

entertained comments from the public. No one came forward. City Attorney Blackburn explained that the first motion should be to approve the City Manager's recommendation with reference to the rezoning and then we would have the ordinance. Alderman Johnson moved to rezone this property as recommended by the City Manager. This was seconded by Alderman Osborne and carried. Upon motion of Alderman Cook, seconded by Alderman C. Jones and carried, this rezoning was approved for the first and second readings today. (**SEE ORDINANCES**).

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As advertised, hearing was held on the petition of **Todd E. Nolan for Kenneth Edward, Ltd., d/b/a Savannah Styles William M. Foster, Owner and Will Berson, Agent (Z-0310029-51725-2)**, requesting a special use at 5715 Skidaway Road. MPC recommends approval of a home furnishing and interior decor center and a catering business with conditions as Special Uses at 5715 Skidaway Road within a PUD-IS-B (Planned Unit Development-Institutional) district. The proposed Special Uses meet all of the criteria set forth in the Zoning Ordinance for approval. **Recommend approval of the MPC recommendation.**

Ms. Moore explained that this is a special use request for a home furnishing, décor center and a catering business. This property is located at 5715 Skidaway Road in the former Cohen's Retreat building. This building has been vacant for some time. The petitioner would like to use the existing building for the décor business and a portion would be for the warehouse. They intend to keep the building intact and not demolish any portions. The petitioner wants to use the institutional kitchen in the rear for a catering business. Ms. Moore stated that there are eight (8) duplexes located on this site and will remain residential. She believed the recreational building will be used for drapery and upholstery. There is a site plan that goes along with this, not a general plan, and MPC recommended approval of this special use at this location subject to conditions. Mayor Johnson entertained comments from the public on this special use zoning request.

Attorney Harold Yellin came forward and stated he was present on behalf of Todd Nolan and Harold Wilkins. Attorney Yellin reported that they are in complete agreement with the MPC, City Manager Brown's recommendation and the nine conditions that are shown on page 15 of today's agenda. He said the only thing he wanted to add is that they have a letter from the Magnolia Park neighborhood association. He said he would read the pertinent part of the letter. Attorney Yellin read: "The Magnolia Park neighborhood association has directed me to write you this letter, which you may share with interested parties of our acceptance of your proposed use of this property. We support your filing of the two special use requests to the MPC for a retail facility with warehouse storage and second permit of the kitchen facilities for off-site catering business." He said the letter was signed by Mr. Ron Webber of the association. Attorney Yellin said there was no opposition at the MPC meeting and he did not believe they had opposition present today. He requested that if Council

deems it appropriate, perhaps this could be approved today for the first and second readings. Alderman Felser thanked the petitioners for meeting with the neighborhood association. He said this is something in particular that Council appreciates. They are looking very carefully at the neighborhood associations and if they have been informed in these matters, it completes the package. Alderman Jackson concurred with Alderman Felser. She stated that Council received a very exciting call from someone in the Silverstone area. Alderman Jackson said she was happy to see that the old Cohen Retreat building is going to become a vital business in the community and is going to be an asset. Alderman Felser moved for approval as recommended by MPC. This was seconded by Alderman Jackson and carried. Upon motion of Alderman Felser, seconded by Alderman Jackson and carried, this special use was approved for the first and second readings today. (SEE ORDINANCES).

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## ORDINANCES

Ordinance read for the first time in Council, January 22, 2004, read a second time, January 22, 2004, placed upon its passage, adopted and approved January 22, 2004 upon motion of Alderman Thomas, seconded by Alderman Johnson and carried.

**AN ORDINANCE TO AMEND SECTION 8-3002 OF THE CODE OF THE CITY OF SAVANNAH, GEORGIA (2003), PERTAINING TO THE PLANNING, REGULATION OF DEVELOPMENT DEFINITION; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.**

**BE IT ORDAINED** by the Mayor and Aldermen of the City of Savannah, Georgia, in regular meeting of Council assembled and pursuant to lawful authority thereof:

**SECTION 1:** That Section 8-3002 of the Code of the City of Savannah, Georgia (2003), hereinafter referenced as "Code", be amended as follows:

### ENACT

(Proposed additions shown in underlined typeface. Proposed deletion in ~~striketrough~~ typeface.)

A motor-driven cycle equipped with two (2) or three wheels, with or without foot pedals to permit muscular propulsion and an independent power source providing a maximum of two (2) brake horsepower. If the combustion engine is used, the maximum piston rotor displacement shall be three and five-hundredths (3.05) cubic inches (50 cubic centimeters) regardless of the number of chambers in such power source. The power source shall be capable of propelling the vehicle, unassisted, at a speed not to exceed thirty (30)mph (48.28 kmh) on level road surface and is ~~shall be~~ equipped with a power drive system that functions directly or automatically only, not requiring clutching or shifting by the operator after the drive system is engaged.

**SECTION 2:** That the requirement of Section 8-3132(f)(2) of said Code and the law in such cases made and provided has

MPC FILE NO.:	Z-031124-87166-2
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Ordinance read for the first time in Council, January 22, 2004, read a second time, January 22, 2004, placed upon its passage, adopted and approved January 22, 2004 upon motion of Alderman Felser, seconded by Alderman Jackson and carried.

**AN ORDINANCE TO ESTABLISH SPECIAL USE, HOME FURNISHING AND INTERIOR DÉCOR CENTER AND CATERING BUSINESS, IN A PUD-IS ZONING DISTRICT; TO REPEAL ALL ORDINANCES IN CONFLICT AND HEREWITH FOR OTHER PURPOSES:**

**BE IT ORDAINED** by the Mayor and Aldermen of the City of Savannah, Georgia, in regular meeting of Council assembled and pursuant to lawful authority thereof:

**SECTION 1:** That pursuant to and subject to the conditions of Section 8-3032 of the Zoning Ordinance, a special use, Home Furnishing and Interior Décor Center and Catering Business, is hereby established within the following described PUD-IS Zoning District:

**LEGAL DESCRIPTION**

Beginning on a point located at the intersection of the centerline of Bona Bella Avenue and Skidaway Road, thence proceeding in a westerly direction along the centerline of Bona Bella Avenue a distance of approximately 413 feet to a point, thence northerly along a line parallel to the centerline of Skidaway Road to its intersection with the centerline of Bacon Park Drive, thence easterly along the centerline of Bacon Park Drive to its intersection with the centerline of Skidaway Road, thence southerly along the centerline of Skidaway Road back to the point of beginning.

The property is further identified by property Identification Number as follows:

P.I.N. 2-0141-05-005

**SECTION 2:** Said special use is approved upon recommendation of the Metropolitan Planning Commission and after a public hearing and finding in accordance with Section 8-3163(b)(1-11) (formerly 8-3123(b)(1-11) of the Zoning Ordinance subject to the following conditions:

1. The home furnishing and interior décor center shall be limited to the sale of furniture and accessory items, an interior design office, the manufacturing of draperies, and upholstery service.
2. The catering business shall be limited to on-site food preparation for off-site service.
3. Commercial deliveries shall be limited to the hours between 8:00 a.m. to 6:00 p.m., Monday through Friday. Delivery trucks shall use only the Bacon Park Drive access.
4. Commercial dumpsters shall be fully screened from

adjacent properties.

5. The existing vegetative buffer that extends the length of the western property line shall remain undisturbed.
6. No modification of the existing building footprint or demolition of existing buildings shall be allowed.
7. Employee parking shall be in the rear of the Property.
8. The proposed interior design business and catering business shall not expand beyond the main building and the accessory buildings.
9. The eight existing residential units shall remain residential units.

(Note: The existing PUD-IS district is intended to serve as a transitional buffer. The circumstances regarding the recommendation for special use approval are unique to the subject property and are not intended to suggest that additional commercial uses are appropriate within the predominantly residential areas of Skidaway Road).

**SECTION 3:** That the requirement of Section 8-3182(f)(2) of said Code and the law in such cases made and provided has been satisfied. That an opportunity for a public hearing was afforded anyone having an interest or property right which may have been affected by this zoning amendment, said notice being published in the Savannah Morning News on the 2<sup>nd</sup> day of January, 2004, a copy of said notice being attached hereto and made a part hereof.

**SECTION 4:** Upon the effective date of the ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

EFFECTIVE DATE: **In that there has been a "Finding of Unusual or Extraordinary Conditions" which affect the above-described property site, this ordinance shall be effective upon compliance with all the requirements of Section 8-3163(b) (1-11) of the Code and the conditions herein, and upon filing the approved plat with the Clerk of Council with such conditions noted thereon.**

ADOPTED AND APPROVED: JANUARY 22, 2004

MPC FILE NO.: Z-031029-51725-2

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**RESOLUTIONS**

**St. Patrick's Day Festival 2004.** A resolution to designate March 16 and 17 as the festival days for the St. Patrick's Day Festival 2004; to designate the area bounded