



Chatham County - Savannah Metropolitan Planning Commission

Minutes
July 25, 2023 at 1:30pm

July 25, 2023 MPC MEETING

This Agenda and supporting material will be available prior to the meeting date at <https://www.thempc.org/Board/Tpc>.

This is for information only. These items have been received by the deadline to be heard at this meeting. Items are subject to change.

All persons in attendance are requested to sign-in on the "Sign-In Sheet" located on the table outside the entrance of the meeting room. Persons wishing to speak on an agenda item should indicate their intent on a blue speaker card, noting the agenda item by number. Please give speaker cards to a MPC staff member.

It is the intent of the Planning Commission to allow all interested parties to comment on a particular item. To ensure that those present have the opportunity to comment, the Chairman shall reserve the right to set time limits on the debate as per the MPC Procedure Manual and By Laws. Both sides of the issue shall be afforded a total of at least ten [10] minutes but not more than thirty [30] minutes for testimony. Groups are encouraged to designate a spokesperson who should identify him/herself on the speaker card and when coming to the podium. Regardless, the Chairman has the discretion to limit or extend time limits.

The Georgia Conflict of Interest in Zoning Actions Statute (OCGA Title 36 Chapter 67A) requires disclosure of certain campaign contributions (totaling \$250.00 or more) made by applicants or opponents for rezoning actions. Failure to comply is a misdemeanor. More information is available on the internet at www.lexis-nexis.com/hottopics/gacode/default.asp. Forms are available from MPC staff for individuals subject to this disclosure.

I. Call to Order and Welcome

II. Invocation and Pledge of Allegiance

III. Approval of Agenda

IV. Notices, Proclamations and Acknowledgements

V. Item(s) Requested to be Removed from the Final Agenda

[1. Zoning Map Amendment | 100 Little Neck Road | Mixed-use Planned Development](#)

[📎 Master pod plan.pdf](#)

Motion

MPC Staff recommends continuance of the petition until the September 26, 2023 meeting when results of the Developments of Regional Impact (DRI) Review have been received from Coastal Regional Commission.

Vote Results (Approved)

Motion: Wayne Noha

Second: Joseph Welch

Joseph Ervin

- Not Present

Tom Woiwode	- Aye
Travis Coles	- Not Present
Joseph Welch	- Aye
Shedrick Coleman	- Not Present
Karen Jarrett	- Aye
Dwayne Stephens	- Aye
Wayne Noha	- Aye
Jeff Notrica	- Aye
Laureen Boles	- Aye
Elizabeth Epstein	- Aye
Jay Melder	- Aye
Michael Kaigler	- Not Present
Traci Amick	- Aye

VI. Items Requested to be Withdrawn

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

VIII. Old Business

IX. Regular Business

[2. MAP AMENDMENT | 222 West Duffy Street | Rezone from TN-1 to TC-1 | 23-003454-ZA](#)

📎 [HPC Victorian Board Decision - 22-002166-COA - 222 W Duffy St.pdf](#)

📎 [Application.pdf](#)

📎 [combined maps.pdf](#)

📎 [Site Visit.pdf](#)

📎 [222 West Duffy - Map Ammendment.pdf](#)

Ms. Melissa Leto, Senior Planner, the Petitioner is requesting a rezoning of a corner parcel from the traditional neighborhood TN1 zoning district to the traditional commercial TC1 zoning district at 222 West Duffy Street to renovate an existing two-story building into a restaurant with accessory alcohol sales within the restaurant. The Petitioner is requesting a special use permit to allow for accessory alcohol sales within the restaurant. The Petitioner hosted a neighborhood meeting on July 7th, 2023, with the Victorian Neighborhood Association's President and Vice President on site, and the meeting was very positive.

The subject parcel is a corner lot abutting residential areas and is surrounded by single-family and two-family residences along West Duffy Street and Jefferson Street. It is located within a block east and west of the parcel to TC1-zoned properties along Montgomery Street and Barnard Street. The comprehensive plan FLUM designation is a traditional neighborhood, the proposed TC1 zoning classification is to allow for a restaurant with accessory alcohol sales within the restaurant.

The traditional neighborhood future land use classification allows for non-residential uses that are compatible with the residential character of the neighborhood. Per section 9.3.7.D, there is no minimum parking required for the subject parcel as the building totals 2548 interior square feet, and again, alcohol restaurants with more than 40 seats, do not have a distance requirement in relation to churches per section 6-1207 C15. Let me show you, our recommendation. Based upon the review criteria staff recommends approval of the rezoning request, and if this is to be approved, then the special use requests would follow on this agenda item. I am here, as well as Joshua Yellen, who is the agent for Vintage Home Restoration LLC, to answer any questions.

Mr. Joseph Welch, Asked what determined the hours.

Ms. Melissa Leto, The hours were set by the applicant.

PETITIONER COMMENT

Mr. Joshua Yellen, Agent for Petitioner, This building was in use as a restaurant until 2014. Historically, this site has been used as a restaurant for at least 30 years. Prior to that time, every single corner of this intersection was built specifically for commercial use. This site was built as a drug store, which then turned into a restaurant. There was a retail and convenience store across the street.

There was a large commercial bakery and retail establishment across the street. This is a traditional commercial corridor. Part of what we looked at when we were looking at the site from the comp plan standpoint was the adaptive reuse here to bring back a low-intensity commercial use to this spot, which was built specifically for commercial use. We did know that there are some issues bringing in a use like this into a neighborhood, and we wanted to make it a neighborhood cafe. Therefore, we willingly agree to the hours of operation from 9,00 AM to 8,00 PM. This is not turning into a bar at night. This is not turning into a nightclub at night.

There was a menu that was attached to your report and to the application. It's a breakfast-focused menu. We did want to make clear that even though we are asking for special use in connection with alcohol, we are not asking for this to be a bar, tavern, or any sort of operation that's going to be open late into the night. We met with the Victoria Neighborhood Association, both the President and Vice President on site. We agreed to these hours of operation, and we also, in fact, have already signed a good neighbor agreement with the VNA that stipulates these terms.

PUBLIC COMMENT

Mr. Mike Archangelo, Expressed concerns about the hours of operations, and how it would set the business up for failure.

Ms. Evelyn Russell, St. Philip Monumental, was under the impression that this would be a package shop but felt that if alcohol was sold from a restaurant that would be fine. She also expressed concerns about parking.

Mr. Joshua Yellin, Wanted to clarify that this would not be a package store.

Rev. Robert Evans, St. Philip Monumental, stated he is against the sale of alcohol within 300 ft of the church and parking concerns.

Mr. Joshua Yellen, Stated that the state regulates the distance to churches. The City of Savannah petitioned to have that removed since that would essentially prohibit restaurants in the downtown area from serving alcohol given the proximity of churches in the area.

As it relates to parking, parking is not required under the Victorian ordinance for buildings under 3,000 square feet. While there is street parking, there is also lane access one block away.

We do respectfully believe that restaurants in the city of Savannah can be sighted in close proximity to churches and that the two can in fact get along because they get along all over the city of Savannah. With that, we respectfully request that you approve of the rezoning and subsequent special use as has been recommended by staff and has been recommended to you by the VNA.

Motion Jarrett / Seconded Woiwode

Motion

Approval of the rezoning request.

Vote Results (Approved)

Motion: Karen Jarrett

Second: Tom Woiwode

Joseph Ervin	- Not Present
Tom Woiwode	- Aye
Travis Coles	- Not Present
Joseph Welch	- Aye
Shedrick Coleman	- Not Present
Karen Jarrett	- Aye
Dwayne Stephens	- Aye
Wayne Noha	- Aye
Jeff Notrica	- Aye
Laureen Boles	- Aye
Elizabeth Epstein	- Aye
Jay Melder	- Aye
Michael Kaigler	- Not Present
Traci Amick	- Aye

[3. SPEICAL USE PERMIT | 222 West Duffy Street | Request to have alcohol as an accessory use within the restaurant | 23-003455-ZA](#)

[combined maps.pdf](#)

[Site Visit.pdf](#)

[Application.pdf](#)

[222 West Duffy - Staff Report.pdf](#)

Ms. Melissa Leto, Senior Planner, This is a special use pursuant to Section 3.10 of Savannah's city ordinance to establish access to alcohol sales within a restaurant. The Petitioner is proposing a restaurant cafe. The city regulates operational hours for businesses selling alcohol from 7,00 AM until 3,00 AM based on the location of the property and surrounding residential properties. The applicant and staff recommend the hours of operation be the following Monday through Sunday, 9,00 AM until 8,00 PM. If you see my staff report, I am recommending a revision of that. I have had Monday through Thursday, now it'll be Monday through Sunday.

The proposed restaurants should be of a small scale to support the adjacent residential properties and to mitigate the intensity of the restaurant's use itself. Again, there are no minimum parking requirements for the subject parcel. There will be no loss, destruction, or damage to any item of historic importance. The building is a contributing resource within the National Register of Victorian Historic District and the local Victorian Historic District. The property received a certificate of appropriateness in 2022 with conditions. The renovation of this historic building would be a benefit to the neighborhood. "Based upon the compatibility of the comprehensive plan and the ability to meet the criteria for a special use permit, staff recommends approval of the request with conditions. One, the special use permit shall be non-transferable. Two operational hours," and this is revised. "Monday through Sunday from 9,00 AM until 8,00 PM."

Mr. Jay Melder, City Manager, asked Is there any reason for limiting the hours to 8 p.m.

Mr. Joshua Yellin, Stated I don't want to box it in. It's the request that we came up with and it's the request that we came to the VNA with. In the future if successful, we want to come back specifically for this amended request.

Mr. Jay Melder, This is something that was worked out with the neighborhood association.

Mr. Joshua Yellen, The neighborhood association and MPC.

PUBLIC COMMENT

Reverend Roberts Evans, Pastor of St. Philip Monumental, is opposed to the sale of alcohol, due to the close proximity to the church and because he believes that there will be alcohol sales to children.

Mr. Joshua Yellen, Stated that there will absolutely be no sale of alcohol to children. This is going to be a neighborhood-oriented café. He also stated that there are hundreds of restaurants that are in close proximity to churches in Savannah.

MOTION TO APPROVE

Motion

Approval of the Special Use request with conditions.

Vote Results (Approved)

Motion: Tom Woiwode

Second: Joseph Welch

Joseph Ervin	- Not Present
Tom Woiwode	- Aye
Travis Coles	- Not Present
Joseph Welch	- Aye
Shedrick Coleman	- Not Present
Karen Jarrett	- Aye
Dwayne Stephens	- Aye
Wayne Noha	- Aye
Jeff Notrica	- Aye
Laureen Boles	- Aye
Elizabeth Epstein	- Aye
Jay Melder	- Aye
Michael Kaigler	- Not Present
Traci Amick	- Aye

[4. Master Plan Amendment | Berwick Multifamily | Request to change Berwick Church Site Pod to Multifamily Residential Use](#)

📎 [Master Plan Amendment Staff Report.pdf](#)

📎 [Proposed Master Plan.pdf](#)

📎 [Berwick Multifamily 1st Floor Plan.pdf](#)

Mr. Edward Morrow, Director of Current Planning, The Petitioner requests MPC approval of an amendment to the Berwick Plantation Master Plan that is located west of US Highway 17 near its intersection with Larchmont Drive. The current zoning on the PUD-C is PUD, which is a county designation, the PUD-C. The proposed amendment would change the land use designation of a particular PUD within the previously approved master plan from the church site to multifamily residential. The Berwick master plan was initially approved by the MPC on November 7th, 2000, and the master plan has been amended several times since then.

The most current one was approved on June 7th, 2023. This revision is just adjacent to what's called the Exchange, which is the multifamily area that also has some commercial uses. It places the multifamily units adjacent to retail services, dining, medical offices, and things of that nature. Most of the single-family residential components of it are a little bit further to the north.

The proposed master plan amendment would change the designation of a 12.09-acre PUD from its current designation to a multifamily configuration. It would not exceed a residential density of 24 units per acre. Even though the maximum allowable density would permit 280 units on the site, the applicant currently proposes 231.

It consists of a mixture of attached single-family dwelling unit types. The subject property, again, is about 12 acres. It fronts onto Berwick Boulevard. It's directly across from the church, just over to the west, the church was ultimately developed. It's not going away. It just swapped places.

The subject property has a single point of ingress and egress onto Berwick Boulevard and the Chatham County Department of Engineering reserves the right to require traffic impact analysis at the point that site-specific development plans are submitted.

The purpose of the master plan itself is to provide orderly development with uses related to each other in a harmonious fashion and to meet the needs of community living and with this revision, it will continue to meet that initial intent. Staff recommend approval of the Petitioner's request to change this PUD from church use to multifamily use. That concludes staff review.

Ms. Karen Jarett, The overall density is not being changed?

Mr. Edward Morrow, Correct

Mr. Joshua Yellen, This is a change in the master plan, not for a site plan approval. Simply to permit multifamily at this location.

I do think we need to clarify that it's not actually a church use right now. One of those 17 amendments that went through made it a congregate care facility. It's from a congregate-care facility to multifamily use.

As the staff report has always read, this area is an area that is constantly changing with the market conditions and constantly changing to adapt to the needs of the community surrounding. There is a need for housing in the community and a need specifically for multifamily housing in the community. This area is an excellent location for multifamily with surrounding commercial amenities.

We stand in support of staff for the recommendation of approval, and we know that this is just the master plan amendment and that any site plan issues that come up, we do need to continue to work with Chatham County Engineering to address those issues at that time.

Ms. Traci Amick, When this master plan was originally done, the church was supposed to end up in the area but instead was built across the street?

Mr. Joshua Yellen, Yes. There were two church sites designated.

Ms. Traci Amick, Now that you're requesting multifamily, that's going to increase traffic more than was originally anticipated.

Mr. Joshua Yellen, It went from church, to congregate care and now to multifamily.

Ms. Traci Amick, That would still cause more traffic.

Mr. Joshua Yellen, Oddly, churches generate a lot of traffic in one day. With multifamily the traffic is typically spread out. Yes, there are peak times in the AM and PM, this is like congregate care.

Ms. Traci Amick, Multifamily, is that apartment building? What can be built there?

Mr. Joshua Yellen, The change would permit the density of 19 units an acre that we are requesting. What we have proposed is a mixture of townhomes and apartments. This is not one building, but multiple buildings throughout. This is simply a concept plan though. It is subject to change once we start working with County Engineering.

Mr. Felipe Toledo, Engineer, this project, as it was previously stated, was a congregate care. What you see in there is the sign within the confinements of the same project we previously went through a full extent permitting.

We made all county ordinances previously under the other project. We have to still go through the GP amendment and go through the full permitting process through the county, your questions regarding traffic address all those assessments and are a part of that.

Motion to approve Woiwode/Noha

Motion

Approval of the proposed Master Plan Amendment.

Vote Results (Approved)

Motion: Tom Woiwode
Second: Wayne Noha

Joseph Ervin	- Not Present
Tom Woiwode	- Aye
Travis Coles	- Not Present
Joseph Welch	- Aye
Shedrick Coleman	- Not Present
Karen Jarrett	- Aye
Dwayne Stephens	- Aye
Wayne Noha	- Aye
Jeff Notrica	- Aye
Laureen Boles	- Aye
Elizabeth Epstein	- Aye
Jay Melder	- Aye
Michael Kaigler	- Not Present
Traci Amick	- Aye

[5. MPC Site Plan Approval with Variances | 1002 Memorial Lane | Request to Establish a retail use in the PUD-IS zoning district](#)

📎 [Preliminary Concept Plan.pdf](#)

📎 [Staff Report.pdf](#)

Mr. Edward Morrow, Director of Development Services, the present request is for several variances in addition to approval of retail use in the PUD-IS zoning district on 1002 Memorial Lane. The PUD-IS is a

planned unit development for specifically institutional development offices, small schools, training, banks and doctor's offices.

The first determination to be made is whether a retail use is appropriate at this location and in accordance with that retail use, there's a series of variances, and site plan variances that are requested in order to make this retail use work. The Petitioner is requesting approval of a general development plan for the construction of a 10,000-square-foot retail store. There is also a request to allow outdoor storage and display, reduction in the buffer along US Highway 80, which is a requirement based on an overlay out in the county, removal of existing trees and shrubs in a buffer area where it is required that it be maintained, a request to allow a 42-foot driveway width where 35 feet is the maximum allowable, and a reduction of the off-street parking requirement from 40.68 spaces to approximately 36.

The subject parcel is one acre and is currently undeveloped. It's part of a four-parcel pod. The two southern parcels have been developed as offices and the two parcels that are adjacent here to US Highway 80 remain undeveloped.

For retail use to be appropriate it should be scaled to fit the surrounding area and generate traffic at a scale that's also appropriate to everything else around it. Those are the principal considerations. It shouldn't require parking and loading, i.e., wider than normal driveways, and it shouldn't substantially alter the nature of the appearance and function of the receiving area.

I'm going to move to our general development plan review criteria. This is a submission of a general development site plan; the following are criteria that we use for evaluating a site plan. Items indicated with a C mean that it was submitted incomplete. D indicates deficient and A indicates not applicable, and anything that's highlighted in red is related to a standard that was requested to be buried by this board to permit this development.

The site plan itself was not bad, but the requested use is inappropriate, the red D indicates a reduction to parking requested, the inability to meet the proposed buffers, the dedicated open space, and no recreation areas, but dedicated open space. Then the allowance of outdoor storage and display where it's not permitted.

Section 4-6.57 of the Chatham County zoning ordinance gives four criteria against which these requests or variance requests should be judged, and the first one is that it should be in keeping with the overall character of the area. The proposed development is inconsistent with the overall character. Requested variances would have the effect of eroding the unique character-creating elements that this zoning district is attempting to create, and the existing uses are primarily low-intensity and generate mostly automobile traffic.

Any introduction of a large-scale retailer is going to mean that there's additional traffic, a general change in the traffic patterns of those who are visiting this location. Outdoor storage and display of merchandise are going to change the appearance of aesthetics and ultimately it has the potential to make it less desirable for the conduct of business.

The proposed variances are contrary to the purpose and intent, and the Petitioner has essentially requested to achieve commercial zoning through a series of variances. A reduction in the proposed retail footprint from 10,000 square feet might offer the ability to meet most, if not all the variances requested, the first of which being the 40 to 41 space off-street parking requirement.

Again, there's the added overlay to consider. The environmental overlay within the county has the effect of adding additional green space, creating sort of along US Highway 80 and other like island communities, there are aesthetic standards along those roads for buffering and greenery maintaining existing vegetation between certain buildings, where they're going to adjoin other uses. All those things would be eroded through the requested variances.

The third criterion would not be detrimental to existing or proposed surrounding uses. Again, it is likely to significantly alter the aesthetics character, and function of this area. Finally, would serve public purposes to a degree equal to or greater than the standards replaced. It would not serve the area better.

For these reasons, staff recommends a denial of the requested use in variances. However, should the board choose to approve the retail use, staff recommends only the retail use itself is approved and the requested variance is denied.

Mr. Wayne Noha, Did you say there was a building on this property that was demolished at some point?

Mr. Edward Morrow, From the footprint that's visible he believes so.

Mr. Wayne Noha, I don't believe there was ever a building, and this PUD, this area of four properties was intentionally developed for doctor's offices years ago, probably 20-plus years ago. I believe there are only two of the four parcels after 25 years of development. Can you explain the buffer again that it is to be an undisturbed buffer along Highway 80 what they were requesting?

Mr. Edward Morrow, I don't believe undisturbed is the term. This is a vegetative buffer planted.

Mr. Michael, Petitioner,
Due to technical issues the Petitioner was unable to be heard and the board moved forward.

Mr. Edward Morrow, I can say that this is something that began with Mr. Lotson. There was an initial request to amend the zoning ordinance, and this came back in the form of PUD-IS with variances to the site plan. It has gone through iterations.

Mr. Dwayne Stephens, We're going to follow regular procedure. We'll see if a member of the public would like to speak.

No public Comment

Motion

Approve the denial of the requested retail use and associated variances as they are inconsistent with the intent of the PUD-IS zoning district.

Vote Results (Approved)

Motion: Karen Jarrett

Second: Wayne Noha

- Joseph Ervin - Not Present
- Tom Woiwode - Aye
- Travis Coles - Not Present
- Joseph Welch - Aye
- Shedrick Coleman - Not Present
- Karen Jarrett - Aye
- Dwayne Stephens - Aye
- Wayne Noha - Aye
- Jeff Notrica - Aye
- Laureen Boles - Aye
- Elizabeth Epstein - Aye
- Jay Melder - Aye
- Michael Kaigler - Not Present
- Traci Amick - Aye

[6. Special Use | 1600 Staley Avenue | Establish an Event Venue](#)

📎 [Site plan.pdf](#)

📎 [AERIAL MAP 23-003460-ZA.pdf](#)

📎 [ZONING MAP 23-003460-ZA.pdf](#)

[1600 Staley - Special Use Staff Report.pdf](#)

[Ref # _2064201048 letter of opposition Property at 1600 Staley Avenue . Petition No. 23-003460-ZA \(Zoning...pdf](#)

[letters of opposition.pdf](#)

[Petition # 23-003460-ZA opposition.pdf](#)

[Staley Ave Opposition.pdf](#)

[doc00500820230725015302.pdf](#)

Mr. Edward Morrow, Thank you, Mr. Chairman. The present request is to establish a special-use event venue at 1600 Staley Avenue. The Petitioner has a facility that I believe came before the zoning board of appeals for a variance related to a church use in 2020.

This office, I want to say this is his office, which it might make sense to have that picture so you can see. This is his office, and it has his signage out front. However, it was being used as a church at some point. He is now seeking the opportunity to use the space as an event venue as I'll show you the site plan shortly.

The subject parcel is 1.76 acres and it's developed as a 4,500-square-foot commercial contracting office and has some associated outdoor storage. The building was built in 1965. It's passed through a series of ownership since that time. The present Petitioner acquired the building in 2018.

In 2020 he appeared before the ZBA and requested a distance variance in association with church use.

The adjoining neighbors were mailed within 300 feet, they were mailed notice of this request, but as of the meeting with staff, the Petitioner had not notified us that there were any neighborhood meetings regarding this request.

We have received a couple of objections to it, one from Greater Grace Church which is in proximity to this site. When you look at the existing development pattern in the area, you can see that there are single-family residences that are nearby. It's a mixture of residences and light industrial uses heavily buffered by woods, and primarily residential single-family zoning, RSF6. A mixture of uses, but again, buffered by heavy natural vegetation.

The review criteria based on section 3.10.8 of the zoning ordinance; the zoning ordinance offers a few criteria. It says whether the special use is consistent with the intent, goals, strategies, policies, guiding principles, and programs of the comprehensive plan, the principal structure for the use is an existing facility. No construction is proposed in association with this and for that reason, it is consistent.

The second criterion was whether the specific use standards, if any, as provided in Article 8 use standards can be achieved. There are no specific supplemental standards and at greater than 4,000 square feet, the facility is of sufficient size to accommodate and assemble use. Again, another board has already granted it a variance in association with church use. If the requests were submitted in a different fashion, chances are this could be presented as a training environment.

To just to give you context, I'm providing this additional information to show you this is a space that is already functioning in an assembly capacity. Think in your office, you have a training room, something of that nature. A 3000-ish square foot space that is being converted for a variety of different purposes is the impression that we're getting.

For the particular use, **[unintelligible 01,29,32]** stipulates an off-street parking requirement of one to 75 for a banquet hall or reception hall and at a rough estimate of 3024 square feet, 40 off-street parking spaces would be required. The subject parcel could meet this. However, based on the site plan that's provided, it does not show each of those parking spaces and one of staff's recommendations is that the Petitioner submits a revised site plan showing circulation and parking for each one of those required off-street spaces.

The third criteria whether the special use is detrimental to the public interest, health, safety, welfare

function, and appearance of adjacent uses. Again, the special use is already functioning and seems to have functioned in a variety of assembly uses, and so chances are it is unlikely to negatively affect the community. However, in the interest of preserving residential character for nearby residents, staff recommends that any events conclude by 10,00 PM.

The fourth criteria whether the subject property is adequate in size and shape to accommodate again, subject property is currently developed, and it is of sufficient size to safely accommodate an event venue.

Criteria E whether adequate public facilities are available to serve the proposed use including two, but not limited to water, sanitary sewer, storm water. Again, adequate public facilities are available. Finally, whether special use will result in destruction, loss, or damage of any feature determined by the review authority to be natural or cultural, it will not result in any loss, destruction or damage.

Based on these findings, staff recommend approval of the following conditions, the first being a revised site plan indicating circulation and parking for the approximately 40 vehicles. The second one, the special-use permit shall not be transferable, so if it goes away, the next Petitioner would have to come back and request it.

Finally, events shall end no later than 10,00 PM in the interest of reserving neighborhood character. That concludes staff review.

Mr. Dwayne Stephens, Thank you, Mr. Morrow. Any questions for staff? Ms. Amick?

Ms. Traci Amick, Once again, I'm confused. It's currently being used for what?

Mr. Edward Morrow, It is my understanding that it is his office. It is his contracting office. I see storage in the rear of the lot, but as far as what else may go on in the building I'm not sure.

Ms. Traci Amick, Asking to be able to use it as a venue of sorts, but we don't know specifically what, like bands and music, and I understand 10,00 PM cutoff?

Mr. Morrow, That is correct. He's asking for use as an event venue, and I'm going to pull up the site plan, which shows a banquet-style layout for I believe somewhere in the range of 120 seats.

This is the proposed site plan. There are some restrooms and a seating area. We have a stage and a dance floor. Then there is an exterior courtyard, but again, no new structures are proposed in association with the use.

Mr. Dwayne Stephens, Mr. Melder?

Mr. Jay Melder, Mr. Chairman, is this special-use permit requesting-- does the zoning require the special-use permit to request alcohol if they're seeking an alcohol license? If so, are they specifically seeking alcohol allowance here?

Mr. Edward Morrow, That would be a separate determination. I would say I went so far as to look and see if a club would be permitted because there was correspondence from the community that suggested some other conversation. A teen club in and of itself is not permitted here. I'm going to assume an adult club would not be permitted. All that to say alcohol would be a separate application to come back to this board for a particular use.

Mr. Jay Melder, The specific question is, would alcohol use at this zoning district require a special-use permit allowing alcohol?

Mr. Edward Morrow, That would be a separate use, yes.

Mr. Jay Melder, That would be, and it would require a special use permit to come back?

Mr. Edward Morrow, Yes. It would be an application for a different use of some sort. The present use does not involve the sale of alcohol, restaurant use, anything of that nature.

Mr. Jay Melder, This special-use request is not seeking the allowance for alcohol.

Mr. Edward Morrow, That has not been discussed with staff. That is not what the petition is for.

Mr. Jay Melder, Okay.

Ms. Traci Amick, Can we add that as one of the circumstances of approval is not allowing alcohol?

Mr. Jay Melder, Sure. I think that's why I was asking the question. This isn't currently in an alcohol density overlay and anybody seeking an alcohol permit would have to go through the alcohol licensing requirement, which includes a city council hearing and vote on that.

I was just specifically asking if for this zoning district, the service of alcohol, are they required to get a special-use permit in addition to an alcohol license? And your answer is yes.

Mr. Edward Morrow, Yes.

Mr. Jay Melder, This special-use permit does not ask for alcohol. Therefore, if the Petitioner did want to come back to seek alcohol, not only would they have to come back to the MPC and city council with a special use permit, but they'd also have to go through the alcohol licensing process.

What I wanted to be clear about is that this special use permit does not ask for alcohol, and a special use permit would have to be one.

Mr. Edward Morrow, That's correct.

Mr. Dwayne Stephens, Anything else for staff? Thank you, Mr. Morrow. We're now hearing from the Petitioner. Please state your name for the record and you have 20 minutes if needed.

Mr. Andre Gasser, Good afternoon. My name's Andre Gasser. I'm the owner of Eco-Friendly Contracting. I currently own the building. What he was saying was, that we will be the neighbors to this new venue. The venue will mainly be for real estate purposes. We do a lot of real estate, venues, home buyers, and first-time home buyers' meetings.

Of course, there'll be some association with the neighborhood who will be able to utilize the building. They'll be able to have birthday parties or baby showers or some community events also. It'll be associated where everybody can utilize this facility.

We're proposing as far as security, it'll have a lot of security as far as camera use just to maintain the property. We maintain a safe environment. I have been there for five plus years now. People don't even know that we're in that building, because we keep it pretty settled there. That's how I intend to use for the venue also, keep it pretty much a settled event.

I also have some letters and signatures from my immediate neighbors, that's the neighbors that's actually adjacent to my property, who's buffering my property, who are okay with the concept of a venue being put there too.

Mr. Dwayne Stephens, You could give it to staff if you like. Anything else, Mr. Gasser?

Mr. Andre Gasser, That's it from me.

Mr. Dwayne Stephens, All right, any questions for the Petitioner?

Mr. Wayne Noha, You're saying you do not intend to have alcohol on premises currently?

Mr. Andre Gasser, Not at this time. I wouldn't say I'm never going to actually apply for alcohol license, but this time, no, we're just trying to get it done because it's already operational. The only thing I do is basically just open the doors. Just like you said, we don't have to do any construction. We don't have to do anything. It's already zoned for a business license.

Mr. Wayne Noha, I think the dance floor is what threw it off for me. It seemed more of a party event.

Mr. Andre Gasser, That's just a conception.

Mr. Wayne Noha, That's why I want to hear it from your mouth.

Mr. Andre Gasser, It moves, so it's not the same type of space every time, every day.

Mr. Wayne Noha, Got you. Thank you.

Mr. Dwayne Stephens, Ms. Bowles?

Ms. Lauren Boles, This is for the Petitioner, so you heard the recommendations for the event hours, Are you amenable?

Mr. Andre Gasser, I'm in agreeance with that. That's no problem.

Mr. Dwayne Stephens, Anything else for the Petitioner? All right, thank you Mr. Gasser. We'll give you an opportunity to come back up once we take public comment. Valeria Reynolds Darby, please state your name for the records and you have three minutes.

Ms. Darby, Good afternoon, Valeria Reynolds Darby.

Mr. Dwayne Stephens, My apologies.

Ms. Darby, I'm concerned because in that area it is only one street and that's Staley Avenue. Staley Avenue is busy as it is. If you're going to convert a building into an event space or whatever, how will that affect the neighborhood? How will that affect the traffic on Staley Avenue? I don't know how the residents feel, but I'm somebody who lives by Staley, and I'm concerned about too much traffic as it is, and this adding to the traffic that is already too much. Thank you.

Mr. Dwayne Stephens, Thank you. It does not appear to me that I have any further public comments. So, Mr. Gadsden, if you would like, you can respond, or you're not required to.

Mr. Gadsden, What she's saying about the traffic--

Mr. Dwayne Stephens, Do me a favor, state your name for the record.

Mr. Andre Gadsden, This is Andre Gadsden.

Mr. Dwayne Stephens, Thank you.

Mr. Gadsden, This building has already been in operation as a church for many years. Of course, they don't have constant traffic. They've got peak hours, just like any other church. It's mainly Sundays and I think Wednesdays for Bible study. The event space will be the same concept. It's not an everyday operational business. You might have one or two events a month, if that, or maybe more, but it's not an eight-to-five venue space that will be open every day of the month, as far as traffic. I don't think it'll have an immediate effect on the traffic.

Mr. Dwayne Stephens, Thank you, sir. All right. We'll go into entertain a motion. I just want to state for the record, there are a couple of letters that were received from neighboring properties. One in particular is from Growing and Grace. That is, again, a letter of opposition to his own request. Just wanted to make sure that that was captured for the record. Mr. Morrow, would you please make the recommendation again so the board can reference it?

Mr. Woiwode, Mr. Chair, I have a motion to approve staff's recommendation with stated conditions.

Ms. Lauren Boles, Second.

Mr. Dwayne Stephens, Put your mic down. We got a motion on the floor made by Mr. Wildwood and seconded by Ms. Bowles to approve staff's recommendations. Any discussion on that motion?

Mr. Woiwode, Did you say on condition?

Mr. Dwayne Stephens, Yes.

Speaker 2, Would be stated staff conditions and they approve.

Mr. Gadsden, Sorry.

Motion

Approval of the requested Special Use with conditions

Vote Results (Approved)

Motion: Tom Woiwode

Second: Laureen Boles

Joseph Ervin	- Not Present
Tom Woiwode	- Aye
Travis Coles	- Not Present
Joseph Welch	- Aye
Shedrick Coleman	- Not Present
Karen Jarrett	- Aye
Dwayne Stephens	- Aye
Wayne Noha	- Aye
Jeff Notrica	- Aye
Laureen Boles	- Aye
Elizabeth Epstein	- Aye
Jay Melder	- Aye
Michael Kaigler	- Not Present
Traci Amick	- Aye

[7. Text Amendment | Zoning Ordinance - Article 7, Section 13, 1-6, Hotel Development Overlay District](#)

📎 [23-003464-ZA Staff Report.pdf](#)

📎 [MPC Joint letter.pdf](#)

Mr. Dwayne Stephens, That's a vote yes. My motion carries and the project is approved with conditions. I will move to the next item on the agenda. We'll do this similarly to what we did in the previous meeting. For those that weren't here, we had a similar situation where there's a text amendment and a map amendment that is essentially tied together. We'll hear them the same way and we'll vote separately for each of those items. Those items are number seven, the text amendment of zoning Ordinance, Article 7, Section 13, 1-6, I should say, Hotel Development Overlay District. Then item Number 8, in association with that text amendment, a map amendment for zoning Ordinance, Article 7, Section 13, Hotel Development Overlay District. Mr. Morrow, you have it.

Mr. Edward Morrow, Thank you, Mr. Chairman, members of the board. The present request is similar to those discussed earlier. It's a proposed text and associated map amendment to Article 7, Section 7.13 of the Hotel Development Overlay District. This one in particular is associated but in relation to the Cuyler Brownville neighborhood. It does also incorporate the earlier language. The proposed text that you see in the staff report is to make specific reference to the Cuyler Brownville neighborhood. It does also incorporate the earlier language to include both the Victorian and Streetcar Historic neighborhood overlay districts.

The amendments in 7.13.1 include the name of the district. It also establishes the differentiation between large and small hotels. Large hotels had 75 guest rooms or more, small hotels being 16 to 74. These are the establishments that are within the scope of the overlay. 7.13.2 explains the relationship to this particular overlay which establishes that this will determine whether a hotel's use as previously described shall be

permitted. 7.13.3 is to amend the text to include the boundaries of Cuyler Brownville as well as Victorian and Streetcar Historic Overlay Districts. 7.13.5 states the hotel use conditions and makes specific reference to existing buildings that are on the contributing resources map within the requested districts to be added. Then that actually is the end of the amended text.

Again, just to provide some background for those who may not have caught the first meeting, the hotel development overlay was a feature of Savannah's NewZO. The purpose was to direct hotel development toward places where it is most appropriate. It has a couple of foundational mechanisms that it uses for that. First, it uses a series of color coding. It will indicate an area or geography of town with either green, yellow, or a pink color in order to indicate whether or not a small hotel, a large hotel, or no hotels are permitted. In association with that, it identifies particular corridors that are established actually in a different section of the Ordinance as to their classification. It states that only those thoroughfares that have the appropriate classification as either an arterial or a collector have the ability to handle these uses.

Again, the interest was in preserving the downtown historic district. Now the interest of the Petitioner is to extend this same protection to the Victorian Streetcar and Cuyler Brownville districts. The particular submission, as you can see here on the staff report, all of the newly submitted areas are pink, indicating that no new hotels are proposed to be allowed within these areas, and also no thoroughfares for the appropriate frontage of siting a hotel have been identified. Those are the primary mechanisms by which the HDO regulates location of a hotel.

Ideally, if you have a green location that has red frontage, a large hotel would be appropriate. If you have a yellow area with red frontage, that would mean that a small hotel is appropriate in that area. Again, the effect of the present request would be that no new hotels would be allowed within the areas where this is to be adopted. Section 3.7.7 of Savannah Zoning Ordinances establishes four evaluation criteria for evaluating text amendments. In applying those, the first one being consistency. Staff did determine that there was a potential conflict in the extension of this particular overlay without utilizing all of its mechanisms for regulation, those being identification of areas that were appropriate and also identification of appropriate thoroughfares.

The second one being new or changing circumstances. Staff agreed that this was an attempt to respond to new and changing circumstances specifically with regard to the real estate market. There's an interest in ensuring that there is not large development that is inconsistent with the development patterns and the character of these longstanding historic districts that are actually protected by other sections of our Ordinance. It is consistent in that regard that this is an attempt to protect those districts by prohibiting in particular hotel development or those establishments that have 16 or greater guest rooms.

The third one, error or inappropriate standard. The requested amendment to the zoning Ordinance does not correct any error in the zoning Ordinance. Finally, compliance with higher law. Staff found that there was no purpose for this particular text amendment with regard to bringing the zoning Ordinance into conformity with higher levels of law. We looked at the districts and applied some cursory analysis just to understand who it is that we were impacting with this because the application of this overlay would be akin to a rezoning. There are some property owners whose rights would immediately be impacted. In particular, those in the TC1 and TC2 zoning district, which stands for traditional commercial, those would be the first properties that could come before this board, and ultimately the Savannah City Council requesting a special use permit in order to establish a hotel use. In notifying all of the effective property owners, we notified everyone who had a property zone TC1 or TC2 within each of these zoning districts in order to let them know that this particular proposal was under review at the NPC.

I misspoke earlier. There were 2,911 parcels total that were affected in the previous two zoning districts. Unfortunately, I do not have the statistics for Cuyler Brownville but almost 3,000 parcels were impacted. Because of the impact on these property owners, we felt it appropriate that MPC staff would recommend a continuance so that we could have additional community education and property owners could be duly notified.

The other issue that staff found was that typically an overlay is adopted in association with a community plan of some sort. In this particular instance, we found that the proposed policy would have the effect of a moratorium on hotel development rather than being the product of some community-based planning process that gave everybody the opportunity to determine where they felt that hotel development would be appropriate within their community, and generally give a voice to the future of their neighborhood. For those reasons, staff recommends continuance of the request in order to allow additional public notice and review. That concludes staff review.

Mr. Dwayne Stephens, Thank you, Mr. Morrow. Any questions for staff? I'm assuming that the same Petitioner, if I'm not mistaken, submitted this, correct?

Mr. Edward Morrow, No. Actually, the Petitioner was with the Cuyler Brownville Neighborhood Association.

Mr. Dwayne Stephens, They did separately submit. Is a Petitioner present and wishes to speak? Now, it is a likelihood that they were in for the earlier portion and probably anticipating the same result. With that being said, we'll go ahead and allow for public comment. We'll start with Austin Hill. Please state your name for the record and you have three minutes, sir.

Mr. Austin Hill, Yes sir. I'm Austin Hill and I'm the chair of the Board of Trustees for the Historic Savannah Foundation. We are currently developing affordable housing in the Cuyler Brownville neighborhood. We are a stakeholder and a property owner in the neighborhood. We would ask that we respect staff's decision that this be continued so that we can further develop a plan with other neighborhoods that are also affected. Thank you.

Mr. Dwayne Stephens, Thank you, sir. Yvonne Beavers.

Ms. Yvonne Beavers, My name is Yvonne Beavers, and I am a business owner in the Cuyler Brownville area. I am in agreement with the continuance. We will be notified and informed.

Mr. Dwayne Stephens, Thank you.

Ms. Yvonne Beavers, All right. Thank you.

Mr. Dwayne Stephens, I'm going to get it right this time. Valeria Reynolds Darby.

Ms. Valerie Darby, Thank you. Not at this time.

Motion

Motion for Continuance of the request to amend Section 7.13, Hotel Development Overlay District, to allow additional public notice and review.

Vote Results (Approved)

Motion: Karen Jarrett

Second: Laureen Boles

Joseph Ervin	- Not Present
Tom Woiwode	- Aye
Travis Coles	- Not Present
Joseph Welch	- Aye
Shedrick Coleman	- Not Present
Karen Jarrett	- Aye
Dwayne Stephens	- Aye
Wayne Noha	- Aye
Jeff Notrica	- Aye
Laureen Boles	- Aye
Elizabeth Epstein	- Aye
Jay Melder	- Aye
Michael Kaigler	- Not Present
Traci Amick	- Aye

📎 [23-003465-ZA HDO Expansion Boundary .pdf](#)

📎 [CB HDO Oposition.pdf](#)

📎 [23-003465-ZA Staff Report.pdf](#)

📎 [Opposition to Hotel Overlay proposal..pdf](#)

📎 [Letters of Suport Hotel Overlay.pdf](#)

Mr. Dwayne Stephens, That's a vote yes. My motion carries and the project is approved with conditions. I will move to the next item on the agenda. We'll do this similarly to what we did in the previous meeting. For those that weren't here, we had a similar situation where there's a text amendment and a map amendment that is essentially tied together. We'll hear them the same way and we'll vote separately for each of those items. Those items are number seven, the text amendment of zoning Ordinance, Article 7, Section 13, 1-6, I should say, Hotel Development Overlay District. Then item Number 8, in association with that text amendment, a map amendment for zoning Ordinance, Article 7, Section 13, Hotel Development Overlay District. Mr. Morrow, you have it.

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Again, just to provide some background for those who may not have caught the first meeting, the hotel development overlay was a feature of Savannah's NewZO. The purpose was to direct hotel development toward places where it is most appropriate. It has a couple of foundational mechanisms that it uses for that. First, it uses a series of color coding. It will indicate an area or geography of town with either green, yellow, or a pink color in order to indicate whether or not a small hotel, a large hotel, or no hotels are permitted. In association with that, it identifies particular corridors that are established actually in a different section of the Ordinance as to their classification. It states that only those thoroughfares that have the appropriate classification as either an arterial or a collector have the ability to handle these uses.

Again, the interest was in preserving the downtown historic district. Now the interest of the Petitioner is to extend this same protection to the Victorian Streetcar and Cuyler Brownville districts. The particular submission, as you can see here on the staff report, all of the newly submitted areas are pink, indicating that no new hotels are proposed to be allowed within these areas, and also no thoroughfares for the appropriate frontage of siting a hotel have been identified. Those are the primary mechanisms by which the HDO regulates location of a hotel.

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Mr. Dwayne Stephens, Thank you, Mr. Morrow. Any questions for staff? I'm assuming that the same Petitioner, if I'm not mistaken, submitted this, correct?

Mr. Edward Morrow, No. Actually, the Petitioner was with the Cuyler Brownville Neighborhood Association.

Mr. Dwayne Stephens, They did separately submit. Is a Petitioner present and wishes to speak? Now, it is a likelihood that they were in for the earlier portion and probably anticipating the same result. With that being said, we'll go ahead and allow for public comment. We'll start with Austin Hill. Please state your name for the record and you have three minutes, sir.

Mr. Austin Hill, Yes sir. I'm Austin Hill and I'm the chair of the Board of Trustees for the Historic Savannah Foundation. We are currently developing affordable housing in the Cuyler Brownville neighborhood. We are a stakeholder and a property owner in the neighborhood. We would ask that we respect staff's decision that this be continued so that we can further develop a plan with other neighborhoods that are also affected. Thank you.

Mr. Dwayne Stephens, Thank you, sir. Yvonne Beavers.

Ms. Yvonne Beavers, My name is Yvonne Beavers, and I am a business owner in the Cuyler Brownville area. I am in agreement with the continuance. We will be notified and informed.

Mr. Dwayne Stephens, Thank you.

Ms. Yvonne Beavers, All right. Thank you.

Mr. Dwayne Stephens, I'm going to get it right this time. Valeria Reynolds Darby.

Ms. Valerie Darby, Thank you. Not at this time.

Mr. Dwayne Stephens All right. Thank you. All right. That concludes public comment. The petition is not present to respond to it, so we'll entertain a motion.

Motion

Motion for Continuance of the request to amend Section 7.13, Hotel Development Overlay District, to allow

additional public notice and review.

Vote Results (Approved)

Motion: Karen Jarrett

Second: Tom Woiwode

Joseph Ervin	- Not Present
Tom Woiwode	- Aye
Travis Coles	- Not Present
Joseph Welch	- Aye
Shedrick Coleman	- Not Present
Karen Jarrett	- Aye
Dwayne Stephens	- Aye
Wayne Noha	- Aye
Jeff Notrica	- Aye
Laureen Boles	- Aye
Elizabeth Epstein	- Aye
Jay Melder	- Aye
Michael Kaigler	- Not Present
Traci Amick	- Aye

[9. Comprehensive Plan Future Land Use Map \(FLUM\) Review | In vicinity of 343 Buckhalter Road](#)

- 📎 [Application.pdf](#)
- 📎 [Letter-Deny the permit.pdf](#)
- 📎 [Letters of Support for the request.pdf](#)
- 📎 [Letters of Opposition for zoning change.pdf](#)
- 📎 [Amended Buckhalter Map.png](#)
- 📎 [Staff Report.pdf](#)
- 📎 [letters of opposition.pdf](#)

Mr. Dwayne Stephens, Let's keep rolling. All right. Before we dive into this one, we know this is a big one. We know that the community has come out in a commanding presence. With that, for the sake of moving this thing along, I fully endorse and I'm a huge proponent of this level of participation in these processes, active community is always for the benefit of the entire community. Therefore, as you submit your speaker cards, we're going to have to really monitor and manage how many people speak. As the presentations are being made, if you all would curtail your presentations and try to make it as concise as possible, that would be greatly appreciated. Additionally, if someone that goes before you says exactly what you want to say, please don't come up and say the exact same thing. Allow for that to be your peace. We would greatly appreciate it. I'm sure everybody else that is here on behalf of the petition and/or just spectators for the sake of joining the process would love for the process to be swift and accurate and be able to go home and start your evening. If you would, please honor those few things for me, that would be greatly appreciated. Another thing, just for the sake of order, we know that this is a hot item. If you would, please if you hear something that you like, don't celebrate. If you hear something that you don't like, don't moan and groan out loud. It's just going to be a disruption and we want to minimize those types of things. If that becomes an issue, I will be forced to ask you to remove yourself just so we can afford everybody the opportunity for their record to be recorded accurately and so people that can know and understand exactly what's happening with the developments of this petition. If you all would please participate and cooperate with those requests, that'd

be greatly appreciated.

A point was just made to me that there are several individuals attempting to yield their time. It's still going to end up being a ton of time. I'm going to try my best to manage all of these donations of time as best I can. However, I cannot promise that and honor everybody's yielding of time to your neighbor. They can speak for 15 minutes instead of you doing it for three and likewise for your other neighbors. Just please be respectful of the process and trying to communicate as concisely as possible. I know there are a lot of concerns. I know there are a lot of positions and feelings towards these things and I completely respect that, but we still want to be judicious with the time and manage this thing appropriately.

Again, I'll go ahead and introduce the petition and then we'll get this underway. This is the petition for a Comprehensive Plan Future Land Use Map Review in the vicinity of 343 Buck Halter Road.

Mr. Wayne Noha, Chairman.

Mr. Dwayne Stephens, Yes, sir.

Mr. Wayne Noha, Point of order. Can someone explain why we are back here today discussing something that has already been voted on before we start? I think it would need a motion before any discussion is made to reconsider. That's my personal opinion and I'd like a legal opinion if that's okay.

Mr. Dwayne Stephens, Mr. Staff, did you?

Mr. Morrow, Mr. Chairman, members of the board, the present request is actually a request on behalf of the Petitioner in the previous request to review the future land use map. The future land use map requires consistency in the city of Savannah in order to grant zoning. As I was going to start by going back to the previous staff report, in order to pick up some points that staff made, just to set the tone for moving forward. Again, this is not a revision or a re-evaluation of what was previously requested. This is a separate petition that is required in order to bring the future land use map into consistency so that this board may grant zoning to it.

In the previous matter, staff recommended denial of the request to rezone from RACO to light industrial. RACO being residential agricultural in the county to light industrial. The first condition was that the applicant applied for an amendment to the comprehensive plan prior to moving this agenda item to the city council for final approval. As a point of clarification, the city's zoning Ordinance requires that the future land use map be one of a very particular set of designations before zoning is granted to that particular parcel.

The future land use map in order to rezone a parcel from traditional neighborhood to say, regular business. You would need the future land use map to correspond anticipating that there were going to be some degree of intensity. Of course, a traditional residential designation anticipates in essence, a lower density residential use. Whereas business districts or commercial districts permit a variety of uses. They may be higher intensity residential uses, or they may be commercial uses in and of themselves.

In essence, these two maps have to be in alignment before zoning is granted. This is an effort to go back to what should have been first. That was the recommendation. The recommendation of denial and the condition that this board evaluate a request to amend the comprehensive plan. That is what is an issue being discussed right now.

Also, just to address some misconceptions that seem to be circulated. In reviewing the staff report that was made available online under impact and suitability. Under comprehensive plan land use element, the Chatham County, Savannah comprehensive plan future land use map, designates the subject property as residential suburban single-family. The proposed light industrial zoning district is not compatible with the residential suburban single-family land use designation. That's a direct quote from the previous staff report.

Moving forward to page seven. The rezoning of these parcels would adversely affect the existing surrounding single-family neighborhood. A significant buffer would be required from the residential properties that the subject parcels are adjacent to. Again, another excerpt directly from the staff report just to show that staff has remained consistent on this particular matter. Finally, MPC comments here under the coordinates criteria.

The proposed parcels being requested for rezoning to light industrial, are not in conformity with the policy and intent of the comprehensive plans residential suburban single-family land use designation. The proposed use would be for warehousing and light industrial. Staff recommends the applicant apply for comp plan amendment for the subject process. Again, all of these things are taken directly from the staff report regarding the previous action. I'm now moving into the current request.

Just to give some background, the comprehensive planning process is something that Georgia jurisdictions undertake every five years more or less. For the purpose of remaining in compliance with qualified local government status. There are a number of things that the Department of Community Affairs, typically financial money. CBG and other financial incentives that the Department of Community Affairs offers to local governments if they plan, in essence.

Local governments are incentivized to undertake planning efforts for the purpose of getting those funds.

There are a number of other groups that will find our plans if they're attempting to protect or promote environmental concerns, promote walking and health-related initiatives, things of that nature. Planning itself, a lot of times if there are folks who have funds available, if they see that you plan and you're able to produce a plan, they will give you funding in order to build out your plan. Where say, a local government might not have in its budget, or it might be just a nice incentive that you've planned and someone else is willing to support the development of your community because they believe in the cause that you're planning for.

QLG status is the primary concern. Any Georgia jurisdiction that exercises zoning or something similar, is required to produce a land-use element within its co-plan. What this is going to do is tell folks how it is that you're going to use that tool in order to shape the built environment within your jurisdiction. That is the purpose of planning.

The Character Area Map is the best tool I've seen. It is the one that we use for the purpose of painting this picture of what it is that our community is going to look like. The functional aspect of the Character Area Map is the future land use map. The Character Area Map personally is a practicing plan. I think it's great to speak with community people who do other things to talk about the look and feel of a community. When we talk about character, we're saying, is this a family area, where we're going to walk and we're going to enjoy quiet evenings at home or is this a place that is described as an activity center where we're going to do our shopping, or where we're going to put industry or commerce or things of that nature? These different character areas are plain language ways that we describe the look and feel of our environments. The actual functional implementation of that is reflected in our future land use. It's the future land use map, those particular designations that have to correspond in order to get zoning. The two of those things work hand in hand.

If you don't remember the plan 2040 process, this is just a great cue to look out for it when it comes back around. You're going to see things advertised online. If you're wondering, "Why is it these people are blowing me up? Trying to get me to fill out surveys. Trying to understand what it is that I want my community to look like?"

This is where this matters, because at that point, there's going to be a future land use map that is adopted. That's going to put colors on your property and say something about what your community sees as the future of your land. It is at that point that citizens are encouraged to intervene. If you've ever wondered, that's where that comes from. That's when that is decided.

In any event, these designations are intended to be fluid. They are not intended to be zoning. We have zoning for that purpose, but we bring the future land use map to venues such as these where we consider parcel by parcel rezonings. We attempt to use this policy document in order to shape the outcome of any given individual zoning decision. How is it that we decide that this particular parcel needs to go from being residential agricultural to light industrial? Well, let's look at what the character area says. Let's look at what the future land use map says. Do we need to amend these things? This is a step that probably should have occurred before, but we're here now, we're going to work through it.

In the staff report I included a picture of the map just for everyone here. If you haven't seen plan 2040, you can see they're all of these pretty colors and each one of them paints a picture of what that corresponding area is supposed to look like. Also, there is the future land use map. They look slightly different, but again, they are intended to work in conjunction with one another and to inform our processes such as this one right here.

The specific request was for the rezoning of 10 parcels that total 52.86 acres. That's the actual request that we're considering. We went back and we looked at the future land use surrounding those particular parcels, in light of what had happened to the Buckhalter truck. It's unfortunate that that was the case. I can say one of the very first things that I did when I got here about two and a half months ago was, I went and I looked at all zoning maps The Buckhalter truck was a manufacturing truck, dating back to the '60s. If you bought a parcel adjoining Buckhalter from 1970 onward, if you had looked at the zoning map you would have seen that right next to you was a manufacturing truck. That's probably an unpopular opinion, but that's an app that we have here. They're very interesting. I encourage people to come and look at them. It's great to understand the trajectory of the growth of your neighborhood. That's one of those things that right now I think people understand would have been helpful. In any event, in light of the fact that the developers at Buckhalter have gone and pulled permits and have actually constructed industrial use within earshot of residents that are nearby, we went back and, in an effort, to understand how we create a positive path moving forward? We looked at the future land use map to come up with some sort of a solution, right? To figure out how it is that in spite of what's happened, we can sort of correct the course and put in place a policy document that is a better guide to moving forward.

That's what you see right here in front of you. I'll get to the specifics of it in just a second. Anyway, that was the 10 parcels that were requested, and they total about 52 acres, and they are right next to this Buckhalter truck that I want to say, is it a thousand-acre industrial park, right? You've put these 10 parcels

right next to this massive manufacturing truck, and unfortunately there was no buffering. I bring that up for a reason, because at this point, we're discussing lessons learned. That's really what this is about. When we look at those character areas, we chose character areas that we felt like would be appropriate in order to kind of reshape the development of this particular area.

The result that you see here is that we assigned a future land use of light industrial. It is intended to be a buffer between the industrial uses to the south and the front parcels that are adjoining Buckhalter Road. You've got an 800-foot buffer that would extend from the adjoining Buckhalter truck up, and then from those 800 feet to Buckhalter Road, you would have residential general use. Residential general in referring to Plan 2040 is a future land use designation that anticipates a full range of residential uses. They are multifamily, they're attached single family, detached single family. It is any of those things, and it has an associated density of 10 units in excess of 10 units per gross acre.

Next to this light industrial future land use area, the idea is that you are going to create something that is multifamily that's probably a bit more suited to sit next to the type of things that are going to be going on in that industrial truck. Because the existing single family uses, it's probably not a very pleasant place to live. We have left in place the PD that was across the street as well as the residential suburban single family that is also on the north side. There's a small portion that we also recommended be switched to residential general. Again, this is in the interest of kind of balancing a number of factors that have come into play after the fact. It does represent a compromise. It is not ideal.

This board will also see very soon another petition coming up where you will see a rezoning run concurrently with the future land use map amendment, which under the best of circumstances I think that's probably how these things go, right? We don't want to do them after the fact. Again, these things represent a compromise in an effort to put something in place that will leave some value for those that are affected on both sides and hopefully preserve the character of the community that's in place along Buckhalter Road. I will leave out the extensive descriptions.

I will throw in the residential suburban single family future land use is an area that anticipates detached single-family development, if you're wondering. That particular one has the lowest of all proposed densities. In the future, we can't say exactly what that would look like, but the expectation is that it would have an associated density of somewhere in the range of 5 units per acre, maybe a little bit less. Each one of these things is just sort of a general vision of what these particular areas would look like. I also throw out the residential general future land use kind of contemplates that there would be some associated neighborhood scale uses.

You might see some non-residential things in there, you might see a convenience store, you might see dry cleaners and other small convenience things that you don't mind having around your house because they make things easier. Those higher density residential general fluent categories anticipate a variety of things. What it's indicating is that this is a neighborhood scale area, it is not single family detached in particular. There's an associated density with it. The Savannah Zoning Ordinance does not specify criteria but in looking at a number of zoning Ordinances, I came up with four criteria that are used by other jurisdictions within the state.

I wrote about those in hopes that they would help you put this in proper context in understanding why this amendment is necessary and also to keep it in mind for future amendments to the future land use plan. The first of those is the relationship of the proposed amendment to the existing and future land use is depicted in the future land use map. The suburban residential character area anticipates, again, a relatively low-density residential development, not to exceed 5 units per acre. The proposed rezoning would permit the development of warehouses, outdoor storage yards, large scale commercial uses in manufacturing, all of which are inconsistent with the predominant character in this area.

Again, this is an after-the-fact conversation, but beforehand we can see that these two are squarely inconsistent, and in keeping with staff's original recommendation. Number two, the relationship of the proposed amendment to any applicable goals, objectives, policies, criteria, and standards adopted in the conference plan. Again, these documents, the flume and the character area map, these things should be regarded as persuasive. Just like in any legal situation they're going to look for similar cases that are going, going to be regarded as persuasive. I would describe these maps as being similar. They should be persuasive. Though you're going to see some variation between what actually plays out because of economic circumstances, because of environmental circumstances, they are going to fluctuate, but more or less, it's a picture that is anticipating a residential use, it's anticipating a commercial use of some sort. It's telling you there's going to be increased density or things of that nature. It's painting a very vague picture of what a future area might look like.

To date, no evidence really suggests that there's been significant changes short of those things that are happening to the south on the Buckhalter truck. There's been nothing that really suggests that the character of the Buckhalter Road area has changed, except for the things that are going on there. Chances are removal of that transition zone would have the effect of creating an environment that is

unsuitable for single family residential use. In looking at the third criteria, other professional planning principles, standards, information, and more detailed plans and studies, this is a place where I think we could really get the most out of this particular evaluation. This is a situation where the proposed development revealed to Savannah that our buffering standards between certain uses are woefully inadequate. There was a 40-foot buffer that was left between these single-family residences and these warehouses.

This is an opportunity where perhaps this board can look at this situation and say, perhaps we want to consider something like proportional buffers. If you have a development that happens to be a thousand acres of manufacturing, you want to have some proportional response rather than saying a fixed 40 feet, which is appropriate for maybe a 30, 50 or a 100,000 square foot warehouse but, for the million square feet warehouses that we're getting now, which were likely unanticipated at the time of writing of this Ordinance. We need something that's a little bit more robust in order to protect those.

I think this is probably the biggest benefit that we can get from what's happening right now. How is it that the MPC can now respond and adopt policies that protect residents? Also, things like overlays, which we've discussed at length today, industrial overlays that sort of develop character and keep these things in the places where we want them. That's another one of our tools that we would use in this type of context.

The fourth criteria are written comments, evidence and testimony of the public. As you can see, we have had a very strong response from both sides with regards to this. In the initial meeting, I noted at that time there were 86 individuals who appeared at the meeting held on June 5th who were in opposition, and there were approximately 10 that day who voiced support for it. By now you have a pretty strong gauge of how the community feels about what it is perhaps that should or should not happen here, but ultimately that decision lies with you. That is staff's evaluation on this particular revision. I'm happy to answer any questions that you have.

Mr. Dwayne Stephens, Would you do me and the public a solid just to make sure that we are extra clear on what exactly we are, we will be making a determination today. Would you just state it for the record for me?

Mr. Edward Morrow, Absolutely, Mr. Chairman. What you see in front of you is a revision to particular parcels on the future land use map. This amendment to the future land use map is not a rezoning. Again, this is an amendment of a policy document that we use in making future decisions. At the point that we are going about making the decision to rezone land, we are consulting these documents in order to say what is it that through our established community processes, we decided the community said they wanted this neighborhood to look like? We're just going in light of everything that we've heard and everything that has transpired and saying, what can we do to fix the map so that in the future we are better guided by our policy documents as to what it's that should occur? It is just an amendment to the future land use map and not a rezoning. However, I can say that again, referring back to the Ordinance, Savannah Zoning Ordinance has a specific time where zoning is associated with the future land use category. In the absence of a particular future land use category, technically the property cannot be rezoned. In order for certain zoning to take place, this particular document must reflect consistency with that.

Mr. Dwayne Stephens, That's helpful. Thank you for that clarification. I hope that helps everybody understand what their position is, everybody understand what you've checked off to, again, repeat your position. I just wanted to make sure that everybody was clear. As we move forward, and as for the board as well, make sure as we move forward, we know exactly what we are making a determination on today. Question for staff. Ms. Amick?

Ms. Traci Amick, Yes. I've done a lot of research and I just want to make sure I'm understanding what is in front of you right here. The original lots, the first 10 on the left side, are right below them light industrial. Isn't that already Rockingham Farms?

Mr. Edward Morrow, It is not. Rockingham Farms is in a different spot.

Ms. Traci Amick, You're taking 10 lots and basically dividing them in half, suggesting that?

Mr. Edward Morrow, Well, and this is describing a character. This is not a zoning, it's not a split zoning. It's a character. The idea is that this light industrial area would buffer from the things that are happening. You're going to have residential use that would be permitted with this 800-foot buffer. Again, this is pointing to a character. This is not even necessarily determining a particular set of uses. This is just saying the idea here is that this is going to be a light industrial, which the comprehensive plan is going to point to a prescribed set of things that are appropriate here. We're saying that this is the character of this area.

Ms. Traci Amick, Easing in from industrial heavy industrial. The people who own these 10 lots, when they get that offer to sell, is the purchaser getting all of that land?

Mr. Edward Morrow, Say the purchaser were to get all of these parcels here, they would own all of the land. What these colors indicate is what is appropriate for each section of land. Residential uses of

varying degrees in excess of 10 units per acre would be appropriate in this area. Those uses described under light industrial character area in the comp. plan would be appropriate here.

Ms. Traci Amick, This is not giving the Petitioner what they want as they have previously asked for?

Mr. Edward Morrow, It is not, this is a pure staff evaluation based on planning principles and practice.

Mr. Dwayne Stephens, This is just an update of the tool. This is an update of the tool. Mr. Welch.

Mr. Joseph Welch, How does this affect our last vote when we vote seven to four in approval? How do we come up with this map now, when off road itself could be a buffer? I want to be explained how this came about this map. I'll say this, you made a statement a minute ago that maybe I heard you wrong, correct me, I can be corrected, but the previous staff made an error or previous staff's mistake. Did I hear that wrong?

Mr. Edward Morrow, No, I'd say it was a procedural thing that should have come up. I'm not going to point out to staff that I'm sure interestingly, the staff report does reflect the correct process. That much I can say, I wasn't here at the time.

Mr. Joseph Welch, I know you weren't, but we voted on this, and we passed this, and I feel we're starting all over again. Going back to zero when people have been waiting years for just phase one to move forward, and we're back here again. We took three steps forward and we've taken eight back.

Ms. Laureen Boles, Mr. Welch, if I may, what should have happened is that the flume should have been done first before the rezoning. The flume actually should have been amended first. That should have been the process and that's what the code says, is that amendment should come before the rezoning.

Mr. Dwayne Stephens, Mr. Noah.

Mr. Wayne Noha, Chair, I wouldn't disagree with you, but this is after the facts. So maybe it should match what the vote was.

Mr. Joseph Welch, Yes, it should. These people have been waiting years and to tell them we should have, yes, we should have. They're owed an explanation. I'm sorry. That's how they feel about it. There's some people who put their lives on the back burner for this project who are counting on this project. These are people of age 70 and older who have lived there for a long time. They don't deserve this. They do not deserve to be treated like this.

Mr. Edward Morrow, What I can say is, the zoning Ordinance requires that the future land use designation be consistent to grant the vote, inconsistent with the future land use map would be in contravention of the Ordinance. I don't know how to say it more plainly.

Ms. Laureen Boles, I believe that what we did was we voted contingent on the future land use map study.

Mr. Dwayne Stephens, I don't recall specifically, unfortunately, the person that made the motion is not present, Mr. Ervin. We would have to check minutes to confirm that that is indeed the intent, because I think the question was asked, is that the intent of the motion? I apologize that I don't recall immediately, but we may need to refer to such. We'll catch some more of the board discussion. Mr. Melder.

Mr. Jay Melder, Thank you chair. I think staff should be able to pick up exactly what those conditions were and that one of those conditions was that we consider a future land use map. Mr. Morrow, appreciate your staff work and prior staff work on this. My comments are going to be pretty sympathetic to my colleagues and similar to comments I've made about this project before. I agree with you that the procedure and the process that we moved along has caused a tremendous amount of angst, opportunities for misinformation, opportunities for rife and strife in the process where we could have avoided that by being able to set forward the right process at the beginning of the petition.

I wish that this map that is being shown on the screen could zoom out because even though right now we're taking up an issue of a larger more abstract planning document than specific zoning, it is in relation to a specific zoning and to a specific project and to particulars that exist in our community today that we have to create a solution for because there's a problem. I think that the reason this is a pretty important project and why we see a lot of engagement is because it's symbolic of some things that are happening in our community that we have to get our head around. How do we balance the industrial and commercial growth that put pressure on our area, which is on the whole a good thing?

We want that economic opportunity, but how do we balance that with making sure that we have livable, healthy, sustainable communities for people to live in? That's the whole purpose. I think that we've got sides where folks want to see their community remain agriculture or remain green and less dense and that's all well and good. Then we have residents who that opportunity was taken away from them or never existed because it was a prior manufacturing site that was rezoned for a larger manufacturing site, and now their properties back up to a pretty significant commercial and industrial property. Their lives have been greatly impacted.

The reason why I wish that we could zoom this map out is to show that the parcels in question, at least for the rezoning and I know that we're talking about this abstract Future Land Use Map or more abstract than a zoning request but it matters because it's conditional of a specific zoning request is that the light

industrial area that abuts these properties is roughly 20 times the size of these blue areas that you have here, 20 times the size.

What we have put before us today is a Future Land Use Map that, in my opinion, attempts to split the baby in a way that exacerbates the problem instead of solves the problem. Now we're creating an artificial barrier of appropriateness or character that dissects properties on a whole. Whereas we could have a more natural barrier, like a right of way that would be able to provide that character barrier a little more appropriately.

You also said in your statement that the light blue that you have on the map provides an 800-foot buffer between residential and light industrial but that isn't true. Now, I know that the condition of the rezoning says that there's 200 feet of buffer, but it isn't 800 feet. No matter where we draw the line to say this is where light industrial is appropriate, and this is where residential is appropriate, it's still just a buffer of 200 feet unless it abuts a right of way, which makes that even greater.

Why I wanted to zone this out is you have a lot of members of the community here today, and rightfully so, who are concerned about Redgate farms and concerned about density further north of the project, but that's a half mile to a mile away from the most northern portions of this project. Then you have members of a church to the west on Buckhalter Road, which is also half a mile down Buckhalter Road from the nearest part of this parcel. I know that in some ways that can be seen, well, that's part of the neighborhood. It is a good distance away from these parcels, especially when you talk about the size of the Rockingham Farms industrial site is 20 times larger than these parcels together.

When I think about how we solve this specific problem, we've already created a condition for the developer should, this is a big should too. We're all talking about whether or not the developer is going to buy out the residents that we're carrying about who have these 10 parcels on this property right now in Phase 1, but that developer isn't going to-- well, I'm not going to speak for that developer.

I would say if they're not going to be able to use the land for light industrial, then it doesn't become very valuable for them. We're putting our residents who own this property at pretty great risk that they're going to have to either come up with new arrangements with the developer at a lesser price point, that they just sell half of their property, but are still stuck with the problem, and now they only have half of the land that they had, but they're still living on it.

Some of these issues I think are created a little bit by misinformation, whereas the Rockingham Farms project and this predates both of us, Edward, I know, but it's there, it's happening. These industrial and commercial spaces are happening. The interchange off of Veterans Parkway has been built. No traffic is coming to Buckhalter Road unless we keep it as residential and allow traffic to come down Buckhalter Road.

If we extended the character in the zoning of commercial up to Buckhalter Road, the developer would have to provide a 200-foot buffer and berm between Buckhalter Road to the north and to any parking lot or building that they would ever build on that parcel. Again, which is dwarfed in comparison to the larger Rockingham Farms that's behind it. We're talking about minuscule scale at this point.

What I'm surprised about is to me and I'm not a planner, but I'm not a novice either, is the natural barrier is that right of way in that road. Especially since we've already put the condition that no commercial traffic is coming on Buckhalter Road, zero. You've got the interchange there at Veterans Parkway that's already built. It's not planned, it's not funded, it's built, like that traffic is coming off of Veterans Parkway onto the Rockingham Farm site.

This would allow us to create a more natural, larger barrier between current residential and commercial. The other thing that concerns me about where we've drawn the line here is that, and again, this goes back to a discussion we had on this board a few months ago, is the definition of residential general. You talked about five units per acre, but that's not what the Future Land Use Map would dictate, that would just be the character.

In a few years, a developer could come back and say, well, I want to buy this land but the only thing that's going to make it buyable because there's a 400-acre industrial site to the south of it is going to be multifamily homes. Now, I think that the community to the north would much rather have a 200-foot buffer and a berm on Buckhalter Road than a series of multifamily home developments. I just want everybody to think about the potential consequences that could come from changing to drawing a Future Land Use Map that talks about those two characteristics in these two places where I think a more appropriate place to draw the line would be at Buckhalter Road.

I know that there are residents who are really protective of their homes and their area, and their businesses to the north. I completely respect that, and the church to the west but it's just kind of look at what is the decision that's being made and what's in the better interest of protecting, if that's what you're looking for lower density or protecting traffic mitigation or noise mitigation or light pollution or noise pollution into your current parcels.

A 200-foot berm in Berry and a right of way is a pretty good place to draw the line in my opinion and also

solves the problems for our other residents who are really trying to get out of this area, and who from the beginning of the project have been told this would be an opportunity should MPC and city council support these efforts.

All throughout this project, that has been the goal and to get hung up now I think is very devastating for these property owners, so that's my piece, Mr. Chairman, thank you.

Mr. Dwayne Stephens, Thank you, Mr. Melder. Any further questions or comments to staff? From a process standpoint, I would just like to insert into, I hear all of the concerns of the board members thus far. I align with some, but some not so much, but of all of it, the most important component for me is to make sure that it's captured for the record that we both the MPC as well as the city and all other parties involved in a process like this.

Making sure that we adhere to the process so that we don't get in a sticky situation where we are backpedaling on some of the things that have been presented or there's a ton of confusion and we have our citizens in limbo. That's really the highest priority for me, in this instance, is to making sure that we align with the process so that we have these things and these tools to use.

What's the use of a tool to use if you decide to circumvent? It's what it's built for. I just wanted to insert that just so that we understand. Going forward, again, we have to resolve this issue. We have to select the path forward, but we need to leverage and utilize the tools that we have in place just to make sure that we are doing what is best for not only the city but also the people that make up the city and at large. Okay, Ms. Gerard.

Ms. Karen Jarrett, I just want to make sure that I understand, I what you're saying. What you're saying is that the MPC, the city, and the county all need to follow the process.

Mr. Dwayne Stephens, Absolutely.

Ms. Karen Jarrett, Thank you.

Mr. Dwayne Stephens, Anything else for staff?

Ms. Pamela Everett, This is Pamela Everett; one thing that you'll remember is during the course of the last meeting, Ms. Wilson kept stressing to the board that they needed to wait until we did the comprehensive plan. They reviewed it and had the opportunity to look at the entire area and that's what we've done.

Mr. Dwayne Stephens, Agreed.

Ms. Pamela Everett, That's what this board directed us to do, so we have to make good planning decisions based upon what we have, and this would be a good planning decision.

Mr. Dwayne Stephens, Agreed.

Ms. Pamela Everett, Unfortunately, where we are is a place that was not following the process, so we are where we are.

Mr. Dwayne Stephens, All right. Anything else for staff?

Mr. Joseph Welch, I'd like to ask Mr. Chairman.

Mr. Dwayne Stephens, Mr. Welch.

Mr. Joseph Welch, Did any commissioner here go out to this property?

Mr. Dwayne Stephens, Yes.

Mr. Joseph Welch, I did myself, I walked it for two hours and I drove down Gerard and I drove down Buckhalter at both ends and walked to the property where the project on the back of these eight owners gave me permission to walk in their backyard. If y'all saw that, I commend you for doing that because that's what we should be doing to giving the people due diligence. Thank you.

Mr. Dwayne Stephens, Absolutely. Okay. Thank you, Mr. Morrow.

Mr. Edward Morrow, Thank you.

Mr. Dwayne Stephens, Before we get too much further in, I got two points. First, I would like to input into the record that there is, I know and understand people who are eager to participate in the process. However, there are some things that is deemed inappropriate and one of those things that's deemed inappropriate is ex parte communications. We have received numerous emails, numerous calls, and such.

Quite frankly, when there is an item on the agenda, we simply can't talk to you all about it, period. For those emails, the proper channel would be to submit that stuff, those documents, that information into the possession of staff for them to be able to input it into the record for it can be a part of the open conversation, the open communication for determining the path forward in a public forum.

If any of us were to be in place where we would be replying to these types of things, we would have to try to corral all of this information, all of these responses, and bring it to the public forum to give everybody the fair opportunity and operate above board and with full transparency.

That's what it is, so I'm going to read something really quick just to educate and inform, and then we'll move into the next piece of this. Basically, there's a memorandum that was released specifically about ex parte communications. I'll say this memorandum serves as a reminder to all board members to refrain

from engaging in ex parte communications with applicants and or their representatives outside of a properly noticed and call the board meeting regarding matters pending before the board.

Ex parte communications is when a member of the public and applicant or his or her representative engages in communication, either verbally or in writing regarding a pending application or project with a member of the decision-making body, the board outside of a public hearing. This type of communication is improper, and it may serve as improperly influence board members' decisions regarding a pending application and/or project or provide additional information, which is not in the application or provided in the public meeting.

Ex parte communications apply in the following matters. Desire review applications, also known as certificate of appropriateness, zoning action and conditional use applications, zoning actions, variance applications. Ex parte communication does not apply to discussions with staff people as they are not decision-makers. Again, that does not apply to conversations with staff because they are not decision-makers, and it is their job and charge to bring that information to the board and insert it into the public record for us to make a determination off of.

I really wanted to make sure that everybody's very clear. If you are in question as to why that is important, just imagine you were on the other side of the table and somebody had a conversation with a board member that influenced them about something in your community, and they did not have, you didn't have the opportunity to be privy to the information that was shared that pushed the board member in that direction.

I just want, again, I don't know if every other chairman does this, but I like to take every opportunity I possibly can to educate the public so that you can make more informed decisions and be more informed in your participation in our processes. All right? Thank you.

I'll move on to the next thing. We have quite a bit of public comment. We have approximately 52 speaker cards. That's great to hear. However, from a time standpoint, even if I cut it down to two minutes per person, we are looking at 90 minutes. That's an hour and a half of just public comment, not included in the Petitioner's presentation which they are all allowed at 20 minutes. I don't know if you all want to sit in here for the next two and a half, three minutes to talk about the same conversation, but I'm going to try to scale that back.

If you all have someone amongst yourselves that could be a representative for some of these individuals that share the same position, it would be awesome if you would be willing to combine your information and allow for that information to be submitted. If not, truthfully, I would really have to try to back this down to about a minute to a minute and a half max, because we will be in here all night long if we are doing the typical allotted three minutes per individual.

If you would please cooperate with me as best, you can. I know everybody has a lot to say. I get it. I participate in these processes as a member of the public as well, I fully understand. I just please ask that you work with me on this and let's try to trim some of the time down because I'm pretty sure a lot of the information is very similar in nature as we've heard.

Again, you guys have been through this process quite a few times and we've heard a lot of your comments and they are pretty consistent. Not trying to slight you of the opportunity to contribute, but just wanting to get it under control. All right. Thank you. We'll allow for the Petitioner.

Mr. John Northup, Thank you, Mr. Chairman. I have a few slides here that I wanted to make sure are up.

Ms. Pamela Everett, I thought that was Phase 2.

Mr. Dwayne Stephens, This is about this.

Mr. John Northup, For the record, my name is John Northup. I'm an attorney with Bouhan Falligant and I'm here representing Capital Development Partners. I'll try to keep it brief in light of Mr. Chair's words, which I agree with. I think several of my points have already been discussed, but to try to make sure that everything is clear because we do have a little bit of procedural irregularities here, I'll walk through just a few things with you. I think that they should hopefully illustrate a few points.

We are here today to talk about Future Land Use Map amendment. The rezoning petition is not something that we are here to discuss today. That was already passed by this commission at its meeting on May 2nd. However, and I can provide a copy of the minutes if you want them, but I think Mr. Melder was correct when he said that one of the conditions that was placed on this commission's approval of that rezoning petition back in May was that we go back and file an application to amend the Future Land Use Map so that we could be consistent with the rezoning that was conditionally approved in May.

That's why we're here. Again, just to also clarify exactly which parcels we're talking about. I know it's new to this and asked a few questions about that. I've got my first slide here. The slide shows the two phases of what we're talking about. What we're talking about again is several parcels that are between the northern boundary of Rockingham Farms, which is an industrial development that's partly owned at this point by Capital Development Partners, and Buckhalter Road to the north.

Most of these properties' lineup side-by-side and most of them extend are deep. They extend almost the

entire way from Buckhalter down to Rockingham Farms. They're about 1,550 to 1,600 feet deep from Buckhalter down to the boundary. These parcels were parcels that some of the property owners actually had when Rockingham Farms was first developed, some of the parcel owners approached Capital Development Partners and asked them, "Would you consider buying these properties from us?" That started the discussion. The discussion ensued and Capital Development Partners actually approached all of the property owners in this section.

That's all the way from really the Montessori School on the west side all the way to Veterans Parkway on the east side. The Capital Development Partners was not able to come to terms with all of the property owners. It did come to terms with the owners of the ten parcels on the western side of that. What it did, and the reason that it probably could not come to terms with all of the property owners at the same time, was quite honest that on the eastern side, some of the parcels are a little bit smaller and they don't extend all the way down.

They're a little harder to value. I won't get into that. Suffice it to say that there was an attempt made. I think it's still very much something that Capital Development Partners is looking at. For the time being, it didn't want its inability to come to terms with Phase 2 to slow down its ability to annex, re-zone, and acquire the phases that it had come to terms with on the western side. What it did is it said we're going to do these in two phases. Phase 1 is on the western side, which is the one we're talking about today. Phase 2 is on the eastern side. The plan is to come back in the next two to three years and try to come to terms with Phase 2.

For right now, we're proceeding with Phase 1. Phase 1, we filed the application with the city in November to annex these properties from the county into the city. We did that. The city passed that annexation unanimously in mid-January of this year. When the annexation occurred, the properties which had been zoned already under the county ordinance, basically got designated RA-CO.

All that really says is they're still being governed for zoning purposes by the county ordinance even though they are technically in the city, but because they're RA-CO, for any light industrial purposes, we needed to get them rezoned. That's why we then, I think it was the week after the annexation was approved, we filed the petition to rezone these properties. You can see here on the next slide; this is actually a map that the city of Savannah did in connection with the annexation.

You can see. Just show my cursor. You can see that this is Phase 1 here and it says RA, but this was prior to the annexation. These are now RA-CO. This is Phase 2 over here. Phase 1, RA-CO. Phase 2 is still part of the county, so it's RA. Again, I'm not going to get into the details of the rezoning efforts since that's not really what we're here to discuss. That already passed. When it passed at the May 2nd meeting of this commission, it passed subject to three conditions, all of which had been proposed by the MPC staff.

The first condition was that a 200-foot vegetative buffer be about any surrounding residential properties. The second was that a recombination plat be filed that would combine all these parcels after Capital Development Partners acquires them. That's something that we've never had a problem with. That's always been our intent.

The third was the one that really took up most of our time on May 2nd, and that was we wanted to make sure that we came back and we filed an application to amend the Future Land Use Map to make sure that when the rezoning gets in front of the city council, it's able to be approved if city council wants to, because the Future Land Use Map as well would also then have been amended for industry light is the term in the Future Land Use Map.

That was the reason for that. That really took up a lot of the discussion.

I think that there were a lot of procedural discussions that you guys had. We filed that application for the Future Land Use Map amendment the following day on May 3rd. The staff, again, as pointed out, said that they would review our application. We only applied to amend the Future Land Use Map for just Phase 1, not for Phase 2.

The reason we did that, quite honestly, is that we're only under contract with Phase 1. We didn't have the consent of Phase 2, and so we couldn't represent to them and sign that form that says we're authorized to apply. However, staff indicated that they would review the entire area to see what worked from a Future Land Use Map context, and it did that. We did have in the intervening time, we did actually at staff's request have a community meeting at which I'm sure several of the people that are here to speak today were also present.

I participated online, but we did have a community meeting. I won't go into the details of that in the interest of brevity. We then would fast forward to the MPC staff port on the Future Land Use Map amendment. That was originally issued on or about June 11th. It was just a few days before the June 13th meeting. It was functionally pretty similar to the one that was just issued this past Friday in advance of this meeting.

I think that the map was a little bit different, but only to correct-- This is the Future Land Use Map here.

The current map actually shows the change in the Future Land Use Map that is proposed by staff, not just in Phase 1, but also in Phase 2 in the county because the Future Land Use Map is both city and county. I hope that makes sense.

The staff report itself, as Mr. Morrow has gone through, is the map that was attached to the MPC staff report. I think Ms. [unintelligible 02,56,25] you put it well, it really bifurcates both Phase 1 and Phase 2. Draws a line in the middle of them. It says in the bottom half, the bottom 800 feet, it would be light industrial. I'm not entirely clear as to how those functions as a buffer, but it would be light industrial at the closest 800 feet, and then it would remain suburban residential on the 800 feet or so that is closer to Buckhalter Road.

The problem with that is that, as I think Mr. Melder point out, it's very difficult for anybody to use that. It makes it very difficult for anybody, let alone Capital Development Partners, to use that land because you're splitting the properties in half. You've got Future Land Use Map that runs through the middle of it. The zoning would probably follow the future land use maps. You have half of your property zoned residential or residential agricultural and half of your property zoned light industrial.

It would be very difficult for anybody to really do much with that. Then I don't even know how the buffers would play out because you've got buffers that are supposed to happen between different permitted uses and zoning contexts. It would be very, very difficult for anybody to do anything about this. Simply put, the proposal by staff if it's followed would kill this deal. This deal would go away.

There's just no way that-- Capital Development Partners has negotiated prices with all of the owners of Phase 1 properties based on its intent to use them for light industrial purposes. Oh, and by the way, it is only light industrial, not heavy industrial. I think I heard heavy industrial somewhere. The point is that's the highest and best use of these properties.

Capital Development Partners or any developer who would be interested in acquiring these properties is not going to pay full price for them and then only get to use half of the properties for their intended use. This one would make it very difficult for Capital Development Partners to continue with this purchase. The question arose as to why exactly this was proposed, and we did meet with staff about two weeks ago and ask them about it because we weren't exactly clear. It's getting clearer, but we still disagree with it. I did listen to Mr. Morrow's explanation of it today. I understand where he's coming from, but it doesn't change our view that we just don't think it would work. You're sure to hear, there are a lot of people here. I, like Mr. Chairman, I respect the fact that people are here and fighting for what they believe in. However, I've heard several of the objections previously, and it's difficult to advance your position and hear the objections and not respond to them.

There are a few things that I will say in terms of the objections based on what I've heard. The first is, many of the objectors that I have heard because I've seen their addresses, are not from the directly affected areas, meaning they are from further away than the people who own these properties. I would suggest that when people get up and make their objections, and I encourage them to do so, everybody is entitled to their opinions, I would encourage the commission to ask people where it is that they are located. Where's their residence? Do they live across the street? Do they live farther away? Do they even live in the area?

Now, I understand people have interests and I'm just not saying their interests are necessarily disqualified, but I think that when you weigh the interest of people who are objecting who live a half mile away or a mile away this way, those are going to carry less weight than the people whose lives are being altered based on this decision.

I'd ask you to keep track of that.

The other thing is that I've heard a lot of objections based on quality of life. With the implication that if this development goes forward if the rezoning is approved, and if the Future Land Use Map is changed, it will destroy the quality of life for people in the Buckhalter Road community for different reasons. Nobody wants their quality of life disturbed, but I think there might be some misinformation out there. There are a couple of items that I just wanted to bring to the commission's attention.

The first, and this is the one that comes up, you guys probably hear it more than I do, is traffic. Traffic is a big concern. Buckhalter is not a huge road, but I think the staff report didn't mention it. I got up here and said it on May 2nd. The simple fact is, and I think Mr. Melder correctly pointed this out, is that this development will result in zero additional traffic on Buckhalter Road. I'm going to say that again, there is no traffic on Buckhalter Road.

The reason for that is that when this entire development, when Rockingham Farms was subdivided, there was an agreement and it was done between the city and CEDA and then the three developers who were part of Rockingham Farms, they agreed that there would be no traffic from the industrial development onto Buckhalter except for emergency vehicles and city maintenance vehicles. This is a copy of the subdivision plat that was developed in 2020, and it was signed by this commission and by the city in 2021.

On the next slide, you can see I zoomed in because it's very small. This is the section that says there's no access from Buckhalter to Rockingham Farms. That is something that, to my mind, would be extended because Capital Development's plan is to acquire these once it's rezoned and extend the boundary of Rockingham Farms north to Buckhalter Road. That would mean that any traffic from these properties is going south through the Veterans Parkway Exchange that was just built at great expense, not onto Buckhalter.

In fact, if you wanted to split hairs, this will actually result in less traffic on Buckhalter Road because all of the property owners on Phase 1 won't be using Buckhalter anymore. It's not a huge difference. Again, the traffic is not going to be an issue. Now, I'm not saying the traffic isn't an issue, but it's not the fault of this development. The real culprit for any initial traffic that's going to happen is going to be a large multifamily mixed-use development that's going to be in this area.

You can see it, it's the properties that are to the north of Buckhalter, both to the east and the west of Veterans Parkway. That's a big tract. It's been approved. The zoning has been approved for; I think it's in excess of 750 units for multifamily. That's going to throw a lot of traffic onto Buckhalter. Not this, this is going to throw traffic away from Buckhalter, if any. I think that it's very important to see that because the traffic ruining everybody's life is not going to be coming from this.

The other issue that you commonly see here in terms of disturbing quality of life is sound. I get that this is the type of development that Rockingham Farms is warehousing, light industrial. It does involve trucks coming and going, so sound is a concern. That's something that we've been looking at the entire-- Capital Development Partners has been looking at the entire time. Certainly, Capital Development Partners is open to considering a reasonable buffer along Buckhalter Road.

It also has actually already an agreement that's signed with the city pursuant to which the Petitioner has to build as to bond and then build a sound wall between Rockingham Farms and either Phase 1 or Phase 2 if it hasn't acquired those properties by certain dates. It's going back and forth at the city. That agreement. I got a copy if anybody would like it. It was signed on June 5th, so that's in place.

The other thing that I'll mention is that-- We're talking about amending the Future Land Use Map here. One part of the Future Land Use Map or excuse me. The Future Land Use Map is part, as Mr. Morrow pointed out, of the comprehensive plan. Comprehensive plan has a lot of pieces to it, as Mr. Morrow pointed out. One of those pieces is the identification of certain growth centers around Savannah Chatham County. I've got these slides, some excerpts from the comprehensive plan that talk about the growth centers.

The growth centers are basically designed to identify places that could be opportune for development in the area. You can see on the first page, number 12, I believe it is, is Rockingham Farms. On the next page, you can see the map of all of the growth centers in Savannah, Chatham. Then I had to zoom in really tight cause it was hard to see. The interesting thing about it is if you look at the growth center for Rockingham Farms, it doesn't stop at the current end of Rockingham Farms. It extends all the way to Buckhalter Road. You can see that in the graphic on the right. It extends all the way farther north. Now, I know, and this has come up in conversations with staff. I know that the growth center map is not the Future Land Use Map. It's not dispositive, it doesn't say you have got to follow the growth centers, but what it does show is that the city and the county when they put together the comprehensive plan, they put a lot of thought into it as they have to. Somebody contemplated that these parcels, not just up to the current boundary, but all the way up to Rockingham, all the way up to Buckhalter, were considered as ripe for development at some point.

I throw that out there for anybody who thinks that this area has been identified as something that should remain pristine because I don't necessarily think that's the case. I'm not saying it should be destroyed, but I think that it has been identified by the city and the county for potential development.

Final thought or two. I know that there will be people who get up here and I've seen the social media. I'm sure you all have too. There's a lot of talk about limiting the expansion of industrial properties in Savannah, Chatham.

I echo Mr. Melder's words too. That's something that we have to balance. I get that. I think sometimes, whether it's based on misinformation or whatever it is, I think people maybe are objecting and thinking that, well, we shouldn't have any more development. I think the interesting thing about it is there's a group that's I think is represented here and their slogan is, "Don't box us in." I think that's intended to imply, well, we feel boxed in by industrial development if projects like this move forward.

Let me tell you who will actually get boxed in if this deal does not go forward. The people that will get boxed in are Phase 1 and Phase 2. Here's why. If this rezoning doesn't succeed and the Future Land Use Map is not amended, then Phase 1 and Phase 2 are going to be left here. They will be surrounded by Rockingham Farms to the south, Veterans Parkway to the east, an enormous 750-plus unit multi-family development to the north, and the railroad tracks to the west.

Mr. Dwayne Stephens, Mr. Northup, interject for a brief moment, you got about five more minutes.

Mr. John Northup, I'm actually wrapping up. Thank you.

Mr. Dwayne Stephens, Perfect.

Mr. John Northup, I would contend that those are the people that'll get boxed in. They will be there. Not just that, but keep in mind that Phase 2 is still part of the county. Phase 2, if this deal goes away, Phase 2 is an island of the county surrounded by it actually would extend across to the east where the county still persists. Both of these properties would be boxed in if this doesn't go forward.

The last thing I'll say is that as far as this not going forward, and Mr. Melder already hit on this as well, but if it doesn't pass, Capital Development Partners just economically, it doesn't work, it's not feasible for them to continue, so the deal will go away. The issue is that people are living in limbo. They have been for the past, gosh, over a year, they've been under contract since April of 2022. They've been waiting for this process for a long time.

First, we had to annex it, and then they've been waiting on the rezoning and now on the Future Land Use Map amendment. Sadly, a lot of these people have been putting off necessary repairs because they don't really know if their house is going to close. They can't close on another house because they need the funds from this one in order to move forward. They can't even look at new residences to which they need to relocate. While they're waiting, they're getting priced out of markets.

I hear it from them all the time because we meet with them and the interest rates are going up, costs are going up. They're ready to move forward with their lives and they need this to happen in order for that to occur. The last thing that I will say is that given the staff's recommendation for the Future Land Use Map, what we would like is for the Future Land Use Map alternatively to be amended, not pursuant to staff's recommendation, but so that the entire Phase 1 pursuant to the initial application, the original application that I filed on May 3rd.

That would entail basically having all of the Phase 1 properties amended, the Future Land Use Map amended for those properties to industry light. That way, we wouldn't be engaging in any kind of arbitrary splitting of these properties, and the rezoning could then go forward.

The only other thing I'll say, too, is that despite the fact that we aren't discussing the rezoning here today, it is important because our next step is to go to city council, and city council is going to hear both of these. They're going to hear the Future Land Use Map amendment application, and they're going to hear the rezoning application. If neither of those don't pass, it would be nice if we could go with a recommendation from the MPC on both of them.

Right now, we've got it only in the rezoning, but not on the Future Land Use Map. That's why this is actually very important, and I do appreciate the staff bringing it up because we do want to follow the proper protocols. With that, I think that's all I have. I'll answer any questions that you may have.

Ms. Elizabeth Epstein, Mr. Stephens, if I may, I just have one point of clarification. I want to correct the misstatement that you made, Mr. Northrop, was that there was no direction from this board that MPC study be consistent with the board's recommendation that was going to go to the city council. That was not what the board voted on. Then, also Ms. Wilson told everybody that when we did the comprehensive map, looking at the comprehensive map, that it would be the entire area and not just this one portion. I just want to clarify that for the record.

Mr. John Northup, I don't think the first one was what I said. I didn't say that they had to be consistent, I said it would be nice. That's something we would certainly like. I'm not saying that they had to be consistent.

Mr. Dwayne Stephens, Any questions for the Petitioner? All right, we're going to figure out how to traverse the many comments. Okay, Mr. Woiwode, one second.

Mr. Tom Woiwode, I have a question for staff. The light industrial cuts halfway through all of these lots, and then you have general development. I understand there's a 200-foot buffer requirement on the light industrial. Is that correct?

Mr. Edward Morrow, 200-foot buffer requirement? No

Mr. Tom Woiwode, Well, there's a 200-foot buffer requirement that we require, I believe in the zoning. Is that it? I'm confused with the Future Land Use Map as to why that doesn't extend all the way to Buckhalter Road in this proposal for the Future Land Use Map considering that there's already a 200-foot buffer that was approved by the board, that just confuses me. Speaking with a couple of other folks on the board, they're a little confused too.

Mr. Edward Morrow, This was a condition of the previous rezoning.

Mr. Tom Woiwode, I'm sorry?

Mr. Edward Morrow, Is this a component of the zoning ordinance-- [crosstalk]

Mr. Tom Woiwode, If you go to your map that you brought up--

Stephens, If you would, the Future Land Use Map that you put up, Mr. Morrow.

Mr. Edward Morrow, I'm sorry.

Mr. Tom Woiwode, Yes, right there. I'm confused as to why that light industrial goes through those

contiguous lots and not all the way up to Buckhalter.

Mr. Edward Morrow, Why has the light industrial stopped here?

Mr. Tom Woiwode, Yes.

Mr. Edward Morrow, Oh okay. Again, the idea was to provide a buffer of some sort. Now, this is from the actual Future Land Use Map designation. The idea is that the board itself could also add additional requirements, such as buffers. Hence that third criterion that explained all of these things that would be helpful in preventing this sort of industrial encroachment in the future.

This is our recommendation with regard to what the map would look like. You guys can then go in and say, "These are specific requirements that we would want to place at the edge of that particular designation." Or, again, you could offer some sort of a recommendation as to shifting that line. That's also a possibility. The idea is to give you options. These are things that we can use in order to buffer the folks who are there and create a better situation moving forward, but you can add additional requirements on top of that.

Mr. Tom Woiwode, Chairman?

Mr. Dwayne Stephens, One second. I just want to add this. Again, I've seen it in multiple instances, and I understand why there's some confusion, it seems that makes that line present as very arbitrary and why everybody's hung up. I do want to just add to the comment not to sway anybody either direction, that it's not uncommon and it's not uncharacteristic for different land uses to divide lots. I've seen it numerous times in various forums, this one included.

I just wanted to present that this look is not uncommon. The unfortunate part is it's established after we've already started taking certain actions. Mr. Noah?

Mr. Wayne Noha, Just for clarity, this is what's being proposed by staff.

Mr. Dwayne Stephens, Correct.

Mr. Wayne Noha, This is not the way it is today. This is proposed by staff.

Mr. Dwayne Stephens, Correct.

Mr. Edward Morrow, If I could add one note. This bottom corner down here on the right, this is the way that the map currently reads. The idea also behind the buffer, noise, particulate matter, all the things that come along with industrial development, these are all the visual impact of having to look at these things. That's the idea behind adding this 800-foot buffer.

Again, it was what we felt was appropriate under the circumstances referring back to the original staff recommendation of denial. The full parcels were indicated for single-family residential use, but this was in the interest of attempting to buffer and push these uses back from the road so as to reduce visual effects, sound, particulate matter floating in the air, and all the associated things that come with industrial development.

Mr. Dwayne Stephens, I'm sorry, can you clarify that the particulate matter, does that relate to light industrial or heavy industrial?

Mr. Edward Morrow, We could be talking about trucks moving around on gravel, depending on the scale of it. There are lots of particulate matter that's released. Again, we're venturing off into things that are not within the confines of the zoning ordinance, generally speaking. I don't want to tell you that this is something that's dictated by the zoning ordinance, but you as a board, you also consider these things in other matters.

Alcohol licensing, when we talked about that earlier, we brought up proximity to schools and churches and things of that nature, even though they're not actually dictated by the zoning ordinance. That's usually some other section of a jurisdictional ordinance that would say what that distance requirement is. As we're bringing these conditions and considerations in and establishing zoning requirements, we do this across the board, if that makes sense.

Mr. Dwayne Stephens, Thank you. Ms. Epstein?

Ms. Elizabeth Epstein, Mr. Morrow, I'm having difficulty reading the current future, the one that's popped up right here, current future land use. We had to revise it in order to because we shouldn't have voted on the rezoning prior to this being revised, but I can't see on here where we didn't follow what was on here with our last vote, the one that you just had.

Mr. Edward Morrow, The request was for light industrial zoning. The Future Land Use Map was not considered. Actually, I'm going to go back to--

Ms. Elizabeth Epstein, Can you zoom in on that? I can't tell what I'm reading here. Sorry. This was the one that was in place when we were voting.

Mr. Edward Morrow, Yes.

Ms. Elizabeth Epstein, Color-wise, can you see that is all residential?

Mr. Edward Morrow, It is all residential, right. When we look at these, the idea is that you would not have an industrial zoning that would occur here. Based on these future land use designations, the anticipated zoning would be some form of residential.

Ms. Elizabeth Epstein, Because we approved making that entire area south of Buckhalter light industrial, then that's what we're voting for today. Our Petitioner would love it if that entire section up to Buckhalter would want it light industrial and you recommended crossing that meridian there.

Mr. Edward Morrow, Some sort of a mixture to buffer to the south. Again, 1,000 acres, acknowledging fully the scale.

Ms. Elizabeth Epstein, I can think of a buffer as where something's not happening, but in the way you're using it, the light industrial is up against light industrial. The back half of what you said. It's just adding residential to Buckhalter to make it more residential corridor, perhaps.

Mr. Edward Morrow, Well, the next phase of consideration would be actually when we talk about zoning, we can condition a rezoning to say these are the permissible activities within the light industrial zoning district that would be appropriate within this area. Maybe it is that this is an entirely vacant area. I'm not suggesting that. I'm just saying we can condition it and cut away things in the next phase, but that would require reconsideration of the previous matter?

Mr. Dwayne Stephens, Mr. Melville.

Mr. Melville, Mr. Chair, I think that's a great question about the buffer. You could look at it that in the way that we're using the term buffer here in the Future Land Use Map is actually the buffer would be those 10 to 20 residential parcels. We're considering them the buffer from other residential parcels north of Buckhalter Road from the light industrial areas to the south, which, again, I think staff did tremendous work on this. I think because of the issue with the way that we've gotten mixed up in the process is we have to solve a pretty big problem. That's where I worry about is that the buffer, we're creating is actually people and houses and not actual buffers between residential and light industrial.

Mr. Edward Morrow, Well, if I could, again, just to throw it out, we're not considering the nuances of a rezoning at this point. Now, you can go into the rezoning and talk about the specifics. At this point, we're just talking conceptually, what is the character area? Maybe this is an industrial laydown of some sort that contains no structures of any kind. That's a discussion for a reason.

Mr. Dwayne Stephens, This is strictly Future Land Use Map amendment. Strictly. Ms. Jarrett.

Ms. Karen Jarrett, Understood. Within this strict land use map amendment, my understanding of the land use that is intended for this area is a lay-down yard for containers. That, I think, is the major concern is how does that impact those residents who live in the neighborhood? What are they going to see when they look at that property? Whether there's a 200-foot buffer or if you put 800 feet and put residences in there, it's certainly going to buffer what Buckhalter drivers see. I think that's really what these residents are most concerned about is what is my neighborhood going to look like when this is all said and done?

Mr. Edward Morrow, The MPC has the ability to dictate. If we paint this vision of a character first and say this will be an industrial-associated use of some sort, we're going to put these parameters on it. The one at the front will be a residential use of some sort, we're going to put these parameters on it. Again, we're just painting a character picture overall to say this is how we're going to resolve what has been happening to the South.

Mr. John Northup, I have a question briefly. Sir, I hear your concern and I think you're probably correct.

Mr. Dwayne Stephens, Mr. Northup, would you just state your name, please?

Mr. John Northup, I'm sorry, John Northup for the Petitioner. The one answer to that is that there are already tools out there with regard to container stacking. First of all, I'm not even sure if container stacking is in the cards here. We're not sure what this would be. It's probably going to be a yard that would service the warehouse being built on the parcel just to the south. Whether that includes container stacking or Chasing parking out, we just don't know yet. Now, if it were determined that we wanted to do that, the city of Savannah Zoning Ordinance does have a very comprehensive section in place with regard to both container stacking and Chasing parking.

It really increases the barrier. In order for you to have a stacking plan we would have to come back before this commission and get approved. Then you have increased buffers. Before you can park any chaise or you can stack any containers, you have to have a 350-foot buffer between those chassis or those containers and any abutting residential property. That would eliminate, that would be a pretty significant buffer right there. Anything that Capital Development Partners decides to do should it get this property rezoned; it would certainly comply with the existing ordinance.

Ms. Karen Jarrett, If we put in the residential zoning, you'd have to back off another 350 feet into the new light industrial zoning to do whatever it is you want it to do.

Mr. John Northup, Yes. I mean, the concept of having this be a buffer makes the whole thing functionally a buffer because--

Ms. Karen Jarrett, Ultimately, I think that the real concern for the residents is what is my neighborhood going to look like. I know if I lived out there, that would be my concern. What is my neighborhood going to look like? How different is it going to be when you're all said and done with what you're doing?

Mr. John Northup, I Understand.

Ms. Karen Jarett, You can't tell us that at this point in time.

Mr. John Northup, I can. All I can tell you is that we would comply with the existing actually has a much lower requirement for a buffer, but I think that we would be okay. At this point, the rezoning has been approved subject to a 200-foot buffer. We would be okay with that as well. It would be 200 feet back from Buckhalter. That's far and that's far in excess of what actually the ordinance requires, which is only an eight-foot fence and a 40-foot buffer. I understand that. The only thing I would say there is that if we're trying to rewrite the ordinance to protect people, let's rewrite the ordinance. Let's do it the right way and not try to do it on the back end.

Ms. Karen Jarett, Only at this point, it's hard to rewrite the ordinance and include you in that part of the ordinance.

Mr. John Northup, People make plans based on the ordinances in the books.

Mr. Dwayne Stephens, All right. Anything else for the Petitioner? Okay. Again, I hope that we have attempted to consolidate some of the comments. I do have a stack, and I'm assuming that all of these individuals are with one another. Quite frankly, all of the handwriting is exactly the same, so I'm pretty sure it is. With that being said, if we could consolidate this stack to one individual, that would be greatly appreciated. Do we feel like that's something that can be achieved?

Mr. Dwayne Stephens, One person?

Mr. Dwayne Stephens, Okay. Wait a minute, sir. Please don't take that tone. Please don't give that energy. It was a simple question. We'll move to how it makes the most sense. If we can be cooperative and collaborative in this, then we could possibly afford more. If not, I'll just make the executive decision and say, yes, one person, and it would be one person. Let's work with each other on it and we'll move along accordingly. Ma'am, what's your name?

Ms. Helen Hester, I'm Helen Hester. I'm a lawyer at Weiner Shearouse. We've had a number of community-- I shouldn't use community meetings, neighborhood meetings. We've done our best to be greatly organized out of respect, knowing that you guys had a meeting before this and to try to expedite things. If I could, I would love the opportunity to speak first so that maybe I can cut out a lot of the duplicity.

Mr. Dwayne Stephens, That would be neat.

Ms. Helen Hester, Then I would also just ask that you hear from some of the three residents out there who we've been strategically planned to organize and had a list that we submitted earlier to staff, I believe. I don't know where that list is, but there were about nine people total, and it may not end up being nine. I've done my best knowing what was going to come down the pipeline to consolidate what I have to say and try to knock out a lot of that.

Mr. Dwayne Stephens, Okay. In an effort to consolidate, I will allow you to go first. Again, I am going to request the other individuals, if she makes your point, please let that be your point. Ms. Hester, you can go ahead. I suppose what I'll do is I'll allow for three minutes in this instance. If she is going down the path that works with what you have to say and you wish to yield some time now, I'm not going to give all three minutes. I'm just going to be straight up about that right now. I'm not going to give all three minutes and stack up three minutes for 15 people. Not happening. I will allow for her to continue so long as you individual that wish to yield your time, indeed says, "Okay, no problem. She's hitting my points. I'm done." We'll start in three minutes. I'll check in and we'll see how to proceed from there.

Ms. Helen Hester, I appreciate that, Chairman Stephens. As I mentioned, I'm Helen Hester. I'm a lawyer at Weiner Shearouse. I represent not this whole group of people. I represent specific owners of the property that's generally known as Red Gate Farms, which is somewhat across the street from the Buckhalter properties that are the subject of this matter. Chairman Stephens, I appreciate your attention to detail and desire to adhere to process. I will respectfully submit to everyone that these matters are riddled with procedural issues. I want to address those first because I think that might dictate what happens.

This property, the subject parcels, I'm just going to call them the subject parcels. The 10 parcels that are the subject of Mr. Northup's application were just annexed into the city on January 12th of this year. When they were annexed, they were zone RACO. By Georgia law, under the zoning procedure laws as a condition to any annexation, the municipality shall not change the zoning or land use plan relating to the Annex property to a more intense density than that stated in the notice or application that was submitted to the county and approved by the county for one year after the effective date of the annexation unless that change is made in the comprehensive plan and is adopted by the affected city and council in all required parties.

We've got a real procedural conundrum that's happened. I'm shocked that I'm hearing-- We had a community meeting on this where I asked the question, was this reapproved or was it not? The answer was, "No. We were going back and we're looking at an amendment to the Future Land Use Map." I do this for a living and I'm not even sure what we're talking about at this point because it's very, very

confusing.

The Petitioner, with all due respect to Mr. Northup, there's a one-year stay on rezoning when you're newly annexed into a municipality unless you follow the requisite procedures. That has not been done here. Now I think what we're here to talk about, the amendment to the Future Land Use Map is the first step in that. Their rezoning application cannot be approved under Georgia law without the city and county blessing the amendment to this Future Land Use Map. Before any consideration of their rezoning application that has to be done. I don't think it can be done concurrently.

I would respectfully submit that given we're still within their rezoning holding period, I don't believe that the procedural posture of this matter to the extent they have submitted an application and then I guess resubmitted a new application with a new number, I don't think that's proper. I don't think that can be approved until the city and county has weighed in and blessed the amendment to this Future Land Use Map. That's important because there's a reason why those two bodies have to bless it and it's because this Future Land Use Map is important here. Until that time comes, I do not think that this matter can be before the MPC or the city or the county until we figure out whether or not the city and county is going to bless the proposed amendment to the Future Land Use Map.

Mr. Dwayne Stephens, One moment, that's the initial three minutes. Is anybody amongst that group willing to yield that time? One second. Let me make a notation. One moment. I got 54 of these. Let me just jot your name and then I'll also, let me start through.

Mr. Dwayne Stephens, One minute. Taylor?

Mr. Jed Taylor, Yes sir.

Mr. Dwayne Stephens, You said, Jed?

Mr. Jed Taylor, Yes.

Mr. Dwayne Stephens, No worries. The other name was Jed. You said Jed and who?

Mr. Jed Taylor, Lillann.

Mr. Dwayne Stephens, Lillann. Okay.

Mr. Jed Taylor, Very neat handwriting.

Mr. Dwayne Stephens, Sir? Bland. Ma'am. Bland. the young lady behind her.

Mr. Dwayne Stephens, Osborne. Now we'll come to this side of the room, sir.

Henry Whitfield, Whitfield Henry and Debbie.

Mr. Dwayne Stephens, Henry and Debbie Whitfield. Ma'am. Ore?

Ms. McDowell, McDowell.

Mr. Dwayne Stephens, McDowell. Ma'am.

Ms. Roberts, Roberts.

Mr. Dwayne Stephens, Roberts. That is all.

Mr. Kevin Clark, Kevin Clark.

Mr. Dwayne Stephens, Clark. That's everybody's wishing to yield their time, correct? In the spirit of transparency that's 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 people. With that, Ms. Hester, I will afford you another 15 minutes if needed.

Ms. Helen Hester, I probably won't need that. I respect everybody's time and I realize it's 5,40.

Mr. Dwayne Stephens, I appreciate that.

Ms. Helen Hester, Yes, sir. One more procedural note. I believe that the newest petition that has been submitted by the developer constitutes a new petition. I think that it requires another community meeting if for no other reason because nobody knows what the plan is here and it's confusing. In an abundance of honesty, there has been no transparency in what the plans for this property are. There's no concept plan that was submitted with this application. It might not be legally required, but when you've got this many people who are here and affected by that, it would be nice to know what this is going to look like and what is proposed.

At the last meeting, the developer was talking about container stacking with a 40-foot buffer. Just a minute ago he said he doesn't even know what we're going to do with the property. Look, there's a reason why community meetings are required. People ask questions. To the extent that despite the significant procedural issue, I just announced, we need a chance to know what is going on here. We did a development in Effingham County where we went to the people, there was a tremendous amount of concern, and we went to them with a concept plan and sat down and built-in light pollution, noise pollution, buffers. You got to have that when you've got this many people who've been living in this neighborhood for this long.

There's a chance that we could collaborate and talk, but that has to happen. I would respectfully request that the commission determine whichever way you decide to go tonight would require another community meeting with plans that we can look at. We just need to know what the plan is out there and what buffers they are willing to do. It might obviate the 80 people who are here if we can just have some transparency. I want to go back to the timing and the legal aspect of what specific to the amendment to the Future Land

Use Map. There is the current comprehensive plan. 2040 was adopted by MPC on June 29th, 2021. It was adopted by the city on October 14th, 2021, and by the county on October 22nd, 2001. It was strategically implemented to direct zoning decisions and together with a character area map, it's intended to guide the character and direction of land use decisions, establishing a vision of how the county should be developed and the city should be developed responsibly over the next 20 years in forecasting growth in the character of these areas.

It is critical to note that this timeline over one year prior to the adoption of the comprehensive plan, the initial phase of Rockingham was approved. It was approved on May 28th, 2020. The annexation of the second phase of the development was completed by September 8th, 2021, just over a month prior to the comprehensive plan's adoption by the city and the county at the time of the adoption of this comprehensive plan, this Future Land Use Map. It was very well known to the MPC, the city, and the county where Rockingham would be located and what it would be used for.

Nonetheless, the Future Land Use Map purposefully did not include the area that is the subject of this petition within the industrial light land use applicable to the Rockingham development. The developer made promises. It promised a buffer and that still isn't in, and it is not appropriate to change a Future Land Use Map just because the developer hadn't installed the buffer it promised to install. To protect these 10 people who are here and be telling us dirt, debris, noise, headaches. They're explaining exactly why there's a Future Land Use Map. They're explaining exactly why. That is exhibit A to why the state requires, and Georgia law requires a Future Land Use Map. It is to prevent the juxtaposition of those two things adjacent to each other.

What has now happened is we have these 10 owners, who I frankly feel sorry for, but they weren't protected by the developer who made promises. Here we are affecting the other 500 residents around here. There are 80-something people in these blue shirts who most of them live right here. They're all going to be back here saying, "You've extended the Future Land Use Map. Here's the development. Is that my doorstep? Now I'm forced to sell. When will it end?"

There's a reason why the state requires a Future Land Use Map, and it is the responsibility of the MPC and the city, and the county to honor that and adhere to that. I would respectfully request that that be done here because we've got a big problem on our hands. If this just continues to push out, it's just never going to end. The staff did a wonderful job in their staff report. For the interest in the sake of time and the interest of time, I'm not going to reiterate. I agree with most of what they said. They said nearby uses should be of similar and complimentary scale and intensity. It goes into suburban residential. By definition, they should be separated from other land uses such as industrial land uses.

It goes into the comp component and talks about future development should ensure public connectivity and the surrounding context. The staff said it best in their report when they said the requested rezoning and what's being requested here, the Future Land Use Map amendment, and the rezoning application of the Petitioner represents an encroachment of this incompatible land use into an overwhelmingly residential area. Also, as noted by staff, if this Future Land Use Map amendment and rezoning moves forward, it will change the character of Buckhalter Road and prompt further industrial encroachment. That's what I'm saying. This is not going to end. The area is going to be overrun by warehouses and container stacking and buffers that were promised and haven't been put in yet to protect these people. This thing's not even developed yet. Make the buffers go in first to protect these owners, these poor people who are adjacent to this. Put the buffers in and protect these people. If this does go forward, I respectfully request that there be serious conditions on how this property's developed and there'll be serious considerations given to when the timing of mitigation factors have to go in. Otherwise, we have got a real problem on our hands.

I'm going to stop talking and let you hear from the residents. There are other things in the comprehensive plan that are critical to this area. You will hear from Irene Hines and Joanne Meyers. There's a 227-year-old Oakland Missionary Baptist Church and a predominantly African American church located a half mile down the road. There's serious history out here. My own client, Laura Mackey, you'll hear about the history of Red Gate Farm and how important it's to protect it. It's not just a matter of these 10 owners, it's a matter of protecting the area and complying with the comp plan. It's there for a reason.

The staff also, I commend the staff on how incredibly they highlighted the rich agricultural, cultural, and residential history of this area. It's certainly worth reading. It's a great highlight of that. This likewise goes with the MPCs' mission to promote development but protect it. To protect areas that need protecting. Let me just make sure I'm not missing anything here. With that, I would ask-- We did submit a list of those citizens and residents of this area that I think will be really helpful to highlight why it's important to protect this area.

Mr. Dwayne Stephens, I think I appreciate your speaking, and I appreciate everybody cooperating that did, that yielded their time. I am going to have to truncate time because I honestly don't want to keep you here until seven o'clock. I'm sure you don't want to be here until seven o'clock, but at the rate that we're

going, that's where we will end up. If we can keep comments to a minute and a half, let's do that, please.
Ms. Irene Hines? Please state your name for the record.

Ms. Irene Hines, My name is Irene Hines. I am a lifelong resident of Buckhalter Road. My parents had a farm out there, family farm now. I'm here to talk briefly about Oakland Missionary Baptist Church. Let me share a little history with you. Our church was founded in October 1796 on Buckhalter Road, where we are now. That was called Oakland Plantation. Our church is 227 years old. We are the third oldest black church here in Savannah, Georgia, Chatham County, however, you would like to say that. We worship there normally on the fourth Sunday. That land was purchased by Black slaves from a white minister. They purchased that land for \$50 back in slavery time.

This was hard cash coming by during that time. They purchased the land by selling chickens and eggs to acquire that amount for \$50. After acquiring the land, eventually, they were able to, what we call the pastor by the name of Reverend Cuffy Wisham. They were able to build a little church there. They lived there. They were there for a while. Reverend Wisham passed away. He was wounded in the woods and his body was recovered and buried on the church grounds. We don't know exactly where it is today. Nevertheless, the plantation slaves erected that building and they served in that building until around the early 1800s.

Mr. Dwayne Stephens, There's about 20 seconds left.

Ms. Irene Hines, Well, I don't think I can get through within 20 seconds, and five of them are already gone. Nevertheless, there are a lot of things about our history. I would like you to come out and visit us on the fourth, Sunday. That's when we have worship. Please don't box us in county commission. We have history there and we want to remain there. My question to you, if you will allow me to ask this in closing.

Mr. Dwayne Stephens, That should be closing.

Ms. Irene Hines, Yes, sir. What positive aspects will these changes bring to our small community on Buckhalter Road which will inevitably change our community forever? Thank you for thinking about it. We pray that God will help you to make the right decision. Thank you, and God bless.

Mr. Dwayne Stephens, Thank you, Ms. Hines, for participating and cooperating with me. Ms. Meyers?

Ms. Joanne Meyers, Good evening. It's evening now.

Mr. Dwayne Stephens, Yes, it is.

Ms. Joanne Meyers, Thank you for allowing us to speak. My name is Joanne Wilson Meyers, and I'm a resident of Buckhalter Road. Buckhalter Road is my heartstring. For one, I was born in 1952. My father was born in 1914. My grandparents and great-grandparents were born in the 1800s. Do the math. Over 100 years. My siblings and I have played with other children that have lived on Buckhalter Road for 100 years or more. We had a good time. We didn't have any conflicts. We were a family. We were in a village. My grandfather and his sons farmed the land, and it was good, and we ate well. Believe me, we ate well. We look out for one another. We help one another. That's what I'm going to say. We helped one another then, and we do it now. Don't box us in. We are proud people. Our history is longstanding in our homes and community. Progress is good, but not heavy trucks, not bright lights.

Mr. Dwayne Stephens, You have about 30 seconds. Let me see.

Ms. Joanne Meyers, 30 seconds?

Mr. Dwayne Stephens, Yes, ma'am.

Ms. Joanne Meyers, Okay. Take a drive down Buckhalter Road and see how beautiful it is. See what time has gone. It has left us beautiful, beautiful. We want it to stay that way. Don't erase our heritage. Don't make us statistics on a spreadsheet. Don't box us in. My last question is, why box us in? As a developer, would you live on Buckhalter Road with your family with trucks, cranes, boxes of whatever.

Mr. Dwayne Stephens, That's your time.

Ms. Joanne Meyers, Would you live on Buckhalter Road?

Mr. Dwayne Stephens, That's your time, Ms. Meyers.

Mr. Joseph Welch, Mr. Chairman, I got a question. Ma'am, how far do you live from this part?

Mr. Dwayne Stephens, I was about to ask that.

Ms. Joanne Meyers, How far do I live?

Mr. Joseph Welch, Where do you live in the distance of the property?

Ms. Joanne Meyers, I live maybe less than half a mile from the railroad track.

Mr. Dwayne Stephens, In relation to the parking property.

Ms. Joanne Meyers, The railroad track when you cross the railroad track.

Mr. Joseph Welch, I know we are.

Ms. Joanne Meyers, That's where the developers are.

Mr. Joseph Welch, Thank you, ma'am.

Ms. Joanne Meyers, You are quite welcome. You all have a good day.

Mr. Dwayne Stephens, Thank you. Oh, I'm not sure right now. Robbie, I'm not sure of the last name. Letters are running together. Is there someone by the first name of Robbie?

Ms. Helen Hester, Mr. Jordan is not here tonight.

Mr. Dwayne Stephens, Thank you. What is really going to end up happening and really burn your opportunities to speak is if we start submitting names with people that's not here, that doesn't work, that will not be frankly tolerated. It will eventually yield the full forfeiture of whoever's left because, at that rate, I don't know who to trust in regard to who's actually present or--

Ms. Sally Helm, Mr. Chairman, that was not their fault. They submitted those names yesterday in an email and then came to me to let me know who was here. That did not get pulled. That's on me.

Mr. Dwayne Stephens, Thank you for that clarification because that will--

Mr. Joseph Welch, Well, Mr. Chairman, the good news, there's not 80 people in blue shirts. It's 45. That cuts the time down.

Mr. Dwayne Stephens, All right. Disregard what I was saying, but please, I want this process to be fair across the board. I don't want anybody to try to pull one on us and start trying to increase numbers. I don't want to prolong it. Karen Bramhall, minute and a half, ma'am.

Ms. Karen Bramhall, Good evening. Member of the MPC, I'm Karen Bramhall. I live at 231 Buckhalter. I moved to Buckhalter from out of state about three years ago to join my children who deeply are a part of the Savannah Chatham County community. One being a firefighter and one being a kindergarten teacher. When I decided I am to move, I knew I wanted a place that was peaceful, beautiful, ideal for my children, grandchildren, residential agriculture suitable for animals, especially horses, which are my passion. In the past two years, I spent my entire profit from my previous home to make improvements to my new home in Buckhalter. Some of the improvements are fencing, riding arenas, sport corals, Airbnb. Part of the uniqueness of Savannah thrives in this small rural community that offers a taste of the rural south. I offer a special opportunity for travelers to experience this lifestyle which is foreign to many. My small Airbnb cottage has become part of my lifestyle. Having light industrial next door would certainly interfere with that.

I've fallen in love with my home, my community, and these amazing, amazing people. My children and I find it impossible to believe that you would change the master plan for residential agricultural to light industrial, which would undoubtedly destroy and devastate this unique area. My question to you is, would the despoiling of this historic heritage family, this couldn't possibly be what you intended for this area, please do not change the master plan. Thank you.

Mr. Dwayne Stephens, Thank you. That was beautiful timing.

Ms. Karen Bramhall, Appreciate it.

Speaker in audience, 400 yards from the property. Sorry.

Mr. Dwayne Stephens, Sir, that's the last one. If we get another one, sir, I'm going to have to ask you to leave.

Speaker in audience, I'll go.

Mr. Dwayne Stephens, Thank you. Selena Osborne. You didn't yield your time to me, did you?

Ms. Selena Osborne, I did.

Mr. Dwayne Stephens, Thank you.

Ms. Selena Osborne, You called my name.

Mr. Dwayne Stephens, Thank you for being honest. No, no, no. I appreciate it. I want to keep you all honest, just like you all trying to keep us honest. Laura Mackey.

Mr. Dwayne Stephens, Oh, you're yielding your time to somebody that yielded their time. How does that work?

Mr. Dwayne Stephens, No, no, no. I'm not saying-- did you not just say she can have your time. You are Laura Mackey? She's Laura. Ma'am, I vividly recall you raising your hand and yielding your time. You didn't get your name. Wait a minute. I waved my hands initially. I don't have her name, but I do remember the hand waves. I'll allow for a minute and a half. I don't need or desire pushbacks. I'm trying to be as fair as I possibly can. The public comment has already consumed a good chunk of time. If we want to keep down the path to allow for you all to continue to participate, let this be a respectful exchange or I'll cut it off now. Does that work? Thank you, Ms. Mackey.

Ms. Laura Mackey, My name is Laura Mackey. I am the granddaughter of Ed and Amy Martin. My grandparents bought 440 acres of beautiful farmland in 1931 and lovingly named it Red Gate Farms in memory of Cyrus Steadwell, Cyrus was Mama Maeme's first cousin who was killed in World War I. Cyrus always said that when he returned from the war, he would buy a farm and name it Redgate.

Thus began the 93-year-old history of Red Gate Farms that their grandchildren, great-grandchildren, and great-great-grandchildren enjoyed today. Our family has been blessed to still own, live, and operate our businesses from the farm. The first business was established at Red Gate Farms with the Jersey Cattle Farm. Since then, we have had numerous, numerous businesses, which I will not elaborate on at this time.

Presently, Red Gate Farms operates three event venues, an RV Park, and a horseback trail ride.

Summer day camp for children, presently the Mackey House and a venue at Red Gate Farms. We have three others at the farm. My question to you is, what is different from the past and present businesses on Redgate, and the Mackey House is that all these businesses have been conducive to the landscape of the properties and to our neighbors.

All that we have done and presently do is keeping with the comprehensive plan 2040 that is presently in place. My question to MPC is what has changed in the past two years that would make the city and county feel that allowing an industrial light rezoning to enter into the comprehensive plan 2040, which was developed to be a 40-year plan. Thank you.

Mr. Dwayne Stephens, Thank you, Ms. Mackey. JD Smith.

Mr. JW Smith, take a break.

Mr. Dwayne Stephens, Noted. Dory Clark.

Mr. JD Smith, That's not JD. I'm JD.

Mr. JW Smith, JD, I'm sorry.

Mr. Dwayne Stephens, You are JW Smith. Got you. All right.

Mr. JD Smith, I was going to ask if I could claim a minute and a half of Ms. Hester's time that she left. I have just three minutes' worth of words.

Mr. Dwayne Stephens, I'm going to give you the three minutes because I'll let you have a minute and a half. You're JD?

Mr. JD Smith, Yes, sir.

Mr. Dwayne Stephens, He's JW?

Mr. JD Smith, That's JW. Yes.

Mr. Dwayne Stephens, Thank you. Go ahead. Please state your name for the record.

Mr. JD Smith, All right. My name is JD Smith. I live at Red Gate Farms. Just going through this whole process with everybody, it's made me realize Buckhalter Road, it's not just been a neighborhood for people for a couple of years. It's been people's home for a couple of hundred years. To have a recent development come in and not properly protect the existing neighborhood and people who live there to the point that they feel forced out and feel they have no other options, that's the type of thing that the comprehensive plan and the development standards are supposed to protect against.

Different land uses should be able to coexist and operate without affecting one another. It's clear in this situation that's not the case. The property owners currently petitioning to rezone their properties participated in this very process once before. They spoke to the MPC staff and voting board, they stressed their concerns. They begged for buffers and protections to date, three years later, there were no buffers. There are no protection. Now the very neighbors who were trying to ensure they were protected feel like they have no other option than to move from their home.

A lot of time and effort has been put into the plan 2040 and its Future Land Use Map. It wasn't created on a whim. It's supposed to guide the development of this area for 20 years, to have a request to change every time there's a one-off scenario with no material change to the area that wasn't in place at the time when the plan was adopted doesn't follow the spirit of the plan.

The city has a requirement for any development to match the comp plan and for good reason. It's to protect against this very situation. It's supposed to protect the character of neighborhoods and the people who live in them. It's supposed to make sure people don't feel forced out of their homes. I just want to make sure the neighbors here today, and the neighbors of any development are sufficiently protected. I want to make sure the same scenario happening now doesn't happen again in a short while.

If this change takes place and the development takes place where they're, again, not properly protecting the existing neighbors with proportional and timely barriers, and we are all here next trying to escape some nightmare situation where we have massive structures taking over the landscape with unmitigated noise and lights operating 24 hours right in our backyard. There are better places for an industry than in someone's backyard.

I have two questions. What is going to prevent the next group of neighbors from feeling forced out and all of this happening again? Does adopting this change encourage industrial development in the areas already designated for such use in the Future Land Use Map? Thank you.

Mr. Dwayne Stephens, Thank you, sir.

Mr. Joseph Welch, A question, please.

Mr. Dwayne Stephens, Yes, sir.

Mr. Joseph Welch, Mr. Smith, are your part-owner of Red Gate?

Mr. JD Smith, Yes, sir, I am.

Mr. Joseph Welch, Is that the same feeling as of all the members, the Smith family of Red Gate, do you represent all of them?

Mr. JD Smith, It's the feeling from the majority of the owners, yes, sir, out of the-- I think it's-- what is that one, two, six. Out of the six owners, five of them are opposed to it.

Mr. Joseph Welch, Are you part of The Mackey House?

Mr. JD Smith, No, sir, I'm not. My last name's Smith. Ricky, who was on that map earlier, and my dad were brothers. Laura was their sister.

Mr. Joseph Welch, Okay.

Mr. JD Smith, I also noticed on the map that was up earlier, that it said Richard C. Smith was in favor of it, where his name misled the group on that map Mr. Northrop put up. Anyway, there's other owners in just that one.

Mr. Joseph Welch, You are aware there's apartment complex going across from The Mackey House?

Mr. JD Smith, A residential apartment complex? Yes, sir. I'm very well aware of--

Mr. Joseph Welch, How many units?

Mr. JD Smith, I'm not sure.

Mr. Joseph Welch, I'm sorry. Anyhow, are they putting a buffer there to block that from The Mackey House?

Mr. JD Smith, I hope so. Any development puts buffers in place to sufficiently protect the existing neighbors.

Mr. Joseph Welch, Has that land already been sold?

Mr. JD Smith, That land was sold back in 2007 by people who don't--

Mr. Joseph Welch, I just wonder if they put a buffer there.

Mr. JD Smith, -own part of Red Gate.

Mr. JD Smith, I'm not sure where that is in the process.

Mr. Joseph Welch, Because I didn't see one there, but thank you.

Mr. Dwayne Stephens, All right. I appreciate that.

Mr. JD Smith, Thank you.

Mr. Dwayne Stephens, Dorie Clark, a minute and a half. Please state your name for the record.

Ms. Dorie Clark, Hi, I'm Dorie Clark. I'm a business owner and resident of Red Gate Farms. You've heard many reasons today why the Comprehensive Plan should not be changed to allow light industrial use in the bulk water vicinity. These reasons clearly demonstrate why that zoning is inherently incompatible with the current residential zoning. I support the reasons but won't go into restating them in the interest of time.

However, I do want to add one piece of information from a scientific perspective, why those two zonings are, in fact, inherently incompatible, and that is due to noise and its adverse impact on health. As I mention in the next couple of points, please keep in mind that industrial zoning are permitted to reach 75 decibels at all times.

According to the CDC, continual exposure to noise can cause stress, anxiety, depression, high blood pressure, heart disease, and many other health problems. WHO, the World Health Organization, recommends less than 40 decibels as an annual average of nighttime noise outside bedrooms to prevent negative health effects and less than 30 decibels for high-quality sleep, which is not likely to occur with industrial zoning out your back door.

Just last month, on June the 9th, *The New York Times* released an article titled "Noise Could Take Years Off Your Life. Here's How." This article shared a study regarding the negative impacts of noise on human health. It's a great article with a lot of good information that I'd recommend that you read, but I'll just give you one key takeaway.

Mr. Dwayne Stephens, You've about 30 seconds.

Ms. Dorie Clark stated that starting just at 35 decibels, the risk of dying from a heart attack increased by 4.3%, and for every 10-decibel increase in traffic noise after that. It's 75 decibels, which is the allowed sound levels for industrial. The increase of dying of a heart attack should increase to almost 20%.

Increasing this community's chance of premature death is unnecessary and reckless. Would you want your chance of dying prematurely increased by 20% just by staying in your homes?

Mr. Dwayne Stephens, That's your time.

Ms. Dorie Clark, Done.

Mr. Dwayne Stephens, Thank you. Amanda Wilson.

Mr. Dwayne Stephens, Your name?

Mr. Dwayne Stephens, Got you. Thank you.

Ms. Amanda Wilson, Hi, my name is Amanda Wilson. Thank you for letting me speak before you. This problem that we're seeing about industry abutting residential keeps happening over and over again. I've been in front of you before. I feel for these people because I am in the same boat that they are in. Y'all should have a packet that staff presented to you. This. Does everybody have this?

Mr. Dwayne Stephens, Yes.

Ms. Amanda Wilson, Okay. If you look at the packet, you're going to see that the proposed 800 feet, and you're going to see an aerial of what this area looks like. It's all farmland and fields. There are no natural

buffers. The next picture, if you flip over, you're going to see the warehouse that SEDA put right in the back of Mr. Howard's yard. It is right there. You can also see that this is farmland. I'm going to go really fast because I know time is important.

The next thing we've been talking about is buffers, over and over again. "We can just build a buffer. We can just build a buffer." Turn to the next page. This is the 100-foot buffer that SEDA put to buffer my house and my neighbor's house from their 2.4 million square foot industrial park. This is a 100-foot buffer. As you can see, the trees are dead, and this is going to do little to nothing to protect us from particulate matter, noise, light, visual blight. It's already occurring and there isn't even a warehouse built there yet. Once the warehouse is built, it's going to go over those dead trees.

The next thing you're going to see is a picture of the property before that berm was built. Turn to the next page. This is the picture after the berm was built and the flooding that those berms have caused. Oh, wait, those pictures get worse. Look at the next picture. That's our road when the site was cleared when the trees were taken out. Look at the next picture as it continues. This is a road, not a river. This is our road.

The next picture, it looks like a river. As you can see, we measured, we were under a foot of water for over a year, and it is still not being corrected because of these berms, because of these buffers, because of this incompatible zoning.

Mr. Dwayne Stephens, You got about 20 seconds.

Ms. Amanda Wilson, Okay. Another problem that this proposal that we're looking at has to do with is people buying people out. I want to be bought out. I want SEDA to buy me out. They've ruined our life just like they're ruined their lives. This sprawl is going to continue going on and continuing spreading. We've got to draw the line somewhere.

Mr. Dwayne Stephens, That's your time, ma'am.

Ms. Amanda Wilson, Someone has donated.

Mr. Dwayne Stephens, Yes, you've already used it.

Mr. Joseph Welch, Mr. Chairman, I have a question. Do you live in Savannah?

Ms. Amanda Wilson, No, I live in Bloomingdale, but my experience, this is-

Mr. Joseph Welch, Okay, thank you, ma'am.

Ms. Amanda Wilson, -the same scenario.

Mr. Joseph Welch, That's all I need to know. Thanks.

Mr. Dwayne Stephens, Thank you, Ms. Wilson. A little loud. We can reel her back in. Ms. Lanier. Connie Lanier.

Mr. Dwayne Stephens, All right. I am trying to-- Is this a Laverne Rogers? Wait a minute. Please wait until you are called up. What was your name?

Ms. Connie Lanier, Lanier.

Mr. Dwayne Stephens, Who is this yelling the time?

Mr. Johnson, I'm Johnson.

Mr. Dwayne Stephens, Please do me a favor. Don't speak out until you are addressed because I'm trying to keep the confusion down.

Mr. Dwayne Stephens, Johnson?

Mr. Johnson, Yes.

Mr. Dwayne Stephens, Thank you. Ms. Lanier, sorry about that.

Ms. Connie Lanier, That's all right. Okay, I'm going to make it short and sweet.

Mr. Dwayne Stephens, Minute and a half.

Ms. Connie Lanier, Okay.

Mr. Dwayne Stephens, Name of the record.

Ms. Connie Lanier, I've been in--

Mr. Dwayne Stephens, State your name for the record, please.

Ms. Connie Lanier, Oh, my name is Connie Lanier. I live at 5505 Girard Avenue. I've been living there since 1974 when my family bought a property in 1971. I have 44 years in the transportation business. I've been dispatching, I've run trucks, I've owned trucks. I know what happens in these yards. My biggest fear for the properties now is all of the oil, the grease, the diesel, hydraulic fluid, all of that going onto the ground. When it rains, it goes into our ditches, then it goes to the canal, then it goes to the marshes. We've got to find out what we can do to stop this. There's tire carcasses, they're broke down trucks. If you go down Telfair road, you'll be shocked. There's some of some holes in that road out there that you can drop a Volkswagen in. It's just awful because they're beating the roads up.

Mr. Dwayne Stephens, I understand you're making point, but if we could keep it to the subject at hand, that would be greatly appreciated.

Lanier, I just wanted you to know that this is a very dirty situation as far as everything that's dropping on the grounds and stuff. I'm worried about our aquifer. I'm worried about my neighbor's water because we

don't have city water. We're dependent on the aquifer, and if it gets tainted, then we have no water.

Mr. Dwayne Stephens, You got about 10 seconds.

Ms. Connie Lanier, Okay. Just a quick story. We had a neighbor.

Mr. Dwayne Stephens, If you can you do it with 10, no problem.

Ms. Connie Lanier, This is how we do. We had a neighbor, her husband passed away with cancer. Two days after his funeral, her lawn mower got stolen. There, I and two more neighbors got together, and we started cutting her grass.

Mr. Dwayne Stephens, That's your time. Hold on, one moment. Who were the two?

Ms. Sheila Michael, Sheila Michael

Mr. Dwayne Stephens, Yes, Sheila Michael. Thank you.

Ms. Connie Lanier, Okay, I just want to finish this. She buried her husband, and a couple of days later, her lawn mower was stolen. Her big Ex mark lawn mower. That's what it takes to cut 11 acres. I went to my neighbors, and I said, "Hey, can you guys help me out? I'll bring my mower." Jose can bring his and another neighbor will bring his. That's exactly what we did. One day she was saying, "You don't need to cut my grass anymore."

She appreciated it and tried to buy our gas. Somebody brought her a brand-new lawn mower. We don't know where it came from. We don't know who bought it. That's how we take care of our neighborhood and our community.

Mr. Dwayne Stephens, Thank you.

Mr. Joseph Welch, Mr. Chairman, can I ask Ms. Lanier? Ms. Lanier?

Ms. Connie Lanier, Yes.

Mr. Joseph Welch, I don't know where Garrard Avenue is, how far do you live from this site?

Ms. Connie Lanier, Probably a mile, maybe mile and a half. Like I said, I'm worried about

Mr. Joseph Welch, I Respect your position on trucking. As we've already said, there won't be any trucks exiting onto Buckhalter. [crosstalk]

Ms. Connie Lanier, There'll be [unintelligible 04,12,48] These trucks are dirty.

Mr. Joseph Welch, I understand that.

Ms. Connie Lanier, All that's going into the ditches. I've been there, down there. I've owned them.

Mr. Dwayne Stephens, Thank you. Ms. Laverne Rogers.

Mr. Dwayne Stephens, We'll move on. Joanne Meyers?

Mr. Dwayne Stephens, Okay, there we go. Thank you. I think I had your name twice, so that's what ended up happening. Tim Braidy.

Mr. Tim Braidy, Fine thank you.

Mr. Dwayne Stephens, Thank you. Hey, Stephanie Smith. Thank you. Betty Brown. Okay, thank you. Ernest Fred McKee.

Mr. Dwayne Stephens, Thank you. Richard Smith.

Mr. Dwayne Stephens, What's that now? Your name?

Ms. Eva Papert, I am Eva.

Mr. Dwayne Stephens, Eva Packard? Ms. Packard, you could come on up then.

Mr. Dwayne Stephens, Jared Packard. [crosstalk] Come to the microphone and repeat that for me so I'm clear on what you just said.

Ms. Eva Papert, Hello, my name is Eva Packard. For our group that was pro the amendment, though not quite as it is, we have two speakers for our whole group. Our group came and signed up, and we're splitting it between two people.

Mr. Dwayne Stephens, All of those names are-- I need to know.

Mr. Jared Papert, Jared Packard

Mr. Dwayne Stephens, Hold on. I got a Packard. Your name? Richard Smith, I got you.

Ms. Eva Papert, I know Howard wants to talk as well. I think that would probably be enough for me.

Mr. Dwayne Stephens, Let me make sure there's a speaker card in here for you because that's all right. I have them. Beth and Zane.

Mr. Chad Howard, I got.

Mr. Dwayne Stephens, I got you, Mr. Howard. Next to you

Mr. Dwayne Stephens, Okay. Somebody else raised their hand.

Mr. Dwayne Stephens, Wayne Wells. Cody Helton and Chad Howard. Yes. I mean, we'll divide it

Mr. Dwayne Stephens, Okay.

Mr. Dwayne Stephens, Okay. That is essentially going to wrap up all of the speakers. We did it. What I'll do, that was a fair chunk of time. I did not take account that time.

Ms. Eva Papert, I'll be quick. I'm a fast talker.

Mr. Dwayne Stephens, Would seven minutes work?

Ms. Eva Papert, Yes, sir.

Mr. Dwayne Stephens, Mr. Howard?

Ms. Eva Papert, I think he needed eight minutes.

Mr. Dwayne Stephens, Would seven minutes work?

Mr. Chad Howard, Eight, please.

Mr. Dwayne Stephens, I'll give you eight. I didn't forget about them. They're going to yield the time to them as well. I'll add a minute to yours. I'll add a minute to yours. Somebody online yielded their time to you. That is going to absolutely wrap public comment. No questions asked. When Mr. Howard sits down, we're done.

Mr. Chad Howard, Do I get time.

Mr. Dwayne Stephens, You do. Yes. That mean, naturally, that's the process.

Mr. Dwayne Stephens, All right. Please state your name for the record and go ahead and submit your comment.

Ms. Eva Papert, Hello, my name is Eva Packard. I'm one of the residents of the properties that are trying to be rezoned. I had to tell a little sad story. I'm a nurse that moved here in 2019. I work all the way through 2020 and all the good times. I bought that property thinking it'd be a nice, peaceful place to live. I met some wonderful neighbors in the process. Anyways, I'm here in support of changing the feature land use map, though not quite in the manner that the MPC staff recommends.

I've spent months working on what I want to say here today and years waiting for this conclusion. The main point I'd like to bring up is that we're talking about the future of this area and not the past. The future is what brought us property owners to this point. There's been a lot of change and there will continue to be, and we don't want to be here for it anymore. We approached capital development about buying us out and they're not the ones forcing us out.

I will say that Mr. Melder over here and Mr. Welch have already said a lot of what I want to say, so I'm going to cut off some of that. I would like to ask the staff, why are we the buffer? If we need a buffer between industrial and residential, then why are we the buffer? Why does half of our property have to be the buffer? Why can't it be a road? The road would be much more appropriate. Then the railroad and Veterans Parkway could make a nice little segment. Why does it have to be us?

Everybody is saying, I don't want this here. This can't be here. We can't live next to this. Why does it have to be our property? Why does it have to be split in half and why can't it go all the way forward to the road? Why are we protecting the road? When you drive down this road, the largest warehouse in Savannah is going up behind our houses. When you are driving down the road and you look, you're going to see the warehouse.

Whether or not our tiny 5% of this huge industrial part, our tiny little land is turned into industrial, or we rezone or change the flume, however you want to say this, it'll still be there. That's not going away. None of their concerns are going away. It's there. Also, a lot of people here don't really even have to drive to our property. If you look at Buckhalter, it makes a U with Garrard, and we are at the back corner of this U. Everybody trying to drive down from 17 to go to the church, they can just go straight there. They don't have to come by us. Everybody trying to go to their house in Garrard does not have to go by us. Then Ms. Vicky Hart owns a lot of the land across from us, and she's not here protesting this. Again, we are at the back of the U, the back of this thing. This tiny amount is not having a massive impact on everybody else. I know we're talking about changing the flume, but it also sounds like we're talking about rezoning at the same time, because if we don't change this map, then we can't change the zoning.

Please, I'm asking that this map represent the whole area, not just half the area in alignment with that. The private development that was built across the street, was that one annexed? Was that one given a whole year in the change of use between being annexed into the city turned into a private development? This isn't the first time something like this has happened. If that's the case, I still don't see how everyone is affected so much. The church will still be there. It'll still border flume on one side.

There's still acres of trees between it and the railroad. We're not asking them to move. We're not asking them to stop having their services. They can still have everything that they have right now. the Red Gate flumes is not being affected. It's not in line of sight. You don't even have access to-- Well, there is one little back road, but the public accesses it off of Chatham Parkway. Again, we're not going into their property.

Everybody on Garrard, again, when we're talking about changing the future land use map and who is affected, it's those of us living right there in that spot that's affected, not people that don't even border. Most of the people here protesting don't even border the land that they're worried about. Again, the nature of our road has already changed. Private development is going up. This is not going to be agricultural land anymore. It is already not safe for me to walk my dog down the street and go for a stroll, go for a dog.

I have traffic of people trying to reroute from Chatham to 17 trying to deal with those traffic lights, constantly coming up and down my road. Then you're going to put a private development there that's

going to outnumber the number of residents that already live there. Now where am I going to walk? The road's not going to be safer and it's not going to be any more agriculture. A lot of the staff report was talking about people who used to ride their horses down the road or cows crossing the road, that's not there now.

It hasn't been there for a long time, and it won't be in the future. We are talking about the future. The future is this area is changing. There's already going to be warehouses, there's going to be massive private development. It's not the same place it was, it is already changing. In addition, Red Gate itself has sold properties for development. It has not remained intact this whole time. If they've sold for development, it's not any different. I really appreciate your time. Thank you for listening.

Mr. Dwayne Stephens, Thank you. Mr. Howard. Do you have something, Mr. Welch? Okay. Mr. Howard, your turn.

Mr. Chad Howard, Thank you. I'm Chad Howard. My parents own 343 Buckhalter Road. We moved out there in 1984. My parents are still out there now. When you look around this room, the numbers look pretty lopsided. You've got 40 people in blue shirts. You've only got 12 of us. Just remember getting numbers does not necessarily mean that you're right. Whether it's blue shirts or red hats. If you're running a little campaign with some misinformation, you can get people riled up about it.

This is a very well-funded, well-organized, well-coordinated attack on the rights of these property owners to sell their land. They want to sell their property; they want to move on with their lives. All this stuff that you see is not little colored blobs. It's people, it's their lives. We keep hearing about the history of Beverly flumes and Red Gate and all of that is fantastic. It's amazing. You keep stopping 40 years too short. Recent history matters. Recent history will tell you that--

Yes, I saw people shaking their heads when she said that Red Gate sold property. They have sold 300 acres to developers. The Seed Church, both sides of Veterans Parkway. The entire north side of Buckhalter Road is in the hands of developers. The only thing that Red Gate has left on the entrance is a 40-foot red fence that is locked. That is their interest in Buckhalter Road. They've done a great job throwing absolutely everything they can at this. They teamed up with the professional organized protestors out of Brunswick, a hundred-mile organization.

Mr. Dwayne Stephens, Oh, wait. Please, Mr. Howard

Mr. Chad Howard, I apologize.

Mr. Dwayne Stephens, Mr. Howard, just continue to direct your comment towards us.

Mr. Chad Howard, Thank you.

Mr. Dwayne Stephens, Mr. Howard.

Mr. Chad Howard, They're doing a great job-- yes.

Mr. Dwayne Stephens, Please stay in the microphone as well. You're projecting, so I'm pretty sure we're recording you great, but just I want to make sure that--

Mr. Chad Howard, Yes, sir.

Mr. Dwayne Stephens, -we don't create a contentious environment. Don't direct your comment towards and just stay at the microphone. [crosstalk]

Mr. Chad Howard, I am not just trying to-- that's the problem. I apologize.

Mr. Dwayne Stephens, Thank you.

Mr. Chad Howard, They're very organized. They're very good at what they do. They had a cool logo. They had a catchy slogan. They're coming off of a lot of momentum with their successful opposition to the Bush Road property. Honestly, I agreed with the opposition of the Bush Road property. I'll tell you in a minute why, we knew this was going to be an uphill battle.

It's not like these 10 families are going to call all their friends and family and relatives and say, Hey, hop on the progress party bus and ride to the MPC meeting with us and yield all your time. They've done a great job of organizing. They've had their groups to get together on Thursday nights. Honestly, if I wasn't on this side, man, that would've got me. I'd have been there just for the social aspect of it. A lot of people that are in this room are not affected the way that these 10 families are.

Recent history really matters. Recent history would tell you that there's a master plan across the street with multifamily, duplexes, townhouses. People are in here saying that this is going to change the neighborhood. This is going to change the neighborhood. No, the neighborhood has changed. Staff even said there's no value to the single-family residential stuck between the giant warehouse, the railroad tracks, and the apartments. That's why we want to sell.

I want the residents to realize that this is the project that gives you what you want. This gentleman that waved a sign in my mom's face earlier, he said he doesn't want more traffic. This is the project that doesn't give you more traffic.

Mr. Dwayne Stephens, Sir. Inappropriate. Please stay directly here. No response. Let's keep it there. You stay here.

Mr. Dwayne Stephens, Sir. That's enough. Thank you.

Mr. Chad Howard, The Buckhalter Road neighborhood. This project needs to move forward. This is the project that will affect it the least. Staff recommendation.

Mr. Dwayne Stephens, Mr. Howard can stay this way? Please stay this way. Stay this way.

Mr. Chad Howard, The staff recommendation is going to add multi-family residential on the front of this property. It will add hundreds of cars to Buckhalter Road. Most of the people that are in this room are here because of the what ifs. Staff's recommendation laid it out. They're worried about pushing it to Buckhalter Road because of the what ifs. What if it crosses to the north side of Buckhalter Road? What if it crosses to the other side of the railroad tracks and the Oakland property all of a sudden behind the church gets developed as well?

What if, what if, what if. That's not what is in the proposal. What is in the proposal is phase one of the old Ron's dairy cow pasture. There's nothing historic about it. I mentioned that I supported the Bush Road opposition. I did because it had the big three. It had problems with wildlife, it had problems with wetlands, and it had problems with traffic. This has none of those, not one of the three. We're hearing a lot of words, but we have not heard a reason that this project should not move forward.

My dad is at home and he's ill. We need to get him into a house that doesn't have steps. I certainly shouldn't be here right now, going over something that we've already been going over and going over and going over. Then going home and telling my dad that his life is on hold because of some blue dots and people who are worried about traffic that's not going to be going down Buckhalter Road. If this becomes multi-family residential, it will affect traffic.

Everyone on Garrard is going to have to move their mailboxes back to widen that road. Please adjust the recommendation to match the zoning that you guys proposed with the 200-foot buffers to protect all the neighbors. Let's move forward.

Mr. Dwayne Stephens, Thank you, Mr. Howard. That is absolutely the end of public comment. Mr. Northrup, you have the opportunity to rebut public comment. Not sure where you will begin.

Mr. John Northrup, There's not much, and there's been a lot of public comment and I know that everybody's ready to move on. I just had just a couple summation remarks. The first is, I heard a lot about different commenters, and I think that it's already very plain that a lot of the objectors don't live in this immediate area. They're just not going to be as affected by this as these people are who want to sell their properties.

The sentiment that I hear, and I heard it in several of the objectors, I even heard it in Ms. Hester's comments, is there's a big fear of encroachment, of a slippery slope. There's a fear of the unknown, as Mr. Howard put it very well, there's a lot of what-ifs. What if this development continues? What if it continues to encroach? I can say with certainty man, I think Mr. Melder hit it on the head. He said, "I'm not saying that there are no problems here. I'm not saying we should just stick our heads in the sand and say that we don't need to balance industrial growth with residential areas. A lot of the sources of the objections that I heard this evening were, well, it's going to come for us next. That's not what we're proposing. We Capital Development Partners can't help that. We are trying to move forward with the properties that we agreed to buy. We are trying to incorporate them into the development with all traffic going south, nothing going on Buckhalter.

We can't be held responsible for the fears of other people that are situated farther away than these people are. The fact is, the overriding sentiment that I have heard from objectors is that they would like these properties to serve as their buffer at the-- They want these properties to be the ones, they want them to bear the brunt of being next to this industrial development. If that is what happens, that would be at their expense. That's not fair. These people have chosen to sell their properties and they are the ones that are affected.

I would respectfully ask, I'll echo Mr. Howard's comment that what we would respectfully ask this commission to do is to approve the future land use map amendment, but so that it extends all the way to Buckhalter. We don't mind if the same conditions are applied. We don't mind if there's a 200-foot buffer along Buckhalter. We've got a sound agreement with the city so that we're going to-- if these things don't go through, we've got to build a sound wall.

We're taking this seriously, but we would respectfully ask that it go all the way to Buckhalter on the same conditions that the rezoning was already passed on. That makes the most sense and it's the fairest for these people who want to sell the property and move on with their lives. That's all I have to say.

Mr. Dwayne Stephens, Appreciate that. We'll entertain a motion.

Mr. Joseph Ervin, Mr. Chair.

Mr. Dwayne Stephens, Yes sir.

Mr. Joseph Ervin, Motion for reconsideration of our previous vote. I will tell you why. My reasons are as follows. I agree with Mr. Howard, and I agree with the lady on the front row that spoke very eloquently, and I agree that homeowners should be able to use their property and sell it as they deem fit. However, I am the only member of the state bar of Georgia that sits on this board. A fellow member of the bar raised

a very important issue. It is the rule of law.

We assume that when matters come before us as a board, that it has already been pre-vetted by the city and or the county. Therefore, we assume when we vote that something has been handled the way in which the rule of law says it should be handled. Under 36-36-117; this board has no other choice but to reconsider its vote and to ask for a legal opinion coming from the city as to whether or not the requirements were followed to the letter of the law, whether or not one year had passed prior to it coming before us.

In the absence of that, we're not following the rule of law, but rather we will be following something I'll refer to as the rule of raw power. We as a board cannot exercise our duties by fiat. We must follow the law that Mr. Chairman is my motion for reconsideration.

Mr. Dwayne Stephens, , Thank you, Mr. Ervin.

Mr. Jay Melder, Could I have a question on that motion?

Mr. Joseph Ervin, Yes, sir.

Mr. Jay Melder, Could you read that statute that you quoted?

Mr. Joseph Ervin, I'd have to pull it up.

Mr. Joseph Ervin, I believe it says words to the effect of you have to wait one year. It says, likewise, the county's prohibited-- the city and county is prohibited from changing the zoning land use density of the property proposed for annexation for one year of the proposed annexation is abandoned. That is the county, but I think the city is under a different obligation if I'm not mistaken.

Mr. Dwayne Stephens, That's exactly the

Mr. Joseph Ervin, Would please read that. I just want to

Mr. Jay Melder, Mr. Erving and that's the section that I read too. The issue there though is that that's referring to a contested annexation where the county contests an annexation. There's a procedure by which a county can contest an annexation from a municipality if it's contested. Then there are some stipulations that would disallow the rezoning of that property for a year. State law also requires that at the time of annexation, a municipality adopt a zoning code for that property.

It's not required to be the same zoning code as it required. I think that we do need to make sure that the process and procedure is correct. Though on this reading, this is regarding contested annexations. The other point that I would make and not being a member of the bar or a lawyer, is that according to those ordinances too, those are in reference to county commission and city council actions, not the actions of a planning commission.

I think it's Ms. Hester who also noted that the rezoning can't be adopted unless a comprehensive plan amendment, which is a future land use map amendment, which we're voting on now, is adopted by those entities as well. I completely agree that the process on this petition has gone backward. I don't agree that we are outside of the state code. This body isn't the city council. This body isn't the county commission. This isn't changing the zone. Whether or not the clock has to strike a year, or those requirements are met by the city or county.

That will absolutely be meted out by Ms. Hester as her representative and by Mr. Northup as their representative by the city attorney and the county attorney. I don't disagree with you there, but from my reading of the code there, I don't think that the action of the MPC commission, whether or not we're going to vote to agree with staff's recommendation on the future land use map, which is completely within our ability to do because this isn't annexation, this is not a rezoning. Whether it's to do that or to support the petition's request I believe we're well within our ability to do so.

Mr. Joseph Ervin, I respectfully amend my motion to read from the code section. I misquoted the code section. If no objection is received as provided in code section 36-36-113, the annexation may proceed as otherwise provided by law provided. However, that as a condition of the annexation, the municipal corporation shall not change the zoning or land use plan relating to the annexed property to a more intense density than that stated in the notice provided for in code section 36-36-111 for one year after the effective date of the annexation.

Unless such change is made in the service delivery agreement or comprehensive plan, as is adopted by the affected city and county and all related, all required parties, that is the exact code section.

Mr. Dwayne Stephens, Yes, sir. I think so, that points out two avenues in which the annexation could change per your recital of it is, one in a comprehensive plan amendment, which is a future land use map amendment, or the service which is amended several times and is about to be amended again soon, which dictates, how services are provided. I do think that if there are--

I certainly agree if there are procedural issues, I think that the city attorney, the county attorney, the attorneys representing the Petitioner, the attorneys representing the neighbors in opposition can completely get together and figure those issues out. Based on your reading, I'm not sure that it precludes the commission from moving forward on this.

Mr. Joseph Ervin, We would have to first amend the comprehensive plan and what we did by my motion,

my ill-stated motion, the first time we were here, I agreed to the zoning change. Whereas we should have amended the comp plan first, then gone back and did that. Therefore, my motion for reconsideration would be restated to state we need to go back procedurally and amend the comp plan per the code section and then come back.

Mr. John Northrup, Doesn't that prove-

Mr. Dwayne Stephens, Mr. Northrup.

Mr. Joseph Ervin, I'm just reading, from the code section. Because I went to 117. It's actually there. In essence, my motion for reconsideration, once again amended, would be for us to amend the comp plan first and then proceed because we amended the zoning plan. We did the zoning first. We put the zoning ahead of the comp plan and according to the code section, the comp plan comes first, then the zoning.

Mr. John Northrup, That's what I wanted to know.

Mr. Dwayne Stephens, Considering all things, hang on, hang on. Considering what you just stated, all that said, and what we had before is what we are actually here to take action on today. If we reconsider your zoning, the zoning change that was in the previous meeting, and took action on this future land use plan, will we not be remedying?

Mr. Joseph Ervin, No, you got to have to rescind the original vote or reconsider the original vote because it has to be rescinded in order for us to go forward. As we sit now, we have a zoning that is passed this board that, if I'm not mistaken, we need to undo that particular vote, rescind the vote, or reconsider the vote. If we reconsider, we can then rescind it and move forward with what we want to do today. Am I making-- you following me procedurally?

Mr. Dwayne Stephens, I'm tracking.

Mr. Joseph Ervin, We have to then resend and then vote forward. I've got to look at my Robert rules to determine if we can do both in the same city.

Mr. Jay Melder, This isn't the city council. It's a recommendation.

Speaker 3, Can I say something? I'm a member of the bar too.

Mr. Dwayne Stephens, One minute. I'll allow it.

Mr. John Northrup, I understand. I'm following your reasoning, Mr. Ervin. The only thing I would disagree with is that I think that if you're looking at the trigger point in that statute, it talks about the municipality. This is not municipality. If you're worried about the municipality changing the comp plan or future land use map before it changes the rezoning, that can occur because that does not happen until City Council takes action. It doesn't have anything to do with the MPC taking action.

Mr. Joseph Ervin, It does say all comprehensive plan and is adopted. We would have to change the comp plan and then it would be adopted by the city or county. If I'm reading the statute correctly.

Mr. John Northrup, That's what the future land use map, I think is an amendment to the comp plan. The future land use map is part of the comp plan. That's what we're doing.

Mr. Joseph Ervin, They're two different ones but I'm tracking what you're saying. We have a vote that took place previously that discussed the zoning issue of it. In order to do it properly, that zoning matter has to be rescinded in order to do this then go forward.

Mr. John Northrup, I would disagree because It doesn't until it gets enacted by the city council. If the city council had enacted the zoning, then I would agree with your point, but it hasn't. The city council can take this concurrently with the other one, pass the flume, pass the rezoning, and you'd still be in line with the statute.

Ms. Connie Lanier, Don't follow process to follow process.

Mr. Dwayne Stephens, Ultimately, at some point, is got to get corrected. We win away and we have the opportunity to bring it back in alignment with what it should be. That's ultimately all it boils down to, in my personal opinion, we take the necessary action to rectify missteps, and going forward, we stay along the path.

Mr. John Northrup, Or city Council can take it.

Mr. Dwayne Stephens, I don't disagree with it but considering the language that both Mr. Ervin and you all presented, I don't disagree. Even still, unless Mr. Ervin withdraws his motion, there's currently still a motion on the floor for reconsideration.

Mr. Dwayne Stephens, No, that's what I'm getting at.

Mr. Jay Melder, What are our rules around reconsideration? Does it have to, for instance, at the city council, the rules are that only a member in the affirmative party can reconsider?

Mr. Dwayne Stephens, I wasn't at the affirmative party. I was the one that made the motion.

Mr. Jay Melder, I just want to know that we have.

Mr. Dwayne Stephens, He made the motion.

Mr. Jay Melder, If we're going to get in alignment, let's get in alignment.

Mr. Dwayne Stephens, If we're going to get on it, get on it all. Is there a second to Mr. Ervin's motion for reconsideration? That motion dies. Is there another motion? [silence]

Ms. Laureen Bowles, Let me ask this question before I make a motion. If we take action today, is that part of the remedy? I think it is. I think it's part of the remedy because we do have to change the future land use map. We still have to do that. Now, does it need to happen after rezoning, but I think we can do that today. I think.

Mr. Dwayne Stephens, I would tend to agree considering that this all does still have to go to council for consideration, that's where I am. Do I think we should potentially reconsider? I'm not up here to make the motions. I'm here to facilitate them. On your point, I do agree that some level of action should be taken today because if we bottleneck here, it just takes that much longer to get to council and then we still get nothing.

It would be in the best interest of not only our body to remedy the issue by taking some level of action, but to also be considerate of the many people that have shown up for these meetings to move this process along. Some level of action is taken to go to City Council, which they can then base their decisions on motions, determinations from this body as recommendations for how they should or should not move forward.

That's what it is. That's my personal position. If I'm out of line staff, please, reel me in but that is what appears to be the appropriate path forward. Mr. Welch and then Mr. Noah.

Mr. Joseph Welch, Can staff read the recommendation again, please for the record since we got off course?

Mr. Edward Morrow, All right. In the interest to preserving the rural character and intent of Plan 2040, for a desired future growth pattern of low-density suburban residential development, staff recommends approval of the future land use map amendment, to reflect a split character area designation of light industrial extending 800 feet to the north and east of the rear property line, and residential general from the front property line adjoining Buckhalter Road and extending 800 feet to the South and West. The proposed amended map has been attached as page 13 of this report. This is the particular map that staff is proposing.

Mr. Dwayne Stephens, With that information, what we are taking action on today is the future land use map amendment that staff has presented, period. In the event, if there's anything else, it would strictly be the reconsideration that was raised by Mr. Ervin that did not pass. We are back at future land use map amendment, period.

Mr. Joseph Welch, Mr. Chairman.

Mr. Joseph Ervin, Mr. Welch.

Mr. Joseph Welch, Continuing. Can I ask the lawyer to clarify what he wants?

Mr. Dwayne Stephens, Wait, I don't think it's for us to go on with what he wants. I think he's been very clear in the process that they would prefer this moves up to the street. I think we should move accordingly. One moment. Mr. Noah, Ms. Bowles. Mr. Melder.

Mr. Wayne Noha, I want to make it very clear my position on this case. In no way, shape or form, do I believe we should dissect this property in half. You talk about a nightmare. When we voted on the rezoning for this property, it wasn't half of it, it wasn't a third of it, it was all of it. That's what was voted on and that's what was moved through. To come back, I don't even know where you would start to seek development on what was left.

Absolutely, no way would I support anything other than the, I believe it was a 200-foot buffer on the other properties to continue around that property. With that, I don't know what Buckhalter Road right of way is, but it's probably 100 feet. I mean, it's pretty wide.

Mr. Dwayne Stephens, It's not quite that big.

Mr. Wayne Noha, Okay, 80 feet. You're getting 280 feet to the closest as a buffer and to cut this property in half is, I don't understand it.

Mr. Dwayne Stephens, That's perfectly fine. It is just the body's prerogative to not agree with staff and propose what it is that we feel is appropriate. Again, we'll go Ms. Bowles, we'll go, Mr. Melder, Ms. Epstein will stop there. We need a motion because I'm sure everybody would like to get home. You pass. Mr. Melder.

Mr. Jay Melder, I just want to make a clarification. I believe that just like any other petition, there was the Petitioner's-- the petition itself, and then a staff recommendation, which I believe in this case differed from the Petitioner's request. We have three choices. We can vote to approve staff recommendations. We can vote to approve the Petitioner's request, or we can amend any of those as we feel and pass something differently.

Mr. Jay Melder, I would agree.

Mr. Dwayne Stephens, Is that correct?

Mr. Jay Melder, I would agree.

Mr. Dwayne Stephens, Okay. Ms. Epstein.

Ms. Elizabeth Epstein, It wasn't really spelled out that way, and I can see Mr. Marrow was checking on

that, whereas some of our other opportunities gave us a choice of what to do. This one seems to be pretty clear that we're just voting on y'all's version that we're looking at here, whether we're going to prove that or not, can we as [crosstalk] been discussed-

Mr. Dwayne Stephens, Absolutely.

Ms. Elizabeth Epstein, -alter it?

Mr. Dwayne Stephens, Absolutely.

Mr. Jay Melder, Yes ma'am you can. The MPC has the ability to condition [crosstalk].

Mr. Dwayne Stephens, All right. [crosstalk] We'd like a motion. Ms. Jarret.

Ms. Karen Jarett, I move that we keep the light industrial zoning throughout the property, but we have a 500-foot buffer from the road.

Mr. Dwayne Stephens, All right. There's a motion on the floor made by Ms. Jarret, that we proceed with the-- can we keep it down, please. If the future land use map should reflect the subject properties to be fully light industrial, increasing the buffer from the road to 500 feet. Is that correct, Ms. Jarret? Is there a second? Go ahead, Mr. Noah.

Mr. Wayne Noha, Just for clarity, so you want to add more than staff is recommending?

Ms. Karen Jarett, Yes.

Mr. Wayne Noha, Okay.

Ms. Karen Jarett, No, but staff didn't recommend anything.

Mr. Dwayne Stephens, We got your microphone. Just for clarification, Mr. Morrow, is a 200-foot buffer it was a staff recommendation, or was that this body's recommendation considering, from my understanding, the ordinance does not require a 200-foot buffer, is that correct?

Mr. Edward Morrow, That's correct.

Mr. Dwayne Stephens, Okay, so the next part in this was the 200-foot buffer initiated by staff or this body?

Mr. Edward Morrow, It was in the previous, actually, I'm going to let Melissa speak to that.

Mr. Dwayne Stephens, Okay.

Ms. Melissa Leto, The map amendment for the request for light industrial for this sub 10 subject parcels was staff-recommended denial, but if the MPC or board approved it, there were conditions of a 200-foot buffer and a subdivision requirement. I believe there was another-- [crosstalk] and of course, the future land use map.

Mr. Dwayne Stephens, This is initiated by-- this is a staff recommendation in the event of this future land use map adoption of completely, light industrial of the subject parcels. Correct?

Ms. Melissa Leto, It was an alternative in case you decided to approve and not deny, like what would we recommend?

Mr. Dwayne Stephens, Okay, right.

Mr. Wayne Noha, I can say the [crosstalk] motion.

Mr. Dwayne Stephens, Everybody clear on that? Hold on, Mr. Noah. Everybody is clear on that. All right, cool. Mr. Noah.

Mr. Wayne Noha, I was just simply going to state the motion if you would like from that meeting.

Mr. Dwayne Stephens, Pardon me.

Mr. Wayne Noha, From that meeting that we voted on.

Ms. Elizabeth Epstein, He's restating.

Mr. Dwayne Stephens, Oh, you restating the motion?

Mr. Wayne Noha, The question was what the amendment-- [crosstalk].

Mr. Dwayne Stephens, Okay. Yes, please.

Mr. Noah, The motion was based upon the existing zoning pattern, the MPC board motions to approve the requested map amendment with the following conditions. One, the applicant applies for an amendment to the comprehensive plan prior to moving this agenda item to City Council for final approval. Two, a 200-foot densely landscape buffer around the residentially zoned properties. There, a recombination plan would be required and then the vote was taken.

Mr. Dwayne Stephens, Thank you.

Mr. Joseph Ervin, Yes.

Mr. Dwayne Stephens, Ms. Jarret.

Ms. Karen Jarett, My understanding was that it was conditional on the future land use map recommendation by staff. Well, staff has recommended that we have half of it residential and half of it light industrial. The developer's attorney says they're not going to buy that, so when I asked him about the stacking and that type of thing, I heard 350 feet is a good screen.

I went with 500 feet, which is more than we probably need, maybe 350 would've been a better number. I think 200 feet, given what I've heard from the people who want to move, and the fact that they do not have the screen that we intended for them to have, we need to increase the screen.

Mr. Dwayne Stephens, That is absolutely the prerogative in your motion, not a problem at all.

Ms. Karen Jarrett, Okay.

Mr. Dwayne Stephens, Whether that will garner a second or not, is a totally different story. However, I would like us to talk about this for the rest of the night.

Mr. Edward Morrow, Right.

Mr. Dwayne Stephens, I am not up for us talking about this the rest of the night. I think all of the facts that we can possibly put on the table at this time have been presented. Everybody has nodded in agreement, quite few of you have given verbal cue that you are in agreement with the things that have been stated, correct?

Ms. Laureen Boles, Correct.

Mr. Dwayne Stephens, We need to take action.

Mr. Edward Morrow, Is Ms. Jarret changing our motion from 500?

Ms. Karen Jarrett, To 350 feet? I can change the motion to 350 [crosstalk].

Mr. Edward Morrow, Would you change your motion, please?

Ms. Karen Jarrett, Yes. I changed my motion to, everything being light industrial with 350 feet of buffer from the right of way, the southern right of way of Buckhalter.

Speaker 5, Second.

Mr. Dwayne Stephens, Real quick, let me, [crosstalk] Mr. Morrow.

Mr. Morrow, Speaking down the road, can I just ask for some clarification on the term buffer because I know that will be the next discussion?

Mr. Dwayne Stephens, Hang on, hang on, so based off of the concerns and based off of the previous motion, correct me if I'm wrong, Ms. Jarret, because I don't want to put words into your mouth. However, I know that's not the best thing to do, but I would assume that the vegetative buffer that was stated in the previous motion voted on in favor would be the buffer that is defined within this 350-foot buffer that is presented in Ms. Jarrett's motion.

Mr. Jay Melder, Mr. Chair, [crosstalk] I could offer a [crosstalk] may I offer a friendly amendment to so we can be on point on this, to your point?

Mr. Dwayne Stephens, Ms. Jarrett, would you?

Mr. Jay Melder, A friendly amendment that would read that to change the future land use map to include light industrial, from the southern parts of these parcels to the boundary of Buckhalter Road, and to include a 300 and foot 350 foot heavily vegetated barrier from Buckhalter Road and any other residential properties to the--

Ms. Karen Jarrett, I accept that.

Mr. Jay Melder, If you accept that friendly amendment.

Mr. Dwayne Stephens, All right. Do we have a second on Mr. Melder's amendment?

Ms. Karen Jarrett, Second.

Ms. Laureen Boles, All right, so we're going to have a voice vote on Mr. Melder's amendment. All in favor?

Ms. Laureen Boles, Aye.

Mr. Dwayne Stephens, Any opposed.

Mr. Wayne Noha, Aye.

Mr. Joseph Ervin, Aye.

Mr. Dwayne Stephens, We got two that's opposed?

Ms. Elizabeth Epstein, Yes.

Mr. Dwayne Stephens, Let the record state that we have two opposed [crosstalk] to the amendment. That was Ervin, and was that you Mr. Noah?

Mr. Wayne Noha, Yes.

Mr. Dwayne Stephens, Mr. Noah and Mr. Ervin, they're opposed to the amendment.

Ms. Elizabeth Epstein, And who seconded because-- [crosstalk].

Mr. Dwayne Stephens, Ms. Bowles, was you the seconded the amendment, correct?

Ms. Laureen Boles, That's right.

Mr. Dwayne Stephens, The amendment was made by Mr. Melder, seconded by Ms. Bowles, and Lord knows, I'm not even sure how to repeat that motion, but I will try as of right now, my understanding in that the new motion on the floor is, that was made by Ms. Jarret, seconded by Ms. Bowles, amended by Mr. Melder is for the future land use map to be updated to light industrial, up to Buckhalter Road.

Mr. Wayne Noha, That's right.

Mr. Dwayne Stephens, With a heavily vegetative 350-foot buffer as well as the buffer and the buffer should be continuous along any residential properties that burst the light industrial designation. Am I correct?

Ms. Laureen Boles, Yes.

Mr. Dwayne Stephens, As well as Buckhalter Road. Any discussion on said motion? Okay, cool. Yes, there's no further discussion either. [crosstalk] I think we are there.

Ms. Elizabeth Epstein, Let's do it.

Mr. Dwayne Stephens, Let's go ahead and entertain a vote. Mr. Welch?

Mr. Joseph Welch, Yes.

Mr. Dwayne Stephens, Mr. Oh, he's gone. I apologize. Mr. Notrica.

Mr. Jeff Notrica, Yes.

Mr. Dwayne Stephens, Mr. Noah?

Mr. Wayne Noha, Yes.

Mr. Dwayne Stephens, Mr. Melder?

Mr. Jay Melder, Yes.

Mr. Dwayne Stephens, Ms. Jarret?

Ms. Karen Jarrett, Yes.

Mr. Dwayne Stephens, Mr. Ervin?

Mr. Joseph Ervin, No.

Mr. Dwayne Stephens, Ms. Epstein?

Ms. Elizabeth Epstein, Yes.

Mr. Dwayne Stephens, Ms. Bowles?

Ms. Lauren Boles, Yes.

Mr. Dwayne Stephens, Thank you. Ms. Amick?

Ms. Traci Amick, Yes.

Mr. Dwayne Stephens, I too vote, yes. That motion carries, project is approved with all of those stipulations.

Motion

Approval of amendment to FLUM to include light industrial from the southern parts of the parcels to the boundary of Buckhalter Rd and to include a 350ft heavily vegetated barrier from Buckhalter Rd and any other residential properties that abuts the light industrial designation.

Vote Results (Approved)

Motion: Jay Melder

Second: Lauren Boles

Joseph Ervin	- Nay
Tom Woiwode	- Not Present
Travis Coles	- Not Present
Joseph Welch	- Aye
Shedrick Coleman	- Not Present
Karen Jarrett	- Aye
Dwayne Stephens	- Aye
Wayne Noha	- Aye
Jeff Notrica	- Aye
Laureen Boles	- Aye
Elizabeth Epstein	- Aye
Jay Melder	- Aye
Michael Kaigler	- Not Present
Traci Amick	- Aye

X. Presentations

XI. Other Business

XII. Executive Session

XIII. Adjournment

The Chatham County - Savannah Metropolitan Planning Commission provides meeting minutes which are adopted by the respective Board. Verbatim transcripts of minutes are the responsibility of the interested party.