property and at no point was it highlighted that the County owned the property; the petitioner brought forth that fact. From this point, the owner's intent can be understood and the owner has stated what he and his brother will and will not do.

Mr. Farmer stated this is not a new type of request. He stated he believed a lot of the problem in this situation was brought on by condemnation of the property by the County. He stated he does not want to destroy the integrity of the neighborhood but he does not see this doing that. He stated if it were him, he would not give up right of parking because if it's not required, you've done it. Some petitioners have come to regret making such agreements. This petition has extenuating circumstances that need to be considered.

Mr. Todd stated all property owners have property rights and the Board tries to make the best decision for all involved.

Ms. Renita Ball, resident and area representative, requests denial of the petition. She stated the area has been residential since the 1950's. She stated a resident and her son adjacent to the petitioned property perform the upkeep of the abutting property so that her property does not look bad. She stated the shopping center that is currently in the area has already extended twice since being built, though it has several empty store fronts. It is a busy area. The residents feel the commercial growth will not stop into their neighborhood. She stated there are serious drainage issues; the drainage ditch has been filled in and there has been no resolution. Many patrons of the subdivision park along the grassy area on Kim Street, especially at night. She stated there is a privacy fence between the residents and the shopping center, though the promised buffer has not been established or enforced. Several deaths have occurred due to traffic in the area. Another business area will increase all of the current problems and decrease the property owner's property value. No one will want

to live or purchase next to a shopping center.

Mr. Manigault asked why does she and the neighbor maintain the County's property?

Ms. Ball stated they call but no one comes to cut the property; one just does it because you don't want your property to look bad.

Mr. Farmer stated the petitioner is in the same position as Ms. Ball.

Mr. Welch asked Ms. Ball if she would build a house on the petitioner's property.

Ms. Ball replied no, but there are several houses that face Kim Street that have a large buffer.

Ms. Sarah Smith, area resident, stated her parents bought their home in the area in 1969. There is only one entrance to the home. When the shopping center was built, her father was promised that the ditch between them would be kept open. After several calls to the County, it was cleaned out several years ago and Huddle House closed one portion of the ditch. It is now higher than her lawn and the excess floods her yard within a few feet of her house. Trees are now growing in the ditch. She stated they have to clean the trash from the area regularly.

Mr. Lufburrow stated he believed Ms. Smith was making a case as to how she has been negatively impacted by the commercial development in the area. This makes the decision more difficult in that the petitioner has shown how he has been negatively impacted by the County as well.

Mr. John McCall, area resident, stated they have been through this several times. He stated he believes the petitioner bought the property with the intent of changing it to commercial; why would anyone buy property they feel is useless, as the petitioner has stated? He stated they have no control as to what will go there. He stated he doesn't understand why it is up for discussion again; no one would want this in their front or back yard and you can't sell your property. He stated the residents are at the mercy of the Board because they have no other course of action to fight it. It should stay residential.

Mr. Lufburrow stated the MPC Board only makes recommendations and the Commissioners make the final decision.

Mr. Jenkins stated he and his brother have never represented that the northern portion of the property would be developed. At no time have they proposed they would obstruct or block the easement as agreed upon when the original lot 25 was subdivided.

Mr. Welch asked Mr. Jenkins if he would keep up the property presentably.

Mr. Jenkins stated he was born and raised in the area and will honor his word

and will maintain the area. There was no scheme involved in acquiring the property; the property was offered to them before the expansion took place - there was no frontage road, no shopping center - the development came around him. He stated he agreed with Ms. Ball, the patrons do park along his property, but yet they suggest he build a house there.

Mr. Farmer asked Mr. Hansen what exactly did Mr. Jenkins petition for?

Mr. Hansen stated there where discussions about possibly splitting the zoning; however, the applicant submitted for the entire parcel and that is what the decision was based on.

Mr. Farmer asked Mr. Jenkins was that was his understanding.

Mr. Jenkins stated what he was desirous of was in the possession of Mr. Hansen. *(There was a picture of the plat request shown on the screen highlighting the southern portion of the parcels in blue.)* He stated this has been in discussion for quite a while and it was agreed that the northern portion would be a problem, therefore it was never a part of this petition and discussions with them.

Mr. Pannell asked if there was any discussion with the petitioner to subdivide the property or to separate the northern part.

Mr. Jenkins stated at their second meeting he was looking to Mr. Hansen to guide him to achieve his goal. He believed there was a miscommunication because he understood there would be a split zoning with a legal description designating the zoning.

Mr. Thomson stated there is an apparent misunderstanding. The written part of the application refers to PIN numbers which refer to the lots as Staff has presented. The plat picture Mr. Jenkins referred to was with the application but the written part of the application represented the full lots for rezoning. If there was an intent to do something different, then all would need to come together again and correct it.

Mr. Pannell asked Mr. Jenkins if he would be willing to get with Staff again regarding subdividing the lots. He stated that appears to be what the petitioner has asked for but what not presented by Staff.

Mr. Coleman stated it appears what he's asked for can be acted on now. He stated it should not require any resubmittal or re-evaluation.

Mr. Mackey stated the difference in this petition and the petition of the tire shredder is that here there is a petitioner that has put his name on the line and stated for the record that he is not willing to develop the northern portion of the property and willing to not submit the petition to the ZBA where he could actually make the property into a parking lot. He has stated he will do no such thing. Based upon those statements, he does not feel this petition is an

intrusion. However, he acknowledged the residents and their concerns, but he does not feel the residents can get a better assurance than what the petitioner has stated and agreed to.

Mr. Lufburrow stated he admired the petitioner for going on record that he would not seek relief from the ZBA for the northern portion of the property. He understood that the primary consideration when considering a rezoning is the impact it will have on the neighboring owners. Although he is sympathetic with the petitioner, it does impact other homeowners. He feels it will impact the neighbors in a negative way and that needs to be considered.

Ms. Myers stated she would like to remind that the Staff recommendation was for denial due to commercial penetration into an established residential neighborhood would be intrusive and detrimental.

Mr. Farmer stated that staff recommendation was based on all three parcels being rezoned and that is not the case. Also, the County took the buffer zone by eminent domain and condemned the property and now the petitioner is suffering for it.

Mr. Abolt stated that is not correct; there was no inverse condemnation. The petitioner was compensated for whatever happened to him. The overall issue was traffic safety. To imply inverse condemnation is not doing any service to the petitioner.

Mr. Farmer stated when you pay someone for a proportional percentage of their property by square footage, it has a disproportional negative impact on the value of the property. Mr. Farmer stated to him that is inverse condemnation, whether intentional or not, especially if you have affected the way it can be developed in the future.

Board Action:

Approval of the rezoning of parcel 1-0128-02-010
and that portion of parcel 1-0128-02-009 south of - PASS
the access easement as shown on the tax map.

Vote Results

Motion: Adam Ragsdale

Second: Timothy Mackey

Russ Abolt	- Nay
Shedrick Coleman	- Aye
Ellis Cook	- Aye
Ben Farmer	- Aye
Stephen Lufburrow	- Nay
Timothy Mackey	- Aye
Lacy Manigault	- Nay

Tanya Milton	- Aye
Susan Myers	- Nay
Jon Pannell	- Aye
Adam Ragsdale	- Aye
Rochelle Small-Toney	- Nay
Jon Todd	- Aye
Joseph Welch	- Aye

XI. OTHER BUSINESS

XII. ADJOURNMENT

11. [Submittal](#)

There being no further business to come before the Commission, the May 18, 2010 Regular MPC Meeting adjourned at 3:45 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.