



Arthur A. Mendonsa Hearing Room  
January 8, 2013 1:30 P.M.  
MINUTES

**January 8, 2013 Regular MPC Meeting**

**Members Present:** J. Adam Ragsdale, Chairman  
W. Shedrick Coleman, Vice-Chairman  
Ellis Cook, Secretary  
Tanya Milton, Treasurer  
Russ Abolt  
James Blackburn  
Stephanie Cutter  
Ben Farmer  
Stephen Lufburrow  
Timothy Mackey  
Lacy Manigault  
Murray Marshall  
Susan Myers

**Members Not Present:** Joseph Welch

**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  
Amanda Bunce, Development Services Planner  
Jack Butler, Comprehensive 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. [January 8, 2013 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 at 1:30 P.M. in the Arthur A. Mendonsa Hearing Room, 112 E. State Street.](#)
3. [January 29, 2013 Regular MPC Meeting at 1:30 P.M. in the Arthur A. Mendonsa Hearing Room, 112 E. State Street.](#)

**Proclamation(s)**

4. [Resolution of Appreciation for former Vice Chairman Jon Pannell](#)

**Mr. Ragsdale** read the *Resolution of Appreciation* presented to Mr. Jon Pannell, former Vice Chairman for MPC Board, for three years of service to the community.

**Mr. Pannell** thanked the Board for the appreciation and recognized it as a great honor. He stated he enjoyed his time at the MPC. He stated he has learned a lot from staff as well.

**Executive Session**

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

**Board Action:**

To convene to Executive Session at 1:45 p.m. - PASS

**Vote Results**

Motion: Russ Abolt

Second: Shedrick Coleman

Russ Abolt - Aye

James Blackburn - Aye

Shedrick Coleman - Aye

Ellis Cook - Aye

Stephanie Cutter - Aye

Ben Farmer - Aye

Stephen Lufburrow	- Aye
Timothy Mackey	- Aye
Lacy Manigault	- Aye
Murray Marshall	- Aye
Tanya Milton	- Aye
Susan Myers	- Aye
Adam Ragsdale	- Aye

**Board Action:**

To adjourn Executive Session and reconvene to  
January 8, 2013 Regular MPC Meeting at 1:57 - PASS  
p.m.

**Vote Results**

Motion: Stephen Lufburrow  
Second: Ben Farmer

Russ Abolt	- Aye
James Blackburn	- Aye
Shedrick Coleman	- Aye
Ellis Cook	- Aye
Stephanie Cutter	- Aye
Ben Farmer	- Aye
Stephen Lufburrow	- Aye
Timothy Mackey	- Aye
Lacy Manigault	- Aye
Murray Marshall	- Aye
Tanya Milton	- Aye
Susan Myers	- Aye
Adam Ragsdale	- Aye

**Board Action:**

Grant Executive Director, Thomas Thomson, a  
one-time, non-recurring 5% compensation to his - PASS  
base pay.

**Vote Results**

Motion: Stephen Lufburrow  
Second: Russ Abolt

Russ Abolt	- Aye
James Blackburn	- Aye
Shedrick Coleman	- Aye
Ellis Cook	- Aye

Stephanie Cutter	- Aye
Ben Farmer	- Aye
Stephen Lufburrow	- Aye
Timothy Mackey	- Aye
Lacy Manigault	- Aye
Murray Marshall	- Aye
Tanya Milton	- Aye
Susan Myers	- Aye
Adam Ragsdale	- Aye

## V. PRESENTATIONS

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

### Tri-Centennial Comprehensive Plan Amendment - Map Amendment

#### 6. Tricentennial Comprehensive Plan Future Land Use Map Amendment for 12815 White Bluff Road. Residential Single Family to Civic Institutional.

Attachment: [Comp Plan Amendment.pdf](#)

Attachment: [ELU\\_MAP.pdf](#)

Attachment: [FLU\\_MAP.pdf](#)

#### **Board Action:**

Staff Recommends Approval.

The petitioner has requested that this item be **postponed** and rescheduled for January 29, 2013 Regular Meeting. - PASS

#### **Vote Results**

Motion: Stephen Lufburrow

Second: Shedrick Coleman

Russ Abolt	- Aye
James Blackburn	- Aye
Shedrick Coleman	- Aye
Ellis Cook	- Aye
Stephanie Cutter	- Aye
Ben Farmer	- Aye
Stephen Lufburrow	- Aye
Timothy Mackey	- Aye
Lacy Manigault	- Aye
Murray Marshall	- Aye
Tanya Milton	- Aye
Susan Myers	- Aye
Adam Ragsdale	- Aye

### Zoning Petition - Map Amendment

7. [Rezoning Request 12815 White Bluff Road R-6 to PUD-IS](#)

Attachment: [Maps.pdf](#)  
Attachment: [Staff Report.pdf](#)  
Attachment: [EXISTING R6 USE TABLE.pdf](#)  
Attachment: [PUD-IS.pdf](#)

**Board Action:**

The petitioner has requested that this item be **postponed** and Rescheduled for January 29, 2013 regular Meeting. - PASS

**Vote Results**

Motion: Stephen Lufburrow  
Second: Shedrick Coleman

Russ Abolt	- Aye
James Blackburn	- Aye
Shedrick Coleman	- Aye
Ellis Cook	- Aye
Stephanie Cutter	- Aye
Ben Farmer	- Aye
Stephen Lufburrow	- Aye
Timothy Mackey	- Aye
Lacy Manigault	- Aye
Murray Marshall	- Aye
Tanya Milton	- Aye
Susan Myers	- Aye
Adam Ragsdale	- 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**

8. [December 11, 2012 MPC Meeting and Briefing Minutes](#)

Attachment: [12.11.12 MEETING MINUTES.pdf](#)  
Attachment: [12.11.12 MPC BRIEFING MINUTES.pdf](#)

**Board Action:**

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

**Vote Results**

Motion: Stephen Lufburrow

Second: Shedrick Coleman

Russ Abolt	- Aye
James Blackburn	- Aye
Shedrick Coleman	- Aye
Ellis Cook	- Aye
Stephanie Cutter	- Aye
Ben Farmer	- Aye
Stephen Lufburrow	- Aye
Timothy Mackey	- Aye
Lacy Manigault	- Aye
Murray Marshall	- Aye
Tanya Milton	- Aye
Susan Myers	- Aye
Adam Ragsdale	- Aye

**VIII. ITEMS MOVED FROM CONSENT AGENDA**

**IX. OLD BUSINESS**

**Final Minor Subdivision**

9. [Island Drive Minor Subdivision - 31 Island Drive](#)

Attachment: [Maps.pdf](#)

Attachment: [Photos.pdf](#)

Attachment: [Miscellaneous.pdf](#)

Attachment: [Attorney Yellin.pdf](#)

Attachment: [Staff Report.pdf](#)

Attachment: [Revised Plat.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 served more than 3 lots must be paved 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 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. Plumbley** stated the biggest issue was whether this should be treated as a two-lot subdivision that is adding an additional lot or be considered as a seven-lot subdivision. It was recommended to review as a seven-lot subdivision because that is the number of lots using the access easement.

The County Attorney's correspondence indicates the MPC has the ability to deny the subdivision based on the number of lots using the access easement. MPC staff interprets that the County Attorney has recommended approving the one lot being requested as a trade-off and come up with an arrangement that will provide the other adjacent lot owners the opportunity to utilize this access easement legally. This can be achieved by any means necessary to satisfy the Board in terms of the number of lots using the subdivision. The County Attorney recommended an agreement to be signed by all parties. Staff is requesting, in lieu of that, that the surveyor prepare a plat that references all seven lots with the official legal right-of-use for the access easement. There is a vehicle in place now if and when there is an additional subdivision requested by any of these seven lots; they have the legal right to use that access easement with whatever improvements as required by this body.

**Mr. Plumbley** stated staff is prepared to recommend approval of the petition as submitted. It should remain as seven lots, not reduced to three. The revised plat is recommended to be approved as presented by Mr. Yellin. It indicates the access easement will be for the two lots within the parent body as well as the other five lots; there will be no question as to the right of use of the access easement. He stated this was believed to be a reasonable compromise.

**Mr. Farmer** stated between the two studies, he is still trying to determine what is being proposed for the future. He asked if he understood correctly that the variance for the third lot, Parcel B is based on staff recommendation. On the future use of Parcel A lots, regarding ingress and egress, he stated he was not clear of the conditions on it.

**Mr. Plumbley** replied there are no conditions on Parcel A. There will only be the statement that the access easement will be for the benefit of all the lots with no conditions. There will be the right to legally utilize the access

easement to subdivide properties if desired. To improve the driving surface will be at the discretion of the board.

**Mr. Farmer** asked if the access easement will be sufficient regarding width.

**Mr. Plumbley** responded the access easement will be of sufficient width; the driving surface will be insufficient in terms of meeting the minimum standards of 18' improved.

**Mr. Farmer** asked what happens with that.

**Mr. Plumbley** stated nothing today. The approval of one lot does not require improvements to the existing access easement. It puts all on notice that they have the legal mechanism in place to utilize that easement to subdivide with whatever conditions this body and the County Engineer deem appropriate to facilitate additional lots.

**Ms. Myers** asked is this a legal document. She asked why was it proposed in lieu of having everyone sign something.

**Mr. Plumbley** replied it means nothing the way it is now. What will have to happen is the surveyor will have to include all seven lots within the bounds of the subdivision. Doing that with the note in place and the signature of all seven lots owners or their legal representative, then there will be a binding document recorded in the court giving everyone the right to use the access easement.

**Ms. Myers** asked if the Board approved the recommendation, is there a time limit that it can be taken away.

**Mr. Plumbley** stated once it is recorded, it is in perpetuity unless an amended plat is recorded.

**Mr. Thomson** stated this is a bit awkward because the County Attorney's report was received just a few hours ago at the beginning of the pre-meeting. Mr. Plumbley presented a good recommendation. He stated he still has concerns regarding access to the homes by fire trucks; that they can get all the way to the last home on the existing access easement. That is why the ordinance requires an improved width of 18'.

As suggested by Jonathan Hart, the County Engineer and the MPC staff will get together and look at this particular requirement and see if there is a better way to organize this issue. For example, perhaps more lots could connect an adequate non-paved road. We will continue to work with the County Engineer.

**Mr. Manigault** asked if all the residents have to agree and sign the new document.

**Mr. Plumbley** stated they do not have to, but it would be beneficial to. Anyone that does will have the right of use of the easement.



**Mr. Manigault** stated if they don't sign it they don't have the right, but they can come back and sign it later; they can't be left out.

**Mr. Plumbley** stated they can be left out. They can go on their own with a 30' access easement. He does not believe anyone will go against it.

**Mr. Blackburn** stated he does not like the solution.

**Mr. Marshall** asked does a lot owner have the right to pave if they decide to subdivide, or do they have to get permission from the other owners.

**Mr. Plumbley** referred Mr. Marshall's question to Mr. Yellin.

**Mr. Farmer** asked Mr. Yellin if the petitioner has agreed to the solution.

**Mr. Yellin** stated yes.

**Mr. Blackburn** asked what if the second lot doesn't sign the agreement and later wants to subdivide. He asked is that possible.

**Mr. Plumbley** stated they can subdivide if they want to open up the 30' unopened access easement. They have no legal right in terms of prescriptive rights on the existing access now. In terms of not signing the agreement, the petitioner could give them a letter stating they no longer have the right to use the easement; then they would have to use their own access easement.

**Mr. Blackburn** asked if they do sign this, would this restrict their ability to use the other easement and subdivide.

**Mr. Plumbley** replied no, it does not; they can still use the other easement.

**Mr. Harold Yellin**, representing Michael and Jan Curran, stated changes were made based on the comments of the County Attorney. Easements are created by plats, not by agreements. There was a very clear note added that the roadway is now an access easement and is for the benefit of four lots. He stated he interpreted Mr. Hart's communication to state there is no reason not to grant the minor subdivision as Parcel B. By changing the plat, it is making everyone else eligible for improvements, though they are currently unknown or if anyone will want to subdivide. However, if anyone comes before the Board, the Board has the right to put them through the process and make them make improvements if required. The property has been made eligible for consideration, and it previously was not. All residents are in support of this.

**Mr. Marshall** asked if a property owner would have to get permission to subdivide or pave.

**Mr. Yellin** stated it would be probably be a group decision, as it has been for the past 50 years.

**Mr. Marshall** stated he understood there was a new plat prepared so all of this property would be in one subdivision.

**Mr. Yellin** stated the only piece that we are here for is to create Parcel B. The Currans are signing the subdivision plat saying a particular easement is for everyone, which avoids taking down trees. All of the residents are eligible to come back before you. He stated he does not know what the plan will look like; he can't make that prediction. The best he can do is adhere to the County Attorney's request to make all the properties eligible. He believes that requirement has been fulfilled.

**Mr. Farmer** asked if the worst case scenario is that they all can use their own road. However, it would be reasonable for all to agree with the proposed plan.

**Mr. Yellin** stated it provides a safety net for all involved.

**Ms. Myers** asked if the note refers to six lots.

**Mr. Yellin** responded by reading from the County Attorney's memo: "It is important to note that the three lots on the eastern side are in a separate subdivision." That is acknowledging there are two subdivisions in discussion. The minor subdivision creating Parcel B is the one in question before the petition today. He continued reading: "There is no reason not to grant the minor subdivision, at Parcel B." The County Attorney recommended making it into an easement, rather than a driveway, which is the reason of the plat change.

**Mr. Lufburrow** stated staff made a determination and recommendation based on this particular plat.

**Mr. Abolt** stated the County Attorney's recommendations are to protect the choices of the property owners when the next situation occurs. It is a simple answer to future property owners.

**Mr. Thomson** stated he does not believe staff is saying that this should be made into one subdivision. What is being said is that the approval should include the provision that this proposed plat be approved concurrent with the subdivision; the language of connecting the other four lots to the access easement is shown on the plat. The plat does not create one subdivision; it is still two subdivisions with one easement.

**Mr. Plumbley** stated that is correct and not uncommon. He stated staff is recommending all seven lots be shown on the subdivision but also have a note that those identified lots by Mr. Yellin are not field surveyed. They are only on the plat for the purpose of earning them access rights as identified in the note. This will yield a two-lot minor subdivision with a total of seven lots that will be addressed by that note provided on the plat.

**Mr. Nathan Brown**, of Hussey, Gay, Bell, and DeYoung Engineering Firm, asked what is the difference in showing the lot and saying they are not field surveyed. All of this is just creating a legal easement to these lots. The

subdivision has a 30' foot easement created in 1972. That is, in his opinion, their primary easement. All that is being offered now is a secondary easement, free of charge, to the adjacent landowners who already drive down this road. If someone would like to subdivide at a future date, they have their own 30' access easement they can put a road on. They still have to have this Commission's approval for that.

**Mr. Blackburn** asked is the purpose to give the other lot the right to the access easement.

**Mr. Yellin** replied a predictable right, yes.

**Mr. Blackburn** asked why is that necessary.

**Mr. Yellin** replied the County Attorney -

**Mr. Blackburn** interjected - suggested it's a good idea.

**Mr. Yellin** continued it makes the other lots eligible for subdivision.

**Mr. Blackburn** stated they are eligible for subdivision right now with the current easement.

**Mr. Yellin** replied that most of the neighbors do not want to disrupt the personality of the neighborhood. There is no perfect solution but we have presented a workable one.

**Mr. Blackburn** stated under the statutes, unless you consider these seven lots being one subdivision, it's approvable as a minor subdivision as it was originally submitted.

**Mr. Yellin** stated they are presenting what was requested of them.

**Mr. Blackburn** stated he thinks its all unnecessary.

**Ms. Milton** asked if this is approval is contingent on what the Fire Chief reports.

**Mr. Plumbley** stated nothing is being changed regarding accessibility of fire trucks. The lot created will not be impacted the existing easement. They can get the firetruck down that far now, with the exception of the southern most portion. They will have to use hoses for that area; they are available on Isle Hope Fire Department trucks.

**Mr. Farmer** stated we are just going above and beyond to grant the petitioner's request.

**Mr. Blackburn** stated he does not support this issue.

**Mr. Marshall** stated he believes liberalizing private drives should be studied.

**Board Action:**

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 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. - PASS

**Vote Results**

Motion: Russ Abolt

Second: Tanya Milton

Russ Abolt	- Aye
James Blackburn	- Aye
Shedrick Coleman	- Aye
Ellis Cook	- Aye
Stephanie Cutter	- Aye
Ben Farmer	- Aye
Stephen Lufburrow	- Aye
Timothy Mackey	- Aye
Lacy Manigault	- Aye
Murray Marshall	- Aye
Tanya Milton	- Aye
Susan Myers	- Aye
Adam Ragsdale	- Aye

**Board Action:**

Comprehensive review by staff regarding the paving requirements in the subdivision ordinance. Consult appropriate County staff for recommendation concerning rock, shell, and other materials and length requirements for this type of subdivision. Staff will report back to Commission within two months. - PASS

**Vote Results**

Motion: James Blackburn	
Second: Timothy Mackey	
Russ Abolt	- Aye
James Blackburn	- Aye
Shedrick Coleman	- Nay
Ellis Cook	- Aye
Stephanie Cutter	- Aye
Ben Farmer	- Aye
Stephen Lufburrow	- Aye
Timothy Mackey	- Aye
Lacy Manigault	- Aye
Murray Marshall	- Aye
Tanya Milton	- Aye
Susan Myers	- Aye
Adam Ragsdale	- Aye

## X. REGULAR BUSINESS

### Tri-Centennial Comprehensive Plan Amendment - Map Amendment

#### 10. [Tricentennial Comprehensive Plan Future Land Use Map Amendment for 612, 614 and 616 E. Henry Street. Residential Single Family to Residential General](#)

Attachment: [Comp Plan Amendment.pdf](#)  
Attachment: [ELU Map.pdf](#)  
Attachment: [FLU Map.pdf](#)

**Mr. Marcus Lotson**, Development Services Planner, presented the petition, which also includes Agenda Item number 12. The petitioner would like to rezone from Residential Single Family to Residential General. The buildings were constructed in the early 1900's and were zoned P-R-4 since the inception of zoning in the area.

Staff has found the petitioned request prevalent in the area and recommends approval.

**Ms. Myers** asked if this addresses the fact that one side needs to be commercial.

**Mr. Lotson** replied the commercial property is a separate property from the petitioned property.

**Mr. Blackburn** asked if there was a particular proposal.

**Mr. Lotson** replied multi-family has been proposed as the specific use. The only access is by the lane at the rear of the property, and the petitioner will be required to pave according to the City standards.

**Mr. W. John Mitchell**, petitioner, stated there are no specific proposals at this moment, except to create more density. When there is a plan, he will be before the appropriate body for approval.

**Mr. Blackburn** asked if the existing housing on the properties are usable right now.

**Mr. Mitchell** replied no; he has no desire to be a slumlord.

**Ms. Myers** disclosed the petitioner is represented by her firm but she is not personally involved.

**Ms. Milton** asked if these properties were refurbished about two years ago.

**Mr. Mitchell** replied one was converted from a one-family, two-story house to two apartment units, up and down. That happened around 1987 or 1988. The petitioner stated his father did the conversion at that time. There is nothing of historical significance remaining on the structure.

**Mr. Mackey** asked Ms. Myers to repeat her statement.

**Ms. Myers** stated the independent agent that represents Mr. Mitchell works with the same realty company that she is established with. But all are independent agents; whatever that agent does has no bearing on her monetarily.

**Mr. Marshall** stated Ms. Myers does not own the firm, she is a licensed agent at the same firm.

**Mr. Farmer** stated had it been his firm, he could not sit on the petition because he gains from transactions in the company because he owns it. Ms. Myers does not.

**Mr. Mackey** stated sometimes just to not give the appearance of something, it is best to step aside.

**Mr. Blackburn** stated it is up to each individual member to decide if they need to step aside.

**Board Action:**

Staff recommends approval. - PASS

**Vote Results**

Motion: Ben Farmer

Second: Tanya Milton

Russ Abolt - Not Present

James Blackburn - Aye

Shedrick Coleman - Aye

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

**Zoning Petition - Map Amendment**

11. [Rezoning Request 300 Drayton Street R-I-P-A to R-I-P-C](#)

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

300 Drayton Street  
Rezoning Request: R-I-P-A to RI-P-C  
Aldermanic District: 2  
County Commission District: 3  
PIN: 2-0012-33-016  
Abraxas Development LLC, Owner  
Aurash Kheradmandi, Agent  
Zoning District: R-I-P-A to R-I-P-C  
Acres: Approximately .27

**Mr. Marcus Lotson**, Development Services Planner, presented the petitioner's request to rezone the subject property from the R-I-P-A classification to the R-I-P-C classification. The petitioner's intent is to establish a restaurant at the property. Staff recommends approval of the request.

**Mr. Blackburn** asked if the whole building being is rezoned or just a portion of it.

**Mr. Lotson** replied the whole building, subject to approval by the Mayor and Aldermen. The property owner is in agreement of the rezoning change.

**Mr. Aurash Kheradmandi**, agent, stated the owner lives in the top of the building and he leases the lower portion of the building. There have been similar uses in the building.

**Board Action:**

Staff recommends approval of the request to

rezone the subject property from the R-I-P-A classification to the R-I-P-C classification. - PASS

**Vote Results**

Motion: Ben Farmer

Second: Ellis Cook

Russ Abolt - Not Present

James Blackburn - Aye

Shedrick Coleman - Aye

Ellis Cook - Aye

Stephanie Cutter - Aye

Ben Farmer - Aye

Stephen Lufburrow - Not Present

Timothy Mackey - Aye

Lacy Manigault - Aye

Murray Marshall - Aye

Tanya Milton - Aye

Susan Myers - Aye

Adam Ragsdale - Aye

12. [Rezoning Request 612, 614 & 616 E. Henry Street Rezoning Request P-R-4 to RM-25](#)

Attachment: [Maps.pdf](#)

Attachment: [Staff Report.pdf](#)

Attachment: [Existing R4 and Proposed RM Zoning District.pdf](#)

**Mr. Marcus Lotson**, Development Services Planner, presented the petition, which was reviewed and voted on concurrently with Agenda Item 10.

**Board Action:**

Staff recommends approval of the request to rezone the subject properties from P-R-4 (Four family residential) to RM-25 (Multi family residential). - PASS

**Vote Results**

Motion: Ben Farmer

Second: Tanya Milton

Russ Abolt - Not Present

James Blackburn - Aye

Shedrick Coleman - Aye

Ellis Cook - Aye

Stephanie Cutter - Aye

Ben Farmer - Aye



Stephen Lufburrow	- Not Present
Timothy Mackey	- Aye
Lacy Manigault	- Aye
Murray Marshall	- Aye
Tanya Milton	- Aye
Susan Myers	- Aye
Adam Ragsdale	- Aye

**Zoning Petition - Staff Text Amendment**

13. [Amend Sec. 8-3112\(c\)\(5\)c, 8-3112\(d\)\(3\) and 8-3112\(q\) of the Savannah Zoning Ordinance to regulate how announcement signs are permitted](#)

Attachment: [Street Class Map for Announcement Signs.pdf](#)

Attachment: [12-000277-ZA Announcement Signs text amendment - staff report \(2\).pdf](#)

Staff is requesting an amendment to Sections 8-3112(c)(5)c, 8-3112(d)(3) and 8-3112(q) of the Savannah Zoning Ordinance for the purpose of expanding the zoning districts which permit the use of announcement signs, modifying the permitted sign area of such signs and combining the standards for manual changeable copy and electronically controlled announcement signs into one section. In addition, a map is proposed designating Class 1 and Class 2 streets for the purpose of regulating the size of such signs. This proposal would not amend the standards regarding electronically controlled billboards within the jurisdiction of the city of Savannah.

MPC File Number: 12-0000277-ZA

MPC Project Planner: Amanda Bunce

**Ms. Bunce** presented the request to the Board. Many different sectors prefer the digital signs. The proposed amendment applies only along a collector street or arterial roadway, not on a residential street; the same as currently with manual signs. The restriction in the Historic District remains. The level of lighting is capped at 30' candles, that will apply to digital as well. It is proposed that in certain residential districts, only public uses, public and private schools, and churches and places of worship be permitted to have announcement signs.

**Mr. Farmer** asked about the definition of 'public use'.

**Ms. Bunce** stated it is defined in the zoning ordinance as a fire station, library, government building, etc.

**Mr. Farmer** stated he will benefit immensely if this passes because he has two reader signs. He stated he now has to manually change them. This benefits him and others to now be able to change their sign with a computer, rather than a stick and suction cup. The message cannot be changed more than every 24 hours. He stated he does not want anyone confused thinking they can just add

electronic signs all over.

**Ms. Bunce** stated animated signs are not allowed.

**Mr. Ragsdale** stated this was a staff initiated petition.

**Mr. Farmer** stated Mr. Mackey made a good point earlier and he wants all to know he will definitely benefit from this.

**Mr. Mackey** asked about the illumination of signs. He cited the signs at Savannah State University (Skidaway) and the Health Department (Eisenhower). He asked if those signs are included in the discussion.

**Ms. Bunce** stated it will apply to all signs; modified or proposed signs from the approval date forward.

**Mr. Mackey** asked about the schools; does that include colleges.

**Ms. Bunce** stated public and private schools could interpret as including colleges. In the city, universities are located in non-residential districts. Colleges and universities can be added to the motion.

**Mr. Mackey** asked who monitors the illumination.

**Ms. Bunce** stated the Zoning Enforcement Office and the Zoning Administrator would be responsible for enforcing the ordinance. Electronic signs are built with the capability of dimming.

**Mr. Farmer** asked if this were adopted, would older signs have to conform for compliance.

**Ms. Bunce** replied, yes that could happen.

**Mr. Mackey** stated he is not throwing bricks at anyone, but the Health Department sign is dangerous. Whatever method can used to get that taken care of, please do it.

**Mr. Farmer** asked if the Chatham County Health Department is a state entity.

**Mr. Plumbley** replied it is.

**Mr. Farmer** stated since we have no control over a state sign, we could ask for compliance. Our job is to protect the public.

**Ms. Blackburn** asked if there is an urgency for this to be approved.

**Ms. Bunce** replied there are persons requesting this. She stated she needs to review the rest of the staff report because she isn't finished. She stated she worked with a local sign company to ensure she was on the right track. The sign company representative stated he receives requests all the time that they have

to turn down because of certain zoning classifications, though permissible in a different zoning classification further down the same road. This is a common request from churches and schools.

**Mr. Blackburn** asked is this allowing the signs in districts other than which they are allowed now.

**Ms. Bunce** replied yes; electronic and manual signs be allowed in all zoning classifications. The only uses that would be able to have this type of signs in residential districts, would be public and private schools, churches, and as amended, colleges and universities. An apartment complex would not be eligible for this use or any other non-residential use that may be allowed in those zoning districts would not have that use. There are very few non-residential allowed in those districts referenced.

**Mr. Manigault** stated the alumni from Savannah State University have complained about the sign and nothing has happened.

**Ms. Milton** stated the new sign that Jonesville Baptist Church is right across the street from a residential area. She asked is it compliant with the proposed changes.

**Ms. Bunce** stated she cannot answer that question.

**Mr. Geoff Goins**, City Zoning Administrator, stated it is in violation in that they did not receive a building permit when it was constructed. Other than that, it is in compliance with ordinance standards. There have been complaints of it flashing, however, when it was investigated, it was not flashing.

**Mr. Mackey** asked if it will apply to all zones, including residential.

**Ms. Bunce** replied yes, but only for the uses stated for residential - schools, public uses, churches, and colleges.

**Mr. Mackey** requested as much protection as possible be afforded to residential areas.

**Ms. Bunce** stated the first layer of protection is that the sign can be along a collector or arterial street. If it happens to be a residential street, regardless of what the zoning is, it would not be able to have a sign.

**Mr. Mackey** stated there are schools inside the interiors of residential communities, such as Butler inside of Cloverdale.

**Ms. Bunce** stated then they would not be able to have a sign. First and foremost, and this hasn't changed from what's existing now: if they are on a residential street, they can't have that type of sign. Period. The collector/arterial provision is the first checkmark in the hierarchy of standards.

**Mr. Mackey** asked is there a rush in forwarding this or can we get an extra 30 days to peruse it to be sure all is carefully reviewed.

**Mr. Thomson** stated the board can delay this; it was a staff generated item.

**Mr. Ragsdale** stated Ms. Bunce had not finished her presentation.

**Ms. Bunce** stated it is being proposed for a new street classification for announcement signs which reduces the number of streets that are classed as Class 1 and Class 2. It reduces the sign area for 1 and 2 to a cap of 40 square feet. All other streets 32 square feet, for non-residential district. For residential Class 1 and Class 2 will be capped at 24 square feet and all other streets would be a 15 square feet. It is also proposed in residential districts that the lights be amber, not red.

**Mr. Farmer** asked for examples of streets and sign sizes when before the board again.

**Board Action:**

Table Item - to be heard on February 19, 2013  
Regular MPC Meeting. - PASS

**Vote Results**

Motion: James Blackburn

Second: Ben Farmer

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

**XI. OTHER BUSINESS**

14. [Board Parliamentarian](#)

**Chairman Ragsdale** stated that Mr. James Blackburn has been named Board Parliamentarian due his legal background.

15. By-Laws

**Mr. Marshall** thanked the Chairman for convening the board before the MPC Regular Meeting and had a detailed discussion regarding the procedures. He stated he noticed changes in the conduct of the board during this meeting.

**Mr. Ragsdale** acknowledged the thanks.

16. Archaeological Discussion

**Mr. Farmer** stated there is a lot of discussion about archaeology lately, but he is not sure what we are doing. He stated he does not understand the roles, who is doing what, and what should we be getting involved in.

**Mr. Thomson** stated they put together a 'white paper' on establishing an archaeological program, either in ordinance or process, to regulate the finding of artifacts.

**Mr. Farmer** reviewed some suggestions that have been presented, such as requiring an archaeological surveyor or study prior to development on private property, or having an archaeologist on staff. He stated he wanted to be sure that the implementation of such suggestions are truly needed.

**Mr. Coleman** stated the end result of the efforts were to put everything on the table so it can be vetted to realistically achieve. It gets a lot into property rights and other things that were determined to be of great concern. What has disseminated is some direction for the board to have this discussion and not go further before there is a process in place. History alone can not infringe on a property owner's rights.

**Mr. Blackburn** stated we should have though about archaeology before Georgia Power started their work. Many artifacts have been carried away.

## XII. ADJOURNMENT

17. Adjournment of January 8, 2013 Regular MPC Meeting

Attachment: [Development Review Case Log 010813.pdf](#)

There being no further business to come before the Board, Chairman Ragsdale entertained a motion to adjourn the January 8, 2013 MPC Meeting at 3:47 p.m.

Respectfully submitted,

Thomas L. Thomson

Executive Director

TLT/bf

**Note: Minutes not official until signed.**

**XIII. DEVELOPMENT PLANS SUBMITTED FOR REVIEW**

*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.*