



Arthur A. Mendonsa Hearing Room
July 17, 2012 1:30 P.M.
MINUTES

July 17, 2012 Regular MPC Meeting

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

Members Not Present: Timothy Mackey
Susan Myers

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

Advisory Staff Present: Robert Sebek, County Zoning Administrator
Tom Bolton, City Zoning Administrator

I. CALL TO ORDER AND WELCOME

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

IV. NOTICES, PROCLAMATIONS and ACKNOWLEDGEMENTS

Notice(s)

1. [July 31, 2012 Metropolitan Planning Commission Planning Meeting at 1:30 P.M. in the Arthur A. Mendonsa Hearing Room, 112 E. State Street.](#)
2. [August 7, 2012 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

Zoning Petition - Map Amendment

3. [Lissner Alfred 205, LLC Zoning - I-H and R-4 Classifications to I-H Classification](#)

Board Action:

At the request of the petitioner, it is recommended that the application be continued to the August 7, 2012 meeting. - PASS

Vote Results

Motion:	Shedrick Coleman	
Second:	Ben Farmer	
	Russ Abolt	- Aye
	Shedrick Coleman	- Aye
	Ellis Cook	- Aye
	Ben Farmer	- Aye
	Stephen Lufburrow	- Aye
	Timothy Mackey	- Not Present
	Lacy Manigault	- Aye
	Murray Marshall	- Aye
	Tanya Milton	- Aye
	Susan Myers	- Not Present
	Jon Pannell	- Aye
	Adam Ragsdale	- Aye
	Rochelle Small-Toney	- 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. [June 26, 2012 MPC Meeting and Briefing Minutes](#)

Attachment: [06.26.12 MPC BRIEFING MINUTES.pdf](#)

Attachment: [06.26.12 MEETING MINUTES.pdf](#)

Board Action:

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

Vote Results

Motion: Ben Farmer

Second: Shedrick Coleman

Russ Abolt - Aye

Shedrick Coleman - Aye

Ellis Cook - Aye

Ben Farmer - Aye

Stephen Lufburrow - Aye

Timothy Mackey - Not Present

Lacy Manigault - Aye

Murray Marshall - Aye

Tanya Milton - Aye

Susan Myers - Not Present

Jon Pannell - Aye

Adam Ragsdale - Aye

Rochelle Small-Toney - Aye

Joseph Welch - Aye

Amended General Development Plan / Group Development Plan

5. [Norwood Plaza - The Shops at Isle of Hope - 7360 Skidaway Road](#)

Attachment: [Staff Report.pdf](#)

Attachment: [Maps.pdf](#)

Attachment: [Amended General Development Plan.pdf](#)

Norwood Plaza - The Shops at Isle of Hope

7360 Skidaway Road

PIN 1-0377-10-002, 002A, 002B, and 004

Agent: Terry Coleman
Engineer: Kern Coleman and Company
Owner: The Shops at Isle of Hope, LLC
County Commission District: 3
Zoning District: P-B-N/TC
MPC File Number: P-081117-43021-1
MPC Project Planner: Gary Plumbley

The petitioner is requesting consideration of an Amended General Development Plan/Group Development for an existing general retail shopping center located at 7360 Skidaway Road. Specifically, the petitioner is requesting an alternate buffer from the previously approved board-on-board privacy fence on the rear portion of the site adjacent to Central Avenue. The alternate buffer plan will consist of a combination non-continuous 6 foot high black aluminum fence in concert with intermittent vegetative plantings to consist of Crape Myrtles and Dwarf Juniper shrubs.

The MPC staff is recommending **approval** of the petitioner's request based on the findings identified in the staff report.

Board Action:

The MPC staff is recommending **approval** of the petitioner's request based on the findings identified - PASS in the staff report.

Vote Results

Motion: Shedrick Coleman
Second: Ben Farmer
Russ Abolt - Aye
Shedrick Coleman - Aye
Ellis Cook - Aye
Ben Farmer - Aye
Stephen Lufburrow - Aye
Timothy Mackey - Not Present
Lacy Manigault - Aye
Murray Marshall - Aye
Tanya Milton - Aye
Susan Myers - Not Present
Jon Pannell - Aye
Adam Ragsdale - Aye
Rochelle Small-Toney - Aye
Joseph Welch - Aye

VIII. ITEMS MOVED FROM CONSENT AGENDA

IX. OLD BUSINESS

X. REGULAR BUSINESS

Zoning Petition - Text Amendment

6. [Text Amendment to Section 8-3112\(c\)\(5\)c to allow electronic signs in the BN District](#)

Attachment: [staff rpt.pdf](#)

Attachment: [Work Map B-N_PBN_Zoning.pdf](#)

Text Amendment

Amend Section 8-3112 (c)(5)c of the Savannah Zoning Ordinance to allow electronically controlled signs in the BN zoning classification
Bobbie Stephens, AAA Sign Co., Petitioner/Agent
MPC File No. Z-120628-41528-2

Mr. Jim Hansen, MPC Project Planner, presented the petitioner's request for a text amendment of Section 8-3112(c)(5)c of the Savannah Zoning Ordinance to allow electronically controlled signs in the BN zoning classification (in front of a doctor's office).

It is recommended by MPC staff that the request to amend Section 8-3112(c)(5)c of the Savannah Zoning Ordinance be **APPROVED**.

Mr. Farmer asked if this was already in place in unincorporated Chatham County.

Mr. Hansen replied yes.

Ms. Small-Toney stated City Council went through a heated public discussion regarding electronic signs; although it was about electronic billboards, not signs. She expressed her concern as how to convey so that this does not add to some of the issues that they have wrestled with regarding electronic billboards.

Mr. Hansen replied that he the issues are different. Electronic billboards are allowed to change once every ten seconds; there are restrictions in placement and require removal of non-conforming signs. Mr. Hansen said this amendment will not alter substantially the electronic billboard ordinance. It presents a different way of providing information on the sign. Currently, one must go out and change the copy on a sign manually. The proposed ordinance has safety nets built into it, such as the amount of light that can be emitted; they cannot flash; they cannot scroll; they cannot run; they can only change copy once every 24 hours.

Ms. Small-Toney asked if this would apply to marquis; what is meant by signs and how large.

Mr. Hansen replied the amount of signage cannot exceed what is presently permitted in a district. In this case, 24 square feet. This type of sign is near the

street announcing the type of business in the building. This one will be a doctor's office and may announce various events and reminders. It does not increase the amount of signage permitted.

Mr. Manigault asked if there is a sign there now.

Mr. Hansen replied yes, there is. It is not a digitally controlled sign.

Mr. Manigault stated his concern is if one is allowed, the gate is opened for others.

Mr. Farmer stated he has two of these sign at his business. They are very simple and already lit at nighttime. They are mandated by size, 60 square feet. He stated it only changes how we change the sign, not the result of it.

Mr. Lufburrow stated the proposed electronic signs have there is no comparison to an electronic billboard. He stated he has concerns about electronic billboards but he has no concerns about these particular signs. It may have been helpful for this meeting and for City Council to see pictures to see what they look like. A better idea of what is being discussed will be had. He agrees with Mr. Farmer that it will be an improvement over what is there now.

Mr. Ragsdale stated that the MPC is forwarding a recommendation for City Council to act on.

Mr. Hansen added there are a few instances that can be pointed to in the community that have electronically controlled announcement signs that do not fall under the purview of the City Council or County Commission. Such examples would be Armstrong Atlantic University, Savannah State University; because these entities are controlled by and answer to the state, they are not subject to city and county regulations. These types of signs are not the type of signage this amendment is pertaining to. They are like the ones on Abercorn, such as the Walgreen's on Abercorn and Largo; an instant change with black background and red lettering.

Mr. Farmer stated Savannah Cardiology was permitted one of these several years ago on Abercorn. They were put under restriction that it could only be used for public service messages. It is not distracting in comparison to the other signs surrounding it.

Ms. Bobbie Stevens, petitioner, stated she agreed with staff recommendation to approve. She stated she will bring drawings of the sign to City Council.

Board Action:

It is recommended that the request to amend
Section 8-3112(c)(5)c of the Savannah Zoning - PASS

Ordinance be **APPROVED**.

Vote Results

Motion: Russ Abolt

Second: Tanya Milton

Russ Abolt	- Aye
Shedrick Coleman	- Aye
Ellis Cook	- Aye
Ben Farmer	- Aye
Stephen Lufburrow	- Aye
Timothy Mackey	- Not Present
Lacy Manigault	- Aye
Murray Marshall	- Aye
Tanya Milton	- Aye
Susan Myers	- Not Present
Jon Pannell	- Aye
Adam Ragsdale	- Aye
Rochelle Small-Toney	- Aye
Joseph Welch	- Aye

Zoning Petition - Map Amendment

7. [612 Drayton St. Rezoning Map Amendment RIP-A to RIP-B](#)

Attachment: [612 Drayton Photo.pdf](#)

Attachment: [Maps 612 Drayton.pdf](#)

Attachment: [612 Drayton St. Staff Report.pdf](#)

612 Drayton St.

Georgia Medical Society Inc, Owner

Dr. Roland Summers, Agent

Aldermanic District: 2

County Commission District: 2

Zoning District RIP-A to RIP-B

Acres: Aproximately 1/10th

PIN: 2-0032-59-005

MPC File No. Z-120628-60578-2

Mr. Marcus Lotson, MPC Project Planner, presented the petitioner's request for a map amendment from RIP-A to RIP-B. The building is currently vacant; a delicatessen is contemplated for the lower level. There are not significant differences in the current zoning and the requested zoning, as it relates to the petition. It is in keeping with the Tri-Centennial Comprehensive Plan Future Land Use Map. The difference is a restaurant being allowed by right withing an R-I-P-B zoning district; restaurants are not allowed in the R-I-P-A zoning district. There are no negative impacts; there have been no feedback from neighboring property owners.

The MPC staff recommends **approval** of the petitioner's request.

Ms. Small-Toney asked how are the adjacent properties zoned.

Mr. Lotson replied RIP-B1 and RIP-D. The whole area is RIP with some variations.

Board Action:

The MPC staff recommends **approval** of the petitioner's request. - PASS

Vote Results

Motion: Stephen Lufburrow

Second: Russ Abolt

Russ Abolt - Aye

Shedrick Coleman - Aye

Ellis Cook - Aye

Ben Farmer - Aye

Stephen Lufburrow - Aye

Timothy Mackey - Not Present

Lacy Manigault - Aye

Murray Marshall - Aye

Tanya Milton - Aye

Susan Myers - Not Present

Jon Pannell - Aye

Adam Ragsdale - Aye

Rochelle Small-Toney - Aye

Joseph Welch - Aye

8. [10600 Abercorn Street Zoning - P-B-C to P-RM-25](#)

Attachment: [MAPS.pdf](#)

Attachment: [Staff Report.pdf](#)

10600 Abercorn Street

Jerome S. Konter, Petitioner/Agent

Aldermanic District: 6

County Commission District: 5

Zoning: P-B-C to P-RM-25

1.73 Acres

PIN: 2-0649 -06-003A

Mr. Jim Hansen, MPC Project Planner, presented the petitioner's request to rezone the subject property from a P-B-C classification to a P-RM-25 classification.

It is recommended that the request to rezone the subject property from a P-B-C classification to a P-RM-25 classification be **APPROVED**.

Mr. Jerome S. Konter, petitioner, stated he was available for any questions. Under the existing zoning, in the event of a catastrophic loss, there is a question if the property could be rebuilt because on a non-conforming use, if destroyed by 50% or more does not automatically allow one to rebuild in its current configuration. He stated that he refinanced the property recently and his lender required insurance coverage for the potential loss if it could not be built back. It is of significant cost. The land value of the property will exceed the current value on an income approach. It is prudent for us to go back to P-RM- 25.

Mr. Ragsdale thanked the petitioner.

Board Action:

It is recommended that the request to rezone the subject property from a P-B-C classification to a P-RM-25 classification be **APPROVED**. - PASS

Vote Results

Motion: Joseph Welch

Second: Russ Abolt

Russ Abolt	- Aye
Shedrick Coleman	- Aye
Ellis Cook	- Aye
Ben Farmer	- Aye
Stephen Lufburrow	- Aye
Timothy Mackey	- Not Present
Lacy Manigault	- Aye
Murray Marshall	- Aye
Tanya Milton	- Aye
Susan Myers	- Not Present
Jon Pannell	- Aye
Adam Ragsdale	- Aye
Rochelle Small-Toney	- Aye
Joseph Welch	- Aye

9. [653 Little Neck Road](#)

Attachment: [Staff Report.pdf](#)

Attachment: [Maps.pdf](#)

Attachment: [Master Plan - General Development Plan.pdf](#)

Attachment: [General Development Plan.pdf](#)

653 Little Neck Road
PIN 1-1028-01-003, 004, 004A, 004B, 031, 032, 033, and 034
Petitioner: Konter Development Company, Inc.
Agent: Chad Zittrouer
Owner: Olde South Investments, LLC
County Commission District: 3
Zoning District: PUD-M-6
MPC File Number: Z-120626-00032-1
MPC Project Planner: Gary Plumbley

Mr. Gary Plumbley, MPC Project Planner, presented the petitioner's request for consideration of a zoning map amendment to zone the property known as 653 Little Neck Road, a vacant 34.93 acre tract of land, from its current PUD-M-6 (Planned Unit Development - Multi-Family Residential - 6 units per net acre) classification to a PUD-M-8 (Planned Unit Development - Multi-Family Residential - 8 units per net acre) classification.

The MPC staff recommends **approval** of the petitioner's request.

Ms. Alice Keller, neighboring citizen, stated she owns the property across the street. She was aware of a 50-foot setback. She is concerned about rumors of Little Neck becoming a four-lane road due to development and what type of buffers will be installed.

Mr. Plumbley responded it was included in the approval of the recommendation. The buffer is not required along Little Neck Road but is required along the easternmost adjacent property. There is no buffer required along Little Neck Roadside with the exception of four specific lots. The petitioner has voluntarily established a 25-foot buffer along Little Neck Road. A 50-foot reservation for future road right-of-way was requested and agreed to by the petitioner.

Ms. Keller expressed her concerns with the smaller lots. Kids will be running on her property constantly and her farm life will suffer. She stated she is not opposed to what the petitioner is doing. She is asking the agricultural life be respected and protected.

Mr. Manigault asked if a meeting with the developer would help.

Ms. Keller replied yes. She is looking at quite an invasion.

Mr. Ragsdale stated staff can help with organizing a meeting with the petitioner and Ms. Keller.

Mr. Jerry Konter, of Konter Homes Developing, stated he does not believe there is a real issue here. He shared the plans of the property.

[Editor's Note: Mr. Plumbley and Mr. Konter met the Ms. Keller at the MPC office after the petition was heard. After some discussion, Ms. Keller

withdrew her objections. Ms. Keller further stated she would like to be notified when a petition is submitted to develop the balance of the site.]

Board Action:

The MPC staff recommends **approval** of the petitioner's request. - PASS

Vote Results

Motion: Stephen Lufburrow

Second: Russ Abolt

Russ Abolt - Aye

Shedrick Coleman - Aye

Ellis Cook - Aye

Ben Farmer - Aye

Stephen Lufburrow - Aye

Timothy Mackey - Not Present

Lacy Manigault - Aye

Murray Marshall - Aye

Tanya Milton - Aye

Susan Myers - Not Present

Jon Pannell - Aye

Adam Ragsdale - Aye

Rochelle Small-Toney - Aye

Joseph Welch - Aye

Board Action:

Move item from Consent Agenda to Regular Agenda. - 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

Murray Marshall - Aye

Tanya Milton - Aye

Susan Myers - Aye

Jon Pannell	- Aye
Adam Ragsdale	- Aye
Rochelle Small-Toney	- Aye
Joseph Welch	- Aye

Master Plan / General Development Plan

10. [Henderson Lakes - 653 Little Neck Road](#)

Attachment: [Maps.pdf](#)
Attachment: [Miscellaneous.pdf](#)
Attachment: [Staff Report.pdf](#)

Henderson Lakes
653 Little Neck Road
PIN 1-1028-01-003, 004, 004A, 004B, 031, 032, 033, and 034
Agent: Chad Zittrouer, Kern Colemand and Company
Engineer: Kern Coleman and Company
Developer: Konter Development
Owner: Olde South Development, LLC
County Commission District: 3
Existing Zoning District: PUD-M-6
Proposed Zoning District: PUD-M-8
MPC File Number: P-120626-00031-1
MPC Project Planner: Gary Plumbley

Mr. Gary Plumbley, MPC Project Planner, presented the petitioner's request for consideration of a Master Plan/General Development Plan for a proposed residential development to be located on the west side of Little Neck Road approximately 400 feet west of Henderson Oaks Drive. The proposed development will consist of 36 conventional single family lots and 204 townhouse apartment units for a total of 240 residential units.

The petitioner is also requesting a 10 foot lot width variance (from the required 60 feet) for 30 single family lots (Lots 6 through 35); a 300 square foot lot area variance for 30 single family lots (Lots 6 through 35); and, a variance to allow the creation of four double frontage lots (Lots 1 through 4).

The MPC staff is recommending **approval** of the proposed Master Plan/General Development Plan to include a 10 foot lot width variance (from the required 60 feet) or 30 single family lots (Lots 6 through 35); a 300 square foot lot area variance (from the required 6,000 square feet) for 30 single family detached lots (Lots 6 through 35); and, a variance to allow the creation of four double frontage lots (Lots 1 through 4) based on findings identified in the staff report.

[Editor's Note: This item (10) and Item 9 public comments and discussion occurred concurrently. See Item 9 for dialogue.]

Board Action:

The MPC staff is recommending **approval** of the proposed Master Plan/General Development Plan to include a 10 foot lot width variance (from the required 60 feet) or 30 single family lots (Lots 6 through 35); a 300 square foot lot area variance (from the required 6,000 square feet) for 30 single family detached lots (Lots 6 through 35); and, a variance to allow the creation of four double frontage lots (Lots 1 through 4) based on findings identified in the staff report. - PASS

Vote Results

Motion: Stephen Lufburrow

Second: Russ Abolt

Russ Abolt	- Aye
Shedrick Coleman	- Aye
Ellis Cook	- Aye
Ben Farmer	- Aye
Stephen Lufburrow	- Aye
Timothy Mackey	- Not Present
Lacy Manigault	- Aye
Murray Marshall	- Aye
Tanya Milton	- Aye
Susan Myers	- Not Present
Jon Pannell	- Aye
Adam Ragsdale	- Aye
Rochelle Small-Toney	- Aye
Joseph Welch	- Aye

Board Action:

Move item from Consent Agenda to Regular Agenda. - 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
Murray Marshall	- Aye
Tanya Milton	- Aye
Susan Myers	- Aye
Jon Pannell	- Aye
Adam Ragsdale	- Aye
Rochelle Small-Toney	- Aye
Joseph Welch	- Aye

Amended Specific Development Plan

11. Hollow Oak Inert Landfill 2841 Fort Argyle Road -Time Extension Request

Attachment: [Hollow Oak Decisions.pdf](#)
Attachment: [Hollow Oak Staff Report.pdf](#)
Attachment: [Hollow Oak Aerial Map.pdf](#)

2841 Fort Argyle Road
Hollow Oak Inert Landfill

PIN: 1-1048-01-001A
James H. Wrenn, Owner
Thomas Mahoney Jr., Attorney

Aldermanic District: N/A
County Commission District: 7
Zoning District: PDR (Planned Development Reclamation)
Acres: 9.89

MPC File No. P-120612-00027-1

Mr. Marcus Lotson, MPC Project Planner, presented the petitioner's request for an amendment to the approved Specific Development Plan for the purpose of extending the operations of an inert landfill until capacity is reached.

The original approval established a completion date of November 1, 2002 and several extensions have been granted since that time. In June 2004, Chatham County Inspections Department was contacted by a citizen regarding activity on the site. After review, the applicant was informed that in order to continue, he would be required to come before the MPC to seek an extension. The most recent request was in August 2009 and a three-year extension was granted. The request today is to establish an extension in perpetuity until landfill operations cease, which is estimated to be in 2022 (ten years from now).

Staff recommends denial as submitted and approval of an alternate recommendation. The extension is recommended to be for five years and maintain conditions of previous approvals, including maintaining access at Fort Argyle Road, hours of operation and associated buffers.

Mr. Tom Mahoney, representative of the petitioner, thanked all that have worked on this. His only request is that since they have had to come back on a number of occasions, and pay the fees associated with the application to extend approval of their operation. The expense is great and a burden considering that nothing has changed and they have run a pretty class operation. It is one of only two inert landfills in Chatham County and if the Commission would increase the five-year recommendation of staff to get closer to ten, he would appreciate it. Mr. Mahoney stated they have no problem with the recommendation and would comply with everything Mr. Wrenn has already been complying with.

Mr. Abolt asked if the issue is the fees and the concern is for us to have some check on it, is there a way of adjusting the fees when the requirement to come back is initiated by us.

Mr. Ragsdale asked what were the fees.

Mr. Mahoney replied that it started out at over \$4,000 per application. With the reduction in size of the available fill area that is left, this application was about \$1,200. It did drop considerably.

Mr. Abolt stated his only concern was if this is at our behest, which he believes it is, he asked if the issue of fees could not be an issue.

Mr. Thomson replied that in the past, staff has taken the position that only the County Commission can waive County fees. We have requested that several times for hardship cases or things we felt government cause a problem for the applicant. We felt it was fair to the applicant and we went to the County Commission to approve the waiving of the fees. He stated he does not know if there is a way to make a motion at this point that would waive the fee.

Mr. Abolt stated the issue here is to have regular reasonable checks and balances and they are initiated by us rather than the applicant. He questions whether the applicant should be burdened with the fee to do what we are asking to do.

Mr. Ragsdale stated it would be incumbent on us and staff to convey the question to Chatham County regarding the fees.

Mr. Abolt stated he would certainly be supportive of some sort of forgiveness.

Mr. Farmer asked if it would be appropriate in our motion, when we make our decision, to waive the fee on this one.

Mr. Ragsdale reminded that we don't have the authority.

Mr. Abolt stated he thinks it would be easier to deal with this one as it is. When the sun sets, we would in effect, not charge a fee.

Mr. Mahoney stated they sincerely hope within the five years, this can be a completed and closed project. We thought it would be completed and closed in

2002. Economic downturns have restricted the amount of fill and materials he is receiving. We are diligently pursuing it to try to complete it.

Mr. Coleman stated he felt we are being asked to make a decision and we're establishing a date in which we think this needs to be checked again. He thinks that is not a hardship, that is a part of a person doing business. They are asking for ten years and we are saying five. In five years, when this needs to be revisited, Mr. Coleman believes the appropriate fee is a part of that situation. Entering the discussion of waiving fees should not be entered into.

Mr. Farmer stated he does not disagree with Mr. Coleman, but he questions at what time would it be appropriate for a petitioner to address that concern for the next renewal period, if there is another one. It's not for us to decide now, but they will know how to approach it in the future and then it is the County Commission's decision.

Mr. Ken Marshall, neighboring resident, stated he lives adjacent to the petitioned property. He stated his only concern is the flooding that could possibly happen. It is an A-E zoned parcel, and his property and the other properties located on Hollow Oak Drive are located in an 'X' zone. Making the landfill site higher will reverse the flood plane in the area; specifically, putting his in A-E while it will move Mr. Wrenn's to an 'X'.

Mr. Ragsdale tried to encourage Mr. Marshall to refer those concerns to Chatham County Engineering; the MPC is not the body that answer those concerns. And, the operation has already been approved long ago.

Mr. Ken Marshall asked if this body can delay until the issue is taken up with the EPD.

Mr. Ragsdale replied it is approved by the EPD.

Mr. Ken Marshall continued with his concerns of the flood zones transversing on the parcels due to the building up of Mr. Wrenn's parcel.

Mr. Coleman explained that Mr. Marshall's classification of X versus A-E is not based on the manipulation of their site. His base elevation when it is established as X is the elevation of that land, period. If Mr. Wrenn changes his elevation or a portion of his property, he just raised a portion above that base flood, but it will not reclassify Mr. Marshall's property. Also, based on the way this is supposed to be handled, any drainage off of Mr. Wrenn's property is to be intercepted and stopped before it goes to any adjacent properties based on the rules and regulations they should be following. That is really outside the jurisdiction of this board. We hear what you are saying but there are a lot of agencies that are over and above where we are and we don't have really don't have the ability to respond to the concerns you are raising. While we invite you to comment - we are not able to resolve it.

Mr. Ken Marshall replied that the Board was hearing what he was saying but

not listening to what he was saying.

Mr. Coleman stated he felt that was inappropriate because if we hear it and can't respond to it in a way that solves it for you, it doesn't matter if we hear you or not. That's fair.

Mr. Ragsdale stated for further clarification, we are a planning body. We do not have any authorization to discuss matters related to engineering issues or other jurisdictions. The more appropriate venue for you to contact would be Chatham County Engineering and Savannah District of the US Army Corp of Engineers.

Ms. Small-Toney requested clarification of what the Board is to consider.

Mr. Ragsdale replied it is to be an extension of an open authorized operation and the request is to change it from a three year extension to a five year extension of the existing approved development plan. The applicant asked for ten and staff is recommending five.

Mr. Farmer stated he understands from Mr. Ken Marshall that he feels like the MPC can postpone an action until someone has an opportunity to look at this again.

Mr. Ken Marshall replied yes.

Mr. Ragsdale stated he understands that, but the problem is it is not in the legal right of the MPC, it has to be addressed. If the petitioner is in violation of the ordinances, the jurisdictional bodies can put a cease and desist on the operation.

Mr. Manigault stated not only do we have the authority, this was approved in 1988 and they've been to us three times. He asked Mr. Ken Marshall where has he been since then and why no one has heard from you until now.

Mr. Ken Marshall stated he never got a letter in the mail; this is the first letter he's received in the mail saying this would be talked about. He explained concerns about a drainage pipe that drains into a low-lying area.

Mr. Ragsdale thanked Mr. Ken Marshall and informed him that staff will assist him in contacting the appropriate agencies regarding his concerns.

Ms. Connie Shrieve, neighboring resident, stated she spoke with several county employees. She stated she has several letters from Mr. Abolt, one of which stated the project started in 1990.

Mr. Ragsdale asked her to be sure her questions were germane to the zoning and planning. If it is in regards to engineering and wetland concerns, the MPC cannot assist.

Ms. Shrieve stated she signed a card that said she could speak and would

appreciate being given a chance -

Mr. Ragsdale stated if it is relevant.

Ms. Shrieve stated a minute ago you said you've already made up your mind. But since all are having a chance to speak, no one's mind should be made up until all have had a chance to speak. She requested Mr. Ragsdale to please be polite.

Ms. Shrieve referenced other neighbors across the street from the landfill gate. The approval was given to Jim Wrenn on November 28, 1990. It was to be completed and approved by state and local agencies no later than March 1, 1993. There were no extensions of the deadline. The continuing activities were under violation of the zoning ordinance. Building and Safety was advised and a meeting was supposed to happen but never did. Mr. Wrenn obtained a land disturbing activity permit in 1998 on an area outside of the landfill. A subdivision plat was never recorded. There is a subdivision where a subdivision was never recorded.

Ms. Shrieve continued that the previous speaker had never been here before because he never received a letter. The couple across from the landfill gate never received a letter, until now. She stated they are aged and could not be there today and they did not send their letter with her. In the first three years the landfill was to open and close, EPD found that asbestos shingles had been dumped in the landfill. Mr. Wrenn was fined \$10,000. When it was supposed to close in 1993, he continued operations for 18 years. In 2005, when Ms. Shrieve reported it to Mr. Abolt, he was not aware of their continuing operating, nor was EPD. She stated she has complained numerous times to the County in regards to what she has seen being dumped on the property. Everyone was sent copies, including the County Attorney, the County Engineer, the Director of the MPC, and Building Safety and Regulatory Services. She stated everyone was made aware.

In regards to Mr. Ken Marshall's concern about three ponds being filled in, there have already been three filled in that were river fed by the Ogeechee River. She stated she called the County and was told he could do that because it was private property. She stated the EPD told her the same thing. Years later, she was told he couldn't do it because they were classified as wetlands but it was too late. Regarding permits, she would love for the County Attorney to search for them. There were no permits for a campground on the landfill or subdivision. Now there is and the whole time Mr. Wrenn worked for Chatham County as Environmental Specialist. Letters were not sent out to the neighbors because no permits were applied for. The County was unaware to notify anyone in the area. We know the asbestos shingles were there because he was fined. We don't know if the fine was paid. If the County knows he operated for 15 years and paid no one then, and no one went to check to see what was being put in the ground. The letter stated no one was living within 1,000 feet. There is a campground on the landfill and a subdivision and another within 1,000 feet, Hollow Oak, all with no permits. Septic lines running down the banks of the

Ogeechee are visible from one's car. The drug activity will not be addressed; it can be confirmed by the police department. It is an eyesore.

Ms. Shrieve stated she has a letter from Mr. Robert Sebek, County Zoning Administrator that acknowledged this has slipped through the cracks. It is not understood why and Mr. Wrenn was ordered to cease and desist. She stated she lives on the Ogeechee River and rents canoes and kayaks for a living and she is having a hard time doing that.

She continued she has nothing personal against Mr. Wrenn, but against everything he has done. After all of this, he moved to Effingham and became an Environment Specialist II, she assume to be a promotion. She is confident he knows what he is doing because that is his title. If he is given a permit today, the MPC Board will be doing the wrong thing. It is a serious thing and he was an employee of the County and these things were not applied for correctly. She is requesting for the County Attorney to look into this matter. Though ordered, the operations never ceased.

Mr. Ragsdale stated Mr. Thomson would assist her and the petitioner will have an opportunity to address her concerns.

Ms. Dianna Wedincamp, neighboring business owner, requested tabling this petition or not extending this permit. She stated they are looking into wetlands issues with the US Army Corps of Engineers regarding environmental protection issues.

Mr. Mahoney stated he nor his client had any knowledge of any non-permitted operation. Illegal activity is denied. EPD has not shut down the operation for 15 years. There was period of 18 months and 2 years in the early 1990's when the EPD and County sited Mr. Wrenn. The condition for which sited was corrected and the landfill was allowed to reopen has been since then. Every condition set has been met, including keeping the roadways and entrance clean. The reason is before the MPC is that the deadline for operation closure was June 17, 2012. He respectfully requested that the petition be acted upon today. He encouraged the opposers to contact the appropriate agencies. This operation has already been approved and has done a good job and is in need to continue.

Mr. Farmer stated to Mr. Mahoney, based on last his statement, his client is out of business.

Mr. Mahoney stated technically the deadline has passed, the file to continue was done prior to the deadline but could not get it on the agenda.

Mr. Farmer asked why he waited so late to file. Why wait so late in the game to apply for a permit that is important to his continuing operation and then ask others to rush it along. It is incumbent upon him to apply in a timely manner. They are not automatic. He acknowledged concerns about the things he's heard, though outside the MPC purview. Mr. Farmer asked Mr. Thomson if there would be any negative impact on the petitioner if we were to table to get some answers from the appropriate authorities.

Mr. Thomson replied he can't address the impact on the petitioner, much of what was heard was inapplicable or old information that is also not applicable to the decision. Staff has investigated the problems previously cited and none have been found in violation the past three years. We are recommending a five year extension given the "good behavior" but not ten. Mr. Thomson questioned the veracity of the information presented. He recommends the Board move ahead.

Mr. Farmer stated he would like to table it for the point of getting this discussion on the record. Mr. Manigault seconded the motion.

Mr. Lufburrow stated he is aware of some of the extensions and that is why five years was recommended rather than ten. On the other hand, to his knowledge, there have not been any problems for the past three years. Sometimes it takes forever for these agencies to look into a matter. If there are violations, they can shut it down regardless of what this Board does. He would like to see this move forward and not tabled.

Mr. Abolt stated he is aware of the checkered history. He is assuming the right thing was done and he is not aware of any recent complaints. Letters were sent out and it resurrected some of the prior problems. He concurs there is no reason not to act today. If there are problems, they can still be dealt with by the appropriate agency. The real issue is that he is hearing is that 'we want it closed, covered up, and redeveloped.' He believes is appropriate to adopt staff recommendation.

Mr. Pannell stated "tabling" is not the appropriate motion. To delay, it needs to be "continued" to a date certain or postponed indefinitely. To "table" something means it ceases.

Mr. Farmer thanked Mr. Pannell. He amended his motion to continue to the August 7, 2012 MPC meeting. **Mr. Manigault** seconded the amended motion.

Mr. Coleman agreed with Mr. Lufburrow and Mr. Abolt. He stated the EPD does not take violations of landfills lightly. They are the appropriate conduit for the issues raised. Nothing we've heard today should change our duty, which is a specific development plan. Otherwise, we will be stepping out of what we can regulate. Utilize the agencies that are in place for these issues raised.

Mr. Manigault stated minor complaints were presented previously, but nothing like what was presented today. Those complaints from the people living there are serious. He believes to continue this is not in good faith in serving the public.

Mr. Farmer stated the petitioner should have started earlier. Investigative complaints cannot be handled here. What bodies were involved previously and do they need to be involved again.

Mr. Abolt stated this has evolved. What is happening now is a reaction to trying to solve a problem of an existing situation. The Planning Commission became involved because the end result will be a reclaimed piece of land that will be reused.

Mr. Marshall stated he doesn't see spending time on something we don't have jurisdiction to work on.

Ms. Small-Toney stated we should stay in our lane. She sees no purpose of postponing.

Mr. Pannell asked why has this project been extended so many times. He asked if it was typical and why does it keep coming to the MPC.

Mr. Lotson replied that at the time it was amended, the petitioner was required to come before the MPC Board for an extension. It is not typical but a condition of this petition.

Board Action:

Motion to postpone to August 7, 2012 Regular MPC meeting. - FAIL

Vote Results

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

Board Action:

Staff recommends denial as submitted and approval

of an alternate recommendation to approve extending the Specific Development Plan for five years. - 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 - Not Present

Lacy Manigault - Nay

Murray Marshall - Aye

Tanya Milton - Aye

Susan Myers - Not Present

Jon Pannell - Aye

Adam Ragsdale - Aye

Rochelle Small-Toney - Aye

Joseph Welch - Aye

XI. OTHER BUSINESS

12. [Appointment of Nominating Committee](#)

Mr. Ragsdale announced the committee as being **Mr. Lufburrow, Mr. Coleman and Mr. Farmer.**

13. [Appointment of By Laws Committee](#)

Mr. Ragsdale announced the committee as being **Mr. Farmer, Mr. Cook, and Mr. Welch.**

XII. ADJOURNMENT

14. [Adjournment of July 17, 2012 MPC Regular Meeting](#)

There being no further business to come before the Board, Chairman Ragsdale entertained a motion to adjourn the July 17, 2012 MPC Regular Meeting at 3:13 p.m.

Respectfully submitted,

Thomas L. Thomson
Executive Director

TLT/bf

Note: Minutes not official until signed.

XIII. DEVELOPMENT PLANS SUBMITTED FOR REVIEW

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

Attachment: [DEVELOPMENT REVIEW CASE LOG 071712.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.