



Arthur A. Mendonsa Hearing Room
December 11, 2012 1:30 P.M.
MINUTES

December 11, 2012 Regular MPC Meeting

Members Present: W. Shedrick Coleman, Vice-Chairman
Tanya Milton, Treasurer
Russ Abolt
James Blackburn
Stephanie Cutter
Ben Farmer
Stephen Lufburrow
Lacy Manigault
Murray Marshall
Susan Myers
Joseph Welch

Members Not Present: J. Adam Ragsdale, Chairman
Ellis Cook, Secretary
Timothy Mackey

Staff Present: Thomas Thomson, P.E. AICP, Executive Director
Melony West, CPA, Director, Finance & Systems
Gary Plumbley, Acting Development Director
Marcus Lotson, Development Services Planner
Christy Adams, Director, Administration
Bri Finau, Administrative Assistant

Advisory Staff Present: Robert Sebek, County Zoning Administrator
Geoff Goins, City Zoning Administrator

I. CALL TO ORDER AND WELCOME

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

IV. NOTICES, PROCLAMATIONS and ACKNOWLEDGEMENTS

Notice(s)

1. [December 11, 2012 MPC Personnel Committee Meeting at 11:30 AM in the West Conference Room, 110 East State Street.](#)
2. [January 8, 2013 Swearing-in of MPC Commissioners by Judge James F. Bass, Jr. Chatham County Superior Court](#)
3. [January 8, 2013 Regular MPC Meeting at 1:30 P.M. in the Arthur A. Mendonsa Hearing Room, 112 E. State Street.](#)

Executive Session

4. [Executive Session for Personnel Discussion](#)

The MPC Board convened into Executive Session for Personnel Discussion at 1:37 p.m. There were no votes or matters of the agenda discussed.

The MPC Regular Meeting reconvened at 1:52 p.m.

V. PRESENTATIONS

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

Zoning Petition - Map Amendment

5. [1908-1910 Whitaker Street Rezoning Request From TN-2 to RIP](#)

Attachment: [Maps.pdf](#)

Attachment: [Photo.pdf](#)

Attachment: [Existing TN-2 Uses.pdf](#)

Attachment: [Proposed RIP Uses.pdf](#)

Attachment: [Staff Report 121112.pdf](#)

Board Action:

Staff Recommends **Denial.**

This item has been requested to be withdrawn from the Final Agenda at the Petitioner's request. - PASS

Vote Results

Motion: Stephen Lufburrow

Second: Lacy Manigault

Russ Abolt - Aye

James Blackburn - Aye

Shedrick Coleman	- Aye
Ellis Cook	- Not Present
Stephanie Cutter	- Aye
Ben Farmer	- Aye
Stephen Lufburrow	- Aye
Timothy Mackey	- Not Present
Lacy Manigault	- Aye
Murray Marshall	- Aye
Tanya Milton	- Aye
Susan Myers	- Aye
Adam Ragsdale	- Not Present
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

None

6. [Adoption of the 2013 MPC Calendar of Meetings](#)

Attachment: [2013 CALENDAR OF MEETINGS - DRAFT 120512.pdf](#)

Board Action:

Approve 2013 MPC Calendar of Meetings as proposed. - PASS

Vote Results

Motion: Stephen Lufburrow

Second: Ben Farmer

Russ Abolt - Aye

James Blackburn - Aye

Shedrick Coleman - Aye

Ellis Cook - Not Present

Stephanie Cutter - Aye

Ben Farmer - Aye

Stephen Lufburrow - Aye

Timothy Mackey - Not Present

Lacy Manigault - Aye

Murray Marshall - Aye

Tanya Milton - Aye

Susan Myers	- Aye
Adam Ragsdale	- Not Present
Joseph Welch	- Aye

Approval of MPC Meeting Minutes and Briefing Minutes

7. [November 20, 2012 MPC Meeting and Briefing Minutes](#)

Attachment: [11.20.12 MPC BRIEFING MINUTES.pdf](#)

Attachment: [11.20.12 MEETING MINUTES.pdf](#)

Board Action:

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

Vote Results

Motion: Stephen Lufburrow

Second: Ben Farmer

Russ Abolt	- Aye
James Blackburn	- Aye
Shedrick Coleman	- Aye
Ellis Cook	- Not Present
Stephanie Cutter	- Aye
Ben Farmer	- Aye
Stephen Lufburrow	- Aye
Timothy Mackey	- Not Present
Lacy Manigault	- Aye
Murray Marshall	- Aye
Tanya Milton	- Aye
Susan Myers	- Aye
Adam Ragsdale	- Not Present
Joseph Welch	- Aye

Authorization(s)

8. [Authorize Executive Director to execute contract between MPC and Chatham County for SPLOST funds](#)

Attachment: [Planning Commission Thomson Contract with County for SPLOST 120412.pdf](#)

Board Action:

Approval to authorize Executive Director to execute contract between MPC and Chatham County for SPLOST funds. - PASS

Vote Results

Motion: Stephen Lufburrow	
Second: Ben Farmer	
Russ Abolt	- Aye
James Blackburn	- Aye
Shedrick Coleman	- Aye
Ellis Cook	- Not Present
Stephanie Cutter	- Aye
Ben Farmer	- Aye
Stephen Lufburrow	- Aye
Timothy Mackey	- Not Present
Lacy Manigault	- Aye
Murray Marshall	- Aye
Tanya Milton	- Aye
Susan Myers	- Aye
Adam Ragsdale	- Not Present
Joseph Welch	- Aye

9. [Authorize Executive Director to execute contract between MPC and GDOT for I-16 Exit Ramp Removal Project](#)

Attachment: [Planning Commission Thomson Contract with GDOT 120412.pdf](#)

Board Action:	
Approval.	- PASS
Vote Results	
Motion: Stephen Lufburrow	
Second: Ben Farmer	
Russ Abolt	- Aye
James Blackburn	- Nay
Shedrick Coleman	- Aye
Ellis Cook	- Not Present
Stephanie Cutter	- Aye
Ben Farmer	- Aye
Stephen Lufburrow	- Aye
Timothy Mackey	- Not Present
Lacy Manigault	- Aye
Murray Marshall	- Aye
Tanya Milton	- Aye
Susan Myers	- Aye
Adam Ragsdale	- Not Present
Joseph Welch	- Aye

VIII. ITEMS MOVED FROM CONSENT AGENDA

IX. OLD BUSINESS

Zoning Petition - Text Amendment

10. Text Amendment to the City of Savannah Zoning Ordinance to Amend Sections 8-3002 and 8-3025 (a) and (b) to Refer to Animal Control Ordinance

Attachment: [Staff Report.pdf](#)

Board Action:

Postpone Item - to January 29, 2013 MPC Meeting. - PASS

Vote Results

Motion: Ben Farmer

Second: Murray Marshall

Russ Abolt - Aye

James Blackburn - Aye

Shedrick Coleman - Aye

Ellis Cook - Not Present

Stephanie Cutter - Aye

Ben Farmer - Aye

Stephen Lufburrow - Aye

Timothy Mackey - Not Present

Lacy Manigault - Aye

Murray Marshall - Aye

Tanya Milton - Aye

Susan Myers - Aye

Adam Ragsdale - Not Present

Joseph Welch - Aye

X. REGULAR BUSINESS

Final Minor Subdivision

11. Island Drive Minor Subdivision - 31 Island Drive

Attachment: [Maps.pdf](#)

Attachment: [Photos.pdf](#)

Attachment: [Miscellaneous.pdf](#)

Attachment: [Staff Report.pdf](#)

Attachment: [Attorney Yellin.pdf](#)

Island Drive Minor Subdivision

31 Island Drive

PIN 1-0264-01-003

Agent: Nathan Brown

Owner: Michael and Janet Curran

Surveyor: H, G, B, and D Engineering Company

County Commission District: 1
Zoning District: R-1-C/EO
MPC File Number: S-12-1120-00091-1

Mr. Gary Plumbley, MPC Project Planner, presented the petitioner's request for consideration of a two-lot Minor Subdivision for a site located within the Isle of Hope Community at 31 Island Drive. The petitioner is also requesting the following variances:

- A one-lot variance from the maximum number of 6 lots which can be served by a private vehicular access and utility easement; and,
- A variance from the requirement that private vehicular access and utility easements serving more than 3 lots must be paved and have a driving width of not less than 18 feet.

The MPC staff recommends **denial** of a variance from the requirement that private vehicular access easements serving more than three lots must be paved with a width of not less than 18 feet based on the findings identified in the staff report. The MPC staff further recommends **approval** of a variance to permit the maximum number of lots to be served by a private vehicular access and utility easement from six to seven lots and the proposed minor subdivision subject to conditions identified in the staff report.

Mr. Farmer asked is there enough room on the private easement to go to 18 feet.

Mr. Plumbley stated not without removing some of the trees.

Mr. Farmer stated that needs to be kept in mind. A variance to save trees is something to be considered. A variance for a variance's sake is something not to favor, but to save historic trees might be a to consider a variance.

Mr. Marshall stated there are two recorded subdivisions that we are being asked to consider blending. He stated he is not sure if the petitioner is sure that it is serving his best interest to blend those into a single subdivision. Mr. Murray challenged that the Commission has the authority to make him do so.

Ms. Myers stated Mr. Marshall's statement has confused her.

Mr. Marshall stated the subdivision on the right was recorded in 1972 and is different from the one on the left. We are being asked to marry them and there is no legal basis for doing that in his opinion.

Mr. Plumbley stated the lot in question has legal access for three lots if the proposed lot is approved.

Mr. Farmer stated we are looking at one lot in one subdivision and it's the first lot going into the subdivision. There would be no negative impact to the lots to the rear. However, there is another subdivision adjacent to it that has a platted access easement that is currently not being used. He stated he wants it to be clear that he does not want to marry those two together. If someone comes back later and wants a variance to use the same road for the lots for the other subdivision, that's a different situation. He understands some signed a petition to support it, but if their support is because they think they will be able to use it in the future, that probably will not happen.

Ms. Myers stated that was her question. How will this affect the people that plan to subdivide but have not done that yet.

Mr. Plumbley stated they can request what is being requested now, if this subdivision owner wants to be a part of that request and legally tie the access easement to them. The question then becomes do you want to keep adding more and more on this substandard access easement. Mr. Farmer is saying if the Commission approves the request today, he wants all of the adjacent properties to the east to be aware that this decision will have no bearing on their future subdivision. Mr. Plumbley, based on Mr. Marshall's comments, suggested that if the Commission decides to approve the petition, not to go with staff's write-up regarding the maximum number of lots to be served by an unpaved access easement. Mr. Plumbley recommended making a finding that the subdivision before you is independent of the ones next door that will be using this and the finding will be for this three-lot subdivision only.

Ms. Myers asked if the people on the eastern side would have to do road improvements if one on the east side was divided and they added one more to it.

Mr. Plumbley stated they couldn't use this access easement for establishing another lot on one of their properties unless the lot owner was part of the subdivision, which would legally give him the right to do that. Absent from that, yes, they would have to make improvements to their easement, even if nothing happened on the other side.

Mr. Manigault asked if any feedback was received from either side.

Mr. Plumbley replied positive, no negative comments received at all.

Mr. Farmer asked if we are speaking of three lots, where does the six or seven come in.

Mr. Plumbley explained that all of the lots using the access easement total seven lots. The Board is suggesting a legal possibility of not taking into consideration the other four lots because they have an independent of the access easement being used.

Mr. Farmer asked are we being presented with that if we vote for an increase from six to seven.

Mr. Plumbley stated he does not think the Board should, if that is the direction the Board is going. He stated he is not saying he thinks the Board should; staff recommendation remains as denial based on the findings in the report. If the Board chooses to go the other way, it would not be from six to seven.

Mr. Lufburrow stated he believes this should be considered as three lots.

Mr. Blackburn asked for clarity, if treated as two separate subdivisions, it needs no variance for adding a lot.

Mr. Plumbley stated correct.

Mr. Blackburn asked if it needs a variance for paving or not to pave.

Mr. Plumbley stated that was correct.

Mr. Blackburn stated it doesn't violate the Ordinance in any way.

Mr. Plumbley stated if that is the position this body chooses to take.

Mr. Harold Yellin, representative of the petitioners, Michael and Jan Curran, of 31 Island Drive. He stated he has the viewpoint of there being three lots. He stated he is mindful as to why MPC staff has put the two together; there are often common interests between adjacent subdivisions. However, he agrees with Mr. Blackburn and Mr. Marshall. He is asking for the permission to create another lot of record: from two lots to three lots. If that is granted, he does not believe there will be the need for a variance. A determination from the Board regarding the viewpoint of it being seven or three lots will give direction as to how to proceed.

The main concern has always been the redesign of the roadway. There is no desire to remove the trees there. This is similar to Turner's Rock: there was a creation of another lot on a substandard road. There was an approval for an additional lot on Turner's Rock. The neighbors unanimously agreed and a signed petition. The existing roadway has been in existence for almost one hundred years; there has never been an issue among neighbors or an accident on the road. They maintain and respect it. The trees frame the road and the neighbors want to keep that look. They are opposed to removing any of the trees.

Mr. Abolt stated his concern is for the problem they may be creating for future developers. He is not trying to deny the merit of the argument before us, but to look forward to the next issue that comes up, that will be more passionate. He is concerned regarding what will happen in the future.

Mr. Yellin responded if someone on the eastern side wants to subdivide, it would be up to the creativity of the petitioner or spokesperson as to why there may be reasons why adding a another lot to this road would make sense or not. It may require some improvements to this road. This is putting all on notice that any future changes will require returning to the MPC Board and justify anything requested to be done.

Mr. Abolt stated he would like to decide on this at a later date for deliberation. This is not to deny intent, but to clearly establish the intent of this body if it approves the petition. He believes someone may come in later and change their mind.

Mr. Blackburn stated the problem is the people on the other side of the road are served by their own easement. If they can no longer use this easement, they will have to put in a road on their easement. Their access through the current easement can be stopped at any time Mr. Curran chooses.

Mr. Abolt stated he is just requesting time for staff and the needed advisors to create something so there are no repercussions in the future.

Mr. Marshall asked if the MPC or County Commission have the right to arbitrarily merge two distinctly different subdivisions with distinctly different ownerships. He believes that right does not exist. The people in the 1972 subdivision do not have a legal right necessarily to demand anything of the Currans. They have a 30' access easement that they share that could be made into a 60' access easement. But it is up to them to develop their subdivision the way they want it in the future, not the Currans to do something for them. An agreement needs to be memorialized between the two subdivisions themselves right now. The Currans should not be held up for something that may be requested by an adjoining subdivision in the future.

Mr. Farmer stated he agrees with Mr. Abolt, but he does not know if it could be done.

He stated we need to remind all that any property rights remain with the land, not the owners. A lot is to be considered here and the future needs to be considered so a bigger mess is not made. But, a petitioner has the right to ask for what they want.

Mr. Marshall asked Mr. Plumbley for the basis of his determination of the petition not being a three-lot subdivision.

Mr. Plumbley stated there technically is no legal basis. However, the question remains how those lots access their properties. He stated he believed Mr. Abolt could likewise instruct the Zoning Administrator to require that four-lot subdivision to provide access on their property in accordance with the approved 1972 subdivision plat.

Mr. Marshall asked if the subdivision ordinance requires that access easements be opened.

Mr. Plumbley replied yes.

Mr. Marshall asked if it has to be utilized; does it preclude having an agreement with adjoining property owners. There is a minor subdivision that has been presented in a manner in which it shouldn't have been. We are going down a slippery slope. Are we saying every subdivision that will come before us will be merged; no sanctity of a ten- or hundred-lot subdivision and its adjoining properties.

Mr. Coleman stated once the four-lot subdivision started using the existing access easement, they should have been under the same criteria of access easements of any subdivision. The access should have been opened when it was developed; that is the access to those properties. Talking about trees being down when that was proposed, the agreement was the trees were to be cut down. Therefore, the tree issue is off the table because they decided by convenience to use the existing access easement and when the houses were developed, somehow through all the permitting and everything else, no one enforced the fact that the easement wasn't opened and not utilized. Now, we're at a point where we have a subdivision that is legally being subdivided on a property that has two parcels, now a third and that access easement is independent of the others. Under all the terms, the four-lot subdivision should have their access easement open and being utilized because that is the way it was legally approved. Unless we have something that changes that legally and makes that other access easement the access to those properties under a legal term, then it has to meet whatever amount of lots are accessible. There is no question of getting a subdivision approved and using another way in. The access is changed and needs to meet the subdivision requirements. They still have to meet the number of lots being served by that access easement.

Mr. Lufburrow stated it appears clear that we have a petitioner that has property rights and is asking for action on what shows no evidence to the contrary of not being a minor three-lot subdivision. He believes it is within the petitioner's legal right to do so and then abide by whatever the ordinance requires for a three-lot subdivision. He stated he believes to deny him is to infringe on his future property rights. Staff has already stated that if there is any further subdivision on any of the other properties, they will have to use the easement already recorded on their subdivision plat. He stated he doesn't see the reason to penalize the generosity of the petitioner to allow them to use this existing roadway on his property at this point and time. He proposed at the appropriate time to make a motion that this Commission make a finding that this is a three-lot minor subdivision and let it stand on its own merit. What happens in the future should be dealt

with then.

Mr. Abolt asked for this petition to be postponed to the next scheduled meeting and have the appropriate advisors deliberate and determine the best suggestion for all involved.

Mr. Yellin stated he is not sure if two weeks is enough time for all parties involved to collaborate. In speaking with his petitioner, he is willing to call the roadway an easement for the benefit and protection of all involved and future latitude. There will be continued discussion with the neighbors for an amicable solution.

Mr. Farmer stated what feels good and what we'd like to do is different from what we're required to do. We are dealing with a property owner that has submitted a petition. There is no other petition before us - just the property owners with a legitimate petition. Sooner or later, we will have to go down this road again, perhaps not with the same board members. At that point, it can be decided. We are not going to get anywhere this way; the issue is being confused. The type of subdivision needs to be determined.

Mr. Marshall stated he'd like to motion that the body render a finding that the petitioner currently has a two-lot subdivision and that they can act accordingly.

Mr. Thomson stated if the caveat in the motion is that it is a two-lot subdivision and the request is to add one more lot, then it should be handled by staff.

Mr. Marshall rescinded his previous motion and restated that the Board recognizes the petitioner currently has a two-lot subdivision and it be approved as a three-lot subdivision subject to meeting the criteria of the subdivision ordinance.

Mr. Farmer seconded the motion.

Mr. Abolt stated he speaks against the motion because he believes it is a significant problem in the making that should be addressed now. He stated he is only asking for enough time for this to be deliberated between the necessary parties. Keep in mind there could be changes in attitudes and precipitous actions taken on the part of the people having property rights on that road. It will be on the County's lap. He stated he would like to solve it now. It is urgent but not so urgent that it cannot wait a few weeks. He is just asking for guidance. He motioned to postpone to the next meeting.

Board Action:

Postpone Item - January 8, 2013 - PASS

Vote Results

Motion: Russ Abolt

Second: Murray Marshall

Russ Abolt - Aye

James Blackburn - Nay

Shedrick Coleman - Aye

Ellis Cook	- Not Present
Stephanie Cutter	- Aye
Ben Farmer	- Nay
Stephen Lufburrow	- Nay
Timothy Mackey	- Not Present
Lacy Manigault	- Aye
Murray Marshall	- Nay
Tanya Milton	- Aye
Susan Myers	- Aye
Adam Ragsdale	- Not Present
Joseph Welch	- Nay

Victorian District - New Construction

12. Petition of Roy Ogletree for Ogletree Design, Inc. - 12-001818-COA - 815, 819, 823, and 827 Howard Street - New construction of three-story townhomes

Attachment: [Staff Report.pdf](#)

Attachment: [Submittal Packet - Drawings.pdf](#)

Attachment: [Submittal Packet - Materials and Photographs.pdf](#)

Attachment: [VICINITY_MAP1.pdf](#)

Attachment: [AERIAL_MAP1.pdf](#)

Attachment: [ZONING_MAP1.pdf](#)

Ms. Sarah Ward, Director of Historic Preservation, presented the applicant's request for approval for new construction of four three-story attached town homes at 815-827 Howard Street within the Victorian Planned-Neighborhood-Conservation District. Variances to reduce the side and rear yard setbacks are also requested:

- A five foot side yard setback variance on the southernmost property line is proposed from the five foot side yard setback standard to allow for a zero side yard setback along Bolton Street.
- A 15 foot rear yard setback variance from the 35 foot rear yard setback standard is requested to allow for a 20 foot - 10 inch rear yard setback.

Staff recommends Approval for new construction of four attached three-story town homes, a five foot sideyard setback variance on the south, and 15 foot rear yard setback variance because the project meets the visual compatibility factors.

Mr. Blackburn asked if automatic gates are common in the Victorian District and asked for examples.

Ms. Ward replied one was approved on the corner of Waldburg and Whitaker. It is a white Renaissance revival mansion that has a sliding automatic gate along Waldburg Street.

Mr. Blackburn asked what was the exterior material.

Ms. Ward replied stucco.

Mr. Roy Ogletree, architect, introduced himself as the representative of Wallin Incorporated, the owner of the property.

Mr. Tom Hollis, neighbor to the subject property, stated he was looking forward to the completion of the development.

Board Action:

Approval for new construction of four attached three-story townhomes, a five foot sideyard setback variance on the south, and 15 foot rear yard - PASS setback variance because the project meets the visual compatibility factors.

Vote Results

Motion: Stephen Lufburrow

Second: Joseph Welch

Russ Abolt	- Aye
James Blackburn	- Nay
Shedrick Coleman	- Aye
Ellis Cook	- Not Present
Stephanie Cutter	- Aye
Ben Farmer	- Aye
Stephen Lufburrow	- Aye
Timothy Mackey	- Not Present
Lacy Manigault	- Aye
Murray Marshall	- Aye
Tanya Milton	- Aye
Susan Myers	- Aye
Adam Ragsdale	- Not Present
Joseph Welch	- Aye

XI. OTHER BUSINESS

XII. ADJOURNMENT

13. [Adjournment of December 11, 2012 Regular MPC Meeting](#)

There being no further business to come before the Board, Vice Chairman Coleman entertained a motion to adjourn the December 11, 2012 MPC Meeting at 3:01p.m.

Respectfully submitted,

Thomas L. Thomson
Executive Director

TLT/bf

Note: Minutes not official until signed.

XIII. DEVELOPMENT PLANS SUBMITTED FOR REVIEW

14. [Development Plans Submitted for Review](#)

Attachment: [DEVELOPMENT REVIEW CASE LOG 120412.pdf](#)

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.