



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

October 8, 2013 Regular MPC Meeting

Members Present: W. Shedrick Coleman, Chairman
Murray Marshall, Vice-Chairman
James Blackburn, Jr., Secretary
Lacy Manigault, Treasurer
Ellis Cook
Stephanie Cutter
Ben Farmer
Timothy Mackey
Tanya Milton
J. Adam Ragsdale
Joseph Welch

Members Not Present: Russ Abolt
Susan Myers
W. James Overton

Staff Present: Thomas Thomson, P.E. AICP, Executive Director
Melony West, CPA, Director, Finance & Systems
Gary Plumbley, Development Services 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

Swearing-in of MPC Board Officers

1. [Swearing-In of Officers by Judge Penny Haas Freeseemann, Chatham County Superior Court.](#)

Judge Penny Haas-Freeseeman swore in the new board officers: Mr. Coleman, Mr. Marshall, Mr. Manigault, and Mr. Blackburn, Jr.

Notice(s)

2. [October 8, 2013 MPC Bylaws Committee Meeting at 11:00 AM in the West Conference Room, 110 East State Street.](#)
3. [October 29, 2013 Regular MPC Meeting at 1:30 P.M. in the Arthur A. Mendonsa Hearing Room, 112 E. State Street.](#)

Acknowledgement(s)

4. [Best Wishes to Amanda Bunce - Thomas Thomson](#)

Mr. Thomson thanked Ms. Bunce for her years of work. The Board thanked Ms. Bunce as well.

Ms. Bunce thanked all for the opportunity and expressed appreciation for her time at the MPC.

Information Item(s) for Board Members

5. [Reading of Development Plans Submitted for Review](#)

Attachment: [Development Review Log October 8.pdf](#)

V. PRESENTATIONS

6. [Presentation on Georgia Power Little Ogeechee-Truman Parkway 115kV Transmission Line Project](#)

Attachment: [Proposed GA Power Little Ogeechee-Truman Pkwy Tran Line Prjt 2013.pdf](#)

Mr. Matt Gignilliat, External Affairs Manager, and **Mr. Matt Connor**, Project Manager, highlighted the Georgia Power Southside project (the mall areas, Armstrong and the residential areas within). The current system will be obsolete in a few years. They are planning to prevent service disruption due to projected customer growth; construction will start around 2015.

Mr. Mackey asked about the unsightly electric poles in the Liberty City area around and over peoples homes. He also mentioned the spray numbers on some of the poles, but in some areas, there are nice adhesive numbers.

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

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

7. [September 17, 2013 MPC Meeting and Briefing Minutes](#)

Attachment: [09.17.13 MEETING MINUTES.pdf](#)

Attachment: [09.17.13 MPC BRIEFING MINUTES.pdf](#)

Board Action:

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

Vote Results

Motion: Lacy Manigault

Second: Timothy Mackey

Russ Abolt - Not Present

James Blackburn Jr. - Aye

Shedrick Coleman - Aye

Ellis Cook - Aye

Stephanie Cutter - Aye

Ben Farmer - Aye

Timothy Mackey - Aye

Lacy Manigault - Aye

Murray Marshall - Aye

Tanya Milton - Aye

Susan Myers - Not Present

James Overton - Not Present

Adam Ragsdale - Aye

Joseph Welch - Aye

VIII. ITEMS MOVED FROM CONSENT AGENDA

IX. OLD BUSINESS

Tower - New Facility/Concealed Freestanding

8. [Vantage-AT&T Hall Park Tower | 1105 E. 57th Street | 13-002239-PLAN](#)

Attachment: [CityScape Report.pdf](#)

Attachment: [Balloon Test Photo Shoot.pdf](#)

Attachment: [Tree coverage.pdf](#)

Attachment: [MPC File No 13-002239-PLAN profile op.pdf](#)

Attachment: [WTF Report to MPC 13-002239-PLAN \(2\).pdf](#)

The applicant sought approval to erect a 120-foot Wireless Telecommunications Facility (“WTF”) with internally mounted antennae on a property at 1105 East 57th Street, behind a tire sales business on Waters Avenue.

Staff recommended that MPC **approve** the development of a 120-foot concealed wireless telecommunications facility with the following conditions:

- 1) tower shall be marked and lit per WTF Ordinance section 8-3196 (6) (b);
- 2) all feed lines be contained within the spine of the support structure; and
- 3) all feed line ports shall be properly sealed to prevent access by wildlife.

And **approval** of the requested setback variance to permit a 20-foot fall zone using break-point technology in the tower design; and **approval** of a 35-foot height variance above the 85 feet permitted in the district; and **approval** of the requested reduction of the buffer variance from 15 feet with a six-foot fence to a seven-foot vegetative buffer with a 10-foot fence.

Mr. Ragsdale stated the MPC's telecommunications consultant, Rick Edwards, contacted him. Mr. Ragsdale stated the email from Mr. Edwards indicated that if the commission varies a zoning district's matter such as height, it would be the equivalent of rewriting the district's zoning ordinance.

Mr. Butler stated that is Mr. Edwards' opinion. Mr. Edwards' attorney believes otherwise. Variances are specific to the case; does not eliminate an entire ordinance. Consistently granting variances does lessen the weight of an ordinance. Our ordinance is written with conflicting recommendations, thus requiring variances.

Mr. Ragsdale asked if there was a legal opinion from the city attorney.

Mr. Butler replied no.

Mr. Ragsdale stated he does not see how the Board can act on this petition without a legal opinion. Varying this aspect of the ordinance may irreparably affect future neighborhoods.

Mr. Thomson stated Mr. Ragsdale's concern may be legitimate if the interpretation of the engineering expert is correct. The attorney from CityScape provided an alternate opinion: that Mr. Edwards aspect was not

technically correct.

Mr. Butler stated the question is can this Board vary standards in the zoning ordinance for allowance of a cell tower in this area; and does that create a new standard and rewrite of the telecommunications facilities ordinance. CityScape attorney Anthony LePour believes no; the variances are specific to the case.

Mr. Ragsdale stated it was his understanding that the board has no power to act contrary to the petition, if need was demonstrated. Now knowing otherwise, he stated he is not comfortable making a decision without guidance from the City attorney since the City owns the ordinance.

Mr. Mackey agreed with Mr. Ragsdale.

Mr. Thomson stated he believes if it should meet all requirements, including aesthetics, it should be approved, or the petitioner has the option of taking it to court to be overturned. The ordinance is very restrictive to ensure that the applicant proves that waivers or variances are truly needed; that the minimum possible is being done. He stated it may be appropriate for legal opinion and to listen to the applicant's explanation to give the Board direction as to what needs to be considered.

Mr. Greg Knight, representative of AT&T, presented a slide presentation to show the need for the tower in the requested area for customers. He also indicated the need for the requested height variance for the customers within a half mile of the petitioned tower.

Mr. Farmer asked if any carrier does not have coverage, he has the right to build a tower.

Mr. Butler replied that is correct. It only has to be proven that only one carrier needs coverage in an area to justify a tower under the ordinance and federal regulation.

Mr. Blackburn, Jr. asked if the tower was moved 1,500 feet with additional height, would the coverage needed for the area still not be provided.

Mr. Knight replied yes. He stated his search ring was 520 feet to cover a half-mile radius ring. It would actually cause interference for those with coverage. One extremely high tower will not accommodate all of the needed channels. Multiple towers at balanced heights provide greater and better coverage for his customers.

Mr. Mackey asked where is the cutoff; are we to allow towers to be built to accommodate the business's needs. An engineering perspective is needed.

Mr. Manigault asked if adding to existing towers has been considered.

Mr. Knight replied it is difficult under the ordinance.

Mr. Thomson stated it would be the same process as building a new tower.

Mr. Butler stated some of them cannot be added to without significant undertaking.

Mr. Terry Thomas, petitioner, stated having two antennae at the top of the tower requires a height of 120 feet, otherwise it is not viable for collocation tenants. The ordinance requires towers to be collocatable; without the requested height variance, this tower would not be compliant to the ordinance for collocation ability. The trees interfere with performance, thus necessitating the requested height for effective coverage. This tower has been designed to be as low as possible and achieve the need of AT&T and ordinance compliance.

Mr. Jonathan Yates, representing the petitioner, stated the tower is for AT&T and three other competitive carriers.

Mr. Geoffry Pfaff, area resident, stated he does not see the need for additional towers. It is more greed that will be obsolete soon. He requested researching whether the petitioner does or does not have the legal right to impose on their neighborhood.

Ms. Rosa Davis, representative of the Edgemore Sackville Association, asked how does this fit in the 2006 Comprehensive Plan's goals and strategies for residential neighborhoods, which included the quality of life and safe living. The Plan is also to reduce negative neighborhood images and discourage commercial intrusion. The request for this tower and its variances are contrary to the plan for the area, nor does it assist the neighborhood in which it will reside. The tower will be contrary to the neighborhood's vision for the site.

Alderman John Hall, representing this neighborhood through the City, stated the neighborhood is on the mend. He stated the shack on the site was not removed due to lack of due diligence by the City. He believes the petitioner thought the least resistance would be received from this neighborhood. He stated cell towers are located in select residential neighborhoods in the city, particularly in neighborhoods of color.

Mr. Ragsdale motioned to postpone for legal statement by the City Attorney with regard to permanent damage being done to the ordinance by the MPC varying standards in zoning districts.

Mr. Farmer stated he wants to do only what is required but not more than what is required. He wants to make sure he understands what is required.

Mr. Butler stated there is a federally mandated shot clock that if no decision is made in 130 days, the decision will be removed from the Board. We are about 100 days into it.

Mr. Thomson stated it should be postponed to a date certain. Re-advertise if

necessary.

Ms. Cutter stated she agrees with Mr. Ragsdale.

Mr. Coleman expressed concern regarding the 'clock' forcing the hand of the Board.

Mr. Ragsdale stated this Board needs a planning meeting dedicated to this topic of the ordinance because he was not aware of a shot clock. The Board needs to be aware of limitations and expectations. The Board and its individual members could be sued by the federal government and wireless carriers.

Board Action:

Postpone Item - to October 29, 2013 for legal statement by the City Attorney with regard to permanent damage being done to the ordinance by the MPC varying standards in zoning districts. - PASS

Vote Results

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

X. REGULAR BUSINESS

Zoning Petition - Map Amendment

9. [Zoning Map Amendment - 5414 Skidaway Road - R-6 to B-N](#)

Attachment: [Maps.pdf](#)
Attachment: [Inquiries.pdf](#)
Attachment: [Existing and Proposed Uses.pdf](#)
Attachment: [Staff Report.pdf](#)

Attachment: [Miscellaneous.pdf](#)

Zoning Map Amendment
5414 Skidaway Road
PIN 2-0136-06-002
Acreage: 1.98 Acres
Aldermanic District: 4
County Commission District: 3
Zoning District: R-6
MPC File Number: 13-004485-ZA
Petitioner/Agent: Trotter General, LLC - Dennis Trotter
Owners: Laverne South, Harry Patrick, and Fred Patrick

Mr. Gary Plumbley, MPC Project Planner, presented the petitioner's request consideration of a zoning map amendment for the property located at 5414 Skidaway Road (PIN 2-0136-06-002). The subject site is presently zoned R-6 (Single Family Residential) and the petitioner is requesting that the site be rezoned to a B-N (Neighborhood Business) classification for the purpose of developing a department store (Dollar General) on the site.

Mr. Plumbley stated opposition was received to the petitioned request. Due to being located between two churches and the commercial properties to the north, staff recommends **approval** of the petitioner's request to rezone the site located at 5414 Skidaway Road from an R-6 classification to a B-N classification; this does not include any site or development plans. The subject site would have drainage issues to be addressed regardless of whether the development consisted of single family houses or a commercial use.

Mr. Dennis Trotter, petitioner, highlighted the plans for the property as a neighborhood Dollar General.

Mr. John Farmer, representing Southside Baptist Church, stated they have concerns regarding vehicular access, especially with delivery trucks. There is already a problem with illegal traffic in their parking area; this will contribute to and compound this existing problem.

Ms. Cornelia Stumpf, area resident, stated she is opposed to the rezoning and planned development. It will impact their goals of historic designation.

Ms. LeAnn Consos, representing the neighborhood association, stated the neighborhood is opposed to the rezoning because of traffic and loitering.

Mr. Plumbley stated it has been designated as Neighborhood Commercial by the Future Land Use Map over ten years.

Mr. Farmer stated this is a zoning issue; the site plan is not relevant.

Mr. Trotter stated his company reached out to the neighborhood to address concerns. He stated he received no response for a meeting. He stated he understood the concerns of Southside Baptist Church; they don't like the

excess traffic either.

Board Action:

Staff recommends **approval** of the petitioner's request to rezone the site located at 5414 Skidaway Road from an R-6 classification to a B-N classification. - PASS

Vote Results

Motion: Ben Farmer

Second: James Blackburn Jr.

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

10. [Map Amendment - 704 Abercorn - RIP-A to RIP-D \(Medium-density Residential\) File No. 13-004491-ZA](#)

Attachment: [Staff Report.pdf](#)

Attachment: [Maps.pdf](#)

Attachment: [Photo.pdf](#)

Attachment: [emails.pdf](#)

Attachment: [Petitioner's Summary.pdf](#)

Attachment: [Letter to MPC 704 Abercorn \(PN 03Oct13\).pdf](#)

Attachment: [Signatures_704AbercornRezone.pdf](#)

Attachment: [proposed change in zoning at Abercorn and Hall.pdf](#)

Petitioner: Hashima James, Agent

Pearl Persad, Owner

704 Abercorn Street

PIN: 2-0044-06-008

Acres: 0.175

Aldermanic District: 2

County Commission District: 2

MPC File No: 13-004491-ZA

Mr. Marcus Lotson, MPC Project Planner, presented the petitioner's request to rezone 704 Abercorn Street from R-I-P-A to R-I-P-D. This is to accommodate a conversion of an existing commercial building from an office to a restaurant. It is an approximately 2,400 square foot structure on a 7,500 square foot lot with associated off-street parking. The Mansion Hotel and Kroger store are in the vicinity. There were many communications of opposition received regarding the petition.

Staff has determined that the majority of the development structures in the immediate vicinity are residential; the petitioned structure was the site of a demolished Victorian home. The Future Land Use Map designation for the property is Traditional Commercial. Staff recommended **denial** of the request to rezone 704 Abercorn Street from R-I-P-A to R-I-P-D. Staff believes there are more appropriate R-I-P-A business uses for the subject property.

Mr. Farmer asked from a design standpoint, is the parking adequate.

Mr. Lotson stated about a dozen spaces are available.

Mr. Coleman stated half a block away is R-I-P-D and is identified by the Future Land Use Map.

Mr. Mackey asked if the restaurant fails, does the zoning remains with the sight. Afterwards, it leaves the neighborhood with something that doesn't fit. Restaurant odors and dumpsters are an issue for neighboring residences.

Mr. Marshall and **Mr. Ragsdale** stated there are several restaurants in the neighborhood.

Mr. Hashima James, petitioner, highlighted his plan for his restaurant and has reached out to the neighborhood by attending a neighborhood meeting to explain his plan, to which he was denied. He addressed the concerns of the Board: parking, seating, deliveries, odors, and dumpster usage. Since there are neighboring restaurants in the area, he requested staff to reconsider their position.

Mr. Jeff Kenney, area resident adjacent to the petitioned property, stated he is in opposition to the petition; he did not purchase a home next to a restaurant.

Mr. David Sheppard, area resident adjacent to the petitioned property, stated he is in opposition to the petition of rezoning.

Mr. Jack Patterson, area resident, stated he is in opposition to the petition.

Mr. William Rangos, representing his mother, Audrey Platt an area resident, is in opposition to the petition.

Board Action:

Staff recommends **denial** of the request to rezone
704 Abercorn Street from R-I-P-A to R-I-P-D. - FAIL

Vote Results

Motion: James Blackburn Jr.

Second: Lacy Manigault

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

Board Action:

Motion to approve petitioner's request to rezone
from RIPA to RIPD, to be compatible with Future
Land Use Map. - PASS

Vote Results

Motion: Adam Ragsdale

Second: Ben Farmer

Russ Abolt	- Not Present
James Blackburn Jr.	- Nay
Shedrick Coleman	- Aye
Ellis Cook	- Not Present
Stephanie Cutter	- Nay
Ben Farmer	- Aye
Timothy Mackey	- Nay
Lacy Manigault	- Aye
Murray Marshall	- Aye
Tanya Milton	- Aye
Susan Myers	- Not Present
James Overton	- Not Present

Adam Ragsdale	- Aye
Joseph Welch	- Aye

11. 6413 Waters Avenue | R-6 (Single-family Residential) to BN-1 (Neighborhood Business-Limited) | File No. 13-004852-ZA

Attachment: [Staff Report.pdf](#)

Attachment: [Maps.pdf](#)

Attachment: [Photos.pdf](#)

MPC File No.: 13-004852-ZA

6413 Waters Avenue

Property Identification Number: 2-0146-03-002

Acreage: 0.85 acres

Aldermanic District: 4 (Sprague)

County Commission: 1 (Stone)

Existing Zoning District: R-6 (Single-family Residential)

Proposed Zoning District: BN-1 (Neighborhood Business-Limited)

Petitioner: Chatham Nurseries, Inc.

Property Owner: Christopher J. Masters

Agent: Holly Young

Ms. Charlotte Moore, MPC Project Planner, presented the petitioner's request to rezone the subject property from an R-6 (Single Family Residential - 6 units per net acre) zoning classification to a BN-1 (Neighborhood Business-Limited) zoning classification.

Staff recommended **Denial** of the request to rezone the subject property from an R-6 (Single Family Residential - 6 units per net acre) zoning classification to a BN-1 (Neighborhood Business-Limited) zoning classification. As an alternative, the Planning Commission could consider applying the "unusual or extraordinary" provision in Sec. 8-3031(D)(1)(a) to require a site development plan in conjunction with rezoning as a means to ensure that the BN-1 district would be compatible with the surrounding area.

Mr. Farmer stated he does not see the justification to deny the petition. He suggested perhaps the zoning should be different.

Mr. Farmer and **Ms. Moore** discussed the potential uses and nuisances of the rezoning.

Ms. Moore explained the purpose of extraordinary conditions and its purpose.

Mr. Blackburn, Jr. and **Ms. Moore** discussed the record keeping requirements for enforcement and review of extraordinary conditions.

Mr. Blackburn, Jr. stated zoning conditions should be linked to building permits and supported by the zoning administrator.

Mr. Geoffrey Goins, City Zoning Administrator, stated updated software has made

record keeping and referencing more effective than it has been previously. It will enable all conditions to be reviewed prior to issuing permits.

Ms. Holly Young, representing the petitioner, stated being a good neighbor is of utmost concern to the petitioner. They are not opposed to any restrictions or the extraordinary condition use.

Mr. Tony Blocker, petitioner, stated the product will be shipped in contained packaging and possibly small tools for sale.

Ms. Karen Gold, representing St. Andrew's Anglican Church, is opposed to the rezoning.

Ms. JoAnn Troxler, President of Jackson Park Association, stated she and her neighbors are opposed to the rezoning, primarily due to traffic.

Mr. Paul D. Troxler, Jackson Park resident, stated the MPC failed to notify the neighbors. He is opposed to the rezoning.

Mr. Shawn Sims, owner of Waters Avenue Nursery, is opposed to the rezoning because of lack of safety at the intersection of Waters Avenue and Cornell Street. He welcomes the competition, but is concerned about the trailers and trucks interfering with traffic.

Mr. Carl Bullard, area resident, is opposed to the rezoning because of traffic safety concerns for the children in the area.

Ms. Mary Ellen Sprague, Alderwoman for the City, stated she has no loyalty to the Future Land Use Map and it should not be viewed as gospel; it is only a recommendation. She requested loyalty to the community, not to the map. Ms. Sprague recommended the petitioner purchase a property already zoned commercial in the area.

Mr. Coleman stated the Future Land Use Map is used as a guidance document.

Mr. Marshall recommended developing a site plan with proper alignment for Cornell Street. B-N category should not be discussed; it should be a zoning that staff is comfortable with for the petitioner that will work. The zoning should define 1) what kind of plant nursery it is that specifies what can be sold, 2) how will inventory be delivered, 3) hours of operation, 4) what kind of setbacks will be needed because it abuts an R-6 zone, 5) how will curb cuts happen, 6) what kind of fencing, 7) what are rights to use curb cuts at Hampton Street, and 8) what is use of Hampton Street regarding activity requesting approval.

Mr. Blackburn, Jr. added to look at adding a use as Mr. Marshall is proposing to the R-B and R-B-1 which is less intensive commercial district than the B-N 1.

Board Action:

Postpone Item - to October 29, 2013 MPC

meeting to determine if there are other ways to accomplish petitioner's request. Continue the public comment period at that time. - PASS

Vote Results

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

XI. NEW ZONING ORDINANCES (NewZO)

XII. OTHER BUSINESS

XIII. ADJOURNMENT

12. [Adjournment of October 8, 2013 Regular MPC Meeting](#)

XIV. DEVELOPMENT PLANS SUBMITTED FOR REVIEW

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

Attachment: [Development Review Log October 8.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.