

CHATHAM COUNTY-SAVANNAH METROPOLITAN PLANNING COMMISSION

MPC MINUTES

**ARTHUR A. MENDONSA HEARING ROOM
110 EAST STATE STREET**

December 21, 2004

1:30 P.M.

Members Present: Timothy S. Mackey, Chairman
Patricia McIntosh, Vice Chairman
Lacy A. Manigault, Secretary
Robert Ray, Treasurer
Michael Brown
Melissa Jest
J. P. Jones
Stephen R. Lufburrow
Alexander S. Luten
Walker McCumber
Lee Meyer
Helen L. Stone

Members not Present: Russ Abolt
Freddie B. Patrick

MPC Staff Present: Thomas L. Thomson, Executive Director
Clyde M. Wester, Assistant to the Executive Director
Amanda Bunce, Development Services Planner
John Howell, Development Services Planner
Barbara Timbers, Graphics Department Supervisor
Charlotte L. Moore, Director of Development Services
Gary Plumbley, Development Services Planner
Wanda Dixon, Secretary
Marilyn Gignilliat, Secretary

Advisory Staff Present: Tiras Petrea, City Zoning Inspector

I. Call to Order

Chairman Mackey called the meeting to order.

II. Recess to Executive Session

Ms. McIntosh **moved** to recess to Executive Session to discuss a legal issue. Mr. Manigault seconded the motion.

MPC Action: The motion to recess to Executive Session to discuss a legal issue carried with none opposed. Voting were Mr. Meyer, Mr. Lufburrow, Ms. Stone, Mr. Manigault, Ms. McIntosh, Mr. Ray, Mr. Jones, and Ms. Jest. Mr. Brown, Mr. Luten, and Mr. McCumber were not in the room when the vote was taken.

Chairman Mackey reconvened the Regular Meeting of the Chatham County-Savannah Metropolitan Planning Commission.

Ms. McIntosh **moved** to state that no votes were taken during the Executive Session. Mr. Manigault seconded the motion.

MPC Action: The motion carried with none opposed. The motion was to state that no votes were taken during the Executive Session. Voting were Mr. Brown, Mr. Meyer, Mr. Lufburrow, Ms. Stone, Mr. Manigault, Ms. McIntosh, Mr. Ray, Mr. Jones, Mr. McCumber, and Ms. Jest. Mr. Luten was not in the room when the vote was taken.

III. Notices, Proclamations and Acknowledgments

A. Proclamation

Resolution of Appreciation for Helen L. Stone

Chairman Mackey recognized Board members who wished to make farewell remarks to Ms. Stone on the occasion of her final meeting. Chairman Mackey then presented a Proclamation to Ms. Stone from the Board.

Ms. Stone stepped down from the dais to thank the Board, MPC Staff and others for their assistance during her term on the Planning Commission.

Mr. Thomson introduced Ms. Timbers, Graphics Department Supervisor, who was present to give Ms. Stone a map of the First District of Chatham County. Ms. Stone has been elected the Chatham County Commissioner for the First District.

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

Drifton Plantation – Lots A, B, C
2086 Grove Point Road
PIN 1-0994-01-040
3 lots – 39.38 acres
R-A Zoning District
Dale E. Yawn, Surveyor
Joy K. Maner, Owner
MPC File No. S-041123-88116-1

This item has been removed from the Final Agenda because the application is incomplete.

IV. Consent Agenda

- A. Approval of the December 7, 2004 MPC Meeting Minutes and Briefing Minutes

Mr. Jones **moved** to approve the minutes. Mr. Ray seconded the motion.

MPC Action: The motion to approve the December 7, 2004 MPC Meeting Minutes and Briefing Minutes carried with none opposed. Voting were Mr. Meyer, Mr. Lufburrow, Ms. Stone, Mr. Manigault, Ms. McIntosh, Mr. Ray, Mr. Jones, Mr. McCumber, and Ms. Jest. Mr. Luten was not in the room when the vote was taken.

- B. Minor Subdivision/Final Plat

Wild Heron Plantation (portion of) – Fawcett Subdivision
Grove Point Road
PIN 1-0994-01-025
2 lots – 8.2 acres (3.066 acres uplands/5.1 acres marsh)
R-A Zoning District
Travis Randall, Kern-Coleman & Co., LLC, Engineer
W. D. Fawcett, Owner
MPC File No. S-041123-88937-1

Nature of Request: The petitioner is requesting MPC approval of a two-lot Minor Subdivision located on the east side of Grove Point Road, north of Wild Heron Road, within an R-A (Residential-Agriculture) zoning district. A variance of the maximum length for an access easement is requested.

Staff Recommendation: **Approval** of the proposed Minor Subdivision including a 535.12 foot variance of the maximum length for an access easement, and subject to the following conditions: 1) show the signature of the owner and a Georgia Registered Land Surveyor (across the State of Georgia seal) on the Final Plat; 2) demonstrate to the satisfaction of the County Engineer that the site of the proposed subdivision does not contain a landfill; 3) show the address of each lot on the Final Plat as follows: Lot 1 – 2138 Grove Point Road; Lot 2-2140 Grove Point Road; 4) show a 25 foot front building setback line along the western property lines of both lots. Remove all other setbacks from the Final Plat as they are not required to be shown; 5) on the Final Plat indicate that the 5.1 acre marsh area is claimed by the State of Georgia and change the total lot acreage to 3.066 acres (the amount of upland); 6) revise the Final Plat to show five feet dedicated as additional right-of-way along Lot 1. This condition may be omitted if the County Engineer determines that the additional right-of-way width is not needed; 7) provide an accurate calculation for the acreage of Lot 1 to include the access easement area; and, 8) approval by the Chatham County Health Department and the County Engineer.

Mr. McCumber **moved** to approve the staff recommendation. Mr. Lufburrow seconded the motion.

MPC Action: The motion to approve the staff recommendation carried with none opposed. Voting in favor of the motion were Mr. Lufburrow, Ms. Stone, Mr. Manigault, Ms. McIntosh, Mr. Ray, Mr. Jones, Mr. McCumber, and Ms. Jest. Mr. Brown, Mr. Meyer, and Mr. Luten were not in the room when the vote was taken.

C. General Development Plan/Group Development Plan

Brewton Center
1920 East President Street
Lot B
PIN 2-0289-01-017
5.7 acres
P-B-C Zoning District
Davis Engineering Company, Engineer
Downer Davis, Agent
Gregory M. Parker, Inc. Owner
MPC Reference File Number M-020612-56138-1
MPC File Number P-041117-40844-1

Nature of Request: The petitioner is requesting approval of a General Development Plan/Group Development Plan for a proposed retail commercial development to be located on the northwest corner of East President Street and Wahlstrom Road within a P-B-C (Planned Community Business) zoning district. No variances are requested.

Staff Recommendation: Approval of the proposed General Development Plan subject to the following conditions: 1) revise the General Development Plan to show a dumpster pad. The dumpster pad must be located to provide suitable access and maneuvering area for large trucks to service the dumpster; 2) the proposed off-street parking lot adjacent to the eastern end of the shopping center has more than 12 successive spaces without a planting island. Revise the General Development Plan to move the planting island in a northerly direction to eliminate this problem; 3) revise the General Development Plan to identify the Parker's storage building as a non-retail bakery with incidental storage; 4) revise the General Development Plan to provide not less than one ADA compliant parking space in the bakery parking lot; 5) revise the General Development Plan to eliminate the "new eight foot access easement" adjacent to the curb cut on East President Street; 6) submit verification of the leasable area to the MPC staff; and, 7) approval by the County Engineer.

Speaking about the petition: Downer Davis, project engineer, stated that the proposed development would have not impact the neighboring cemetery. He has met with the group that is working to conserve the cemetery.

Mr. Meyer **moved** to approve the staff recommendation. Mr. McCumber seconded the motion.

MPC Action: **The motion to approve the staff recommendation carried with none opposed.** Voting were Mr. Brown, Mr. Meyer, Mr. Lufburrow, Ms. Stone, Mr. Manigault, Ms. McIntosh, Mr. Ray, Mr. Jones, Mr. McCumber, and Ms. Jest. Mr. Luten was not in the room when the vote was taken.

D. Economic Opportunity Authority/Head Start Facility
 Request for Policy Exception for Review of Group Development Plans

Mr. Meyer stated that he would **abstain** from discussing or voting on this matter because he is the architect for the project. He stepped down from the dais.

Mr. Thomson stated that a certain level of approval is necessary in order for the project to remain eligible for Federal funding.

Speaking about the petition: Lee Meyer, AIA, project architect, stated that it was imperative that the Head Start facility be updated in order to comply with current building standards.

Mr. Jones **moved** to allow this Group Development Plan to be reviewed for approval at the staff level, subject to the condition that the plan be presented to the Board for ratification. Mr. Brown seconded the motion.

MPC Action: **The motion carried.** The motion was to allow this Group Development Plan to be reviewed for approval at the staff level, subject to the condition that the plan be presented to the Board for ratification. Voting in favor of the motion were Mr. Brown, Mr. Lufburrow, Ms. Stone, Mr. Manigault, Ms. McIntosh, Mr. Ray, Mr. Jones, and Mr. McCumber. Ms. Jest voted against the motion. Mr. Meyer abstained from voting. Mr. Luten was not in the room when the vote was taken.

E. Approval of the 2005 MPC Meeting Calendar

Mr. Thomson stated that the calendar that is before the Board shows the cut-off dates for applications and the meeting dates. The Planning Meeting that would have occurred in January has been moved to February in order to allow additional time for preparation.

Mr. Lufburrow **moved** to approve the 2005 MPC Meeting Calendar. Mr. Brown seconded the motion.

MPC Action: **The motion to approve the 2005 MPC Meeting Calendar carried with none opposed.** Voting were Mr. Brown, Ms. Stone, Mr. Meyer, Mr. Lufburrow, Mr. Manigault, Ms. McIntosh, Mr. Ray, Mr. Jones, Mr. McCumber, and Ms. Jest. Mr. Luten was not in the room when the vote was taken.

F. Approval of Updated MPC Flexible Benefits Plan

Mr. Thomson stated that the purpose of the Flexible Benefits plan is to allow staff to set up accounts with pre-tax dollars to pay for their share of medical, vision, and dental insurance. The update that is before the Board brings the MPC policy into compliance with the latest regulations and rules.

Mr. Brown **moved** to approve the updated MPC Flexible Benefits Plan. Mr. Ray seconded the motion.

MPC Action: The motion to approve the updated MPC Flexible Benefits Plan carried with none opposed. Voting were Mr. Brown, Mr. Meyer, Ms. Stone, Mr. Lufburrow, Mr. Manigault, Ms. McIntosh, Mr. Ray, Mr. Jones, Mr. McCumber, and Ms. Jest. Mr. Luten was not in the room when the vote was taken.

V. Regular Business

A. Zoning Petition – Map Amendment

Petition of Joe Delegal, Owner
503 Magazine Street
MPC File No. Z-041202-51762-2

Issue: Rezoning of a .35 acre lot from R-4 (Four Family Residential) and I-L (Light Industrial) zoning classifications to an I-H (Heavy Industrial) classification.

Policy Analysis: The proposed I-H zoning district is more intensive than the existing R-4 and I-L districts. An alternate P-I-L-T district would establish a zoning district that is more compatible with the neighborhood than the zoning that presently exists.

Staff Recommendation: Denial of the request to rezone the subject property from R-4 (Four-Family Residential) and I-L (Light Industrial) classifications to an I-H (Heavy Industrial) classification. Approval of an alternate P-I-L-T (Planned Light Industrial Transitional) zoning classification and approval of a change of the Future Land Use Map designation from single Family Residential to Light Industrial.

Speaking about the petition: Joe Delegal, petitioner, stated that it was his intent to operate a salvage yard at this location.

Ms. Effie Gardner, area resident, asked when the debris in the ditch behind the subject property would be removed.

Ms. Richards, area resident, stated that communications with the Carver Heights residents could be improved.

Rev. Harry Ross, neighboring property owner, was seeking information on any impact that the proposed rezoning might have on his property.

Mr. Brown **moved** to continue the petition until February 1, 2005, in order for staff to facilitate a meeting with the petitioner and the neighborhood residents. Mr. Meyer seconded the motion.

MPC Action: **The motion to continue the petition until February 1, 2005 carried with none opposed.** The motion further requested that staff facilitate a meeting with the petitioner and the neighborhood residents. Voting were Mr. Brown, Mr. Meyer, Ms. Stone, Mr. Lufburrow, Mr. Manigault, Mr. Luten, Ms. McIntosh, Mr. Ray, Mr. McCumber, and Ms. Jest. Mr. Jones was not in the room when the vote was taken.

B. Specific Development Plan/Group Development Plan

Tyson Center, Phase II
8403 Skidaway Road
B-C Zoning District
Nathan Pollard, Agent
MPC File No. P-041206-41132-1

Nature of Request: The petitioner is requesting approval of a Specific Development Plan (Specific Plan/Group Development Plan) in order to construct an addition onto an existing shopping center and a self-storage warehouse within a P-B-N/T-C (Planned Neighborhood Business/Town Center Overlay) zoning district. There are no variances.

Staff Recommendation: **Denial** of the proposed directory sign. **Approval** of the Specific Development Plan/Group Development Plan with the following conditions: 1) a six foot tall stucco wall shall connect the storage buildings (i. e. the area adjacent to Elmhurst Road and the detention pond); 2) the dumpster enclosure shall be of the same material as the primary building unless alternate materials are approved by the MPC or MPC staff. Gates shall utilize heavy-duty steel posts and frames. A six-foot by twelve-foot concrete apron shall be constructed in front of the dumpster pad in order to support the weight of the trucks. Metal bollards to protect the screening wall or fence of the dumpster shall be provided. The applicant shall provide information to show compliance with this condition; 3) the floodlighting along the western property line (i. e., adjacent to Elmhurst Road) shall be motion sensitive. The applicant shall provide information on the plan or lighting cut sheet to show compliance with the condition; 4) additional landscaping shall be provided adjacent to the detention pond. The petitioner shall retain as many trees as possible in order to provide a denser vegetative buffer between the self-storage use and the residential uses adjacent to Elmhurst Road; 5) permits shall be obtained from Building Safety and Regulatory Services before additional fascia signage can be installed; and, 6) compliance with any conditions that may be required by County Engineering.

Speaking about the petition: José Gonzalez, AIA, project architect, stated that he is in agreement with the staff recommendation to remove one of the signs and to have a sign that would comply with the Sign Ordinance.

Mr. Brown **moved** to approve the staff recommendation. Mr. McCumber seconded the motion.

MPC Action: The motion to approve the staff recommendation carried with none opposed. Voting were Mr. Brown, Mr. Lufburrow, Ms. Stone, Mr. Manigault, Mr. Luten, Ms. McIntosh, Mr. Ray, Mr. McCumber, and Ms. Jest. Mr. Jones and Mr. Meyer were not in the room when the vote was taken.

VII. Recess to Executive Session

Ms. McIntosh **moved** to recess to Executive Session in order to discuss a legal matter. Mr. Brown seconded the motion.

MPC Action: The motion carried with none opposed. The motion was to recess to Executive Session in order to discuss a legal matter. Voting were Mr. Brown, Ms. Stone, Mr. Lufburrow, Mr. Manigault, Mr. Luten, Ms. McIntosh, Mr. Ray, Mr. McCumber, and Ms. Jest. Mr. Jones and Mr. Meyer were not in the room when the vote was taken.

Chairman Mackey reconvened the Regular Meeting of the Chatham County-Savannah Metropolitan Planning Commission.

Ms. McIntosh **moved** to state that no motions were made during the Executive Session. Mr. Ray seconded the motion.

MPC Action: The motion carried with none opposed. The motion was to state that no motions were made during the Executive Session. Voting were Mr. Brown, Mr. Lufburrow, Ms. Stone, Mr. Manigault, Mr. Luten, Ms. McIntosh, Mr. Ray, Mr. McCumber, and Ms. Jest. Mr. Meyer and Mr. Jones were not in the room when the vote was taken.

VIII. Other Business

Habersham Group of Savannah v. Chatham County-Savannah MPC et al
CV04-1337-AB

Mr. Manigault **moved** that the Planning Commission will not appeal the order of Judge Abbot dated December 16, 2004 in the lawsuit filed by Habersham Group of Savannah LLC, Civil Action Number CV04-1337-AB and that the Petitioner will dismiss any claim for attorney's fees, to which Petitioner has agreed through counsel as conveyed to counsel for MPC, and that the MPC will formally comply with this order directing approval of Petitioner's application at its meeting on January 4, 2005. Mr. Brown seconded the motion.

MPC Action: The motion carried with none opposed. The motion was that the Planning Commission will not appeal the order of Judge Abbot dated December 16, 2004 in the lawsuit filed by Habersham Group of Savannah LLC, Civil Action Number CV04-1337-AB and that the Petitioner dismiss any claim for attorney's fees, to which Petitioner has agreed through counsel as conveyed to counsel for MPC, and that the MPC will formally comply with this order directing approval of Petitioner's application at its meeting on January 4, 2005. Voting were Mr. Brown, Mr. Manigault, Mr. Luten, Ms. Stone, Mr. Lufburrow, Ms. McIntosh, Mr. Ray, Mr. McCumber, and Ms. Jest. Mr. Meyer and Mr. Jones were out of the room.

Mr. Brown requested that staff work to develop language that would provide more specificity to Section 702.03 of the Chatham County Subdivision Regulations.

VI. Adjournment

There being no further business to come before the Commission, the December 21, 2004 Regular Meeting was adjourned.

Respectfully submitted,

Thomas L. Thomson, P.E., AICP
Executive Director

Note: Minutes not official until signed