



5:45 p.m. - **Public Hearing** - to discuss a requested zoning map amendment of approximately 93 acres located at the end of N. Rogers Street and N. Morgan Street

5:50 p.m. - **Public Hearing** - to discuss a requested side yard building setback variance for Satilla Capital Partners

5:55 p.m. - **Public Hearing** - to discuss a requested conditional use to construct a nursing home in an R-1A zoning district

January 16, 2018

6:00 p.m. Pooler City Hall

## **AGENDA**

Meeting Called to Order

Invocation

Pledge of Allegiance

Approval of minutes of previous meeting as printed

Report from the Standing Committees:

Finance

Public Safety

Street/Drainage

Water/Sewer

Recreation

Building/Zoning

Councilman Wall

Councilman Royal

Councilwoman Benton

Councilman Brown

Councilwoman Black

Councilman Allen

## **OLD BUSINESS**

## **NEW BUSINESS**

1. Zoning map amendment of approximately 93 acres located at the end of N. Rogers Street and N. Morgan Street
2. Preliminary site plan for At Home - The Home Decor Superstore
3. Site plan for The Pete Store
4. Site plan for The Karate Studio
5. Acceptance of maintenance bond/final plat approval of Harmony Phase 4
6. Special event permit for Mothers of Preschoolers "Touch a Truck" to be held February 17<sup>th</sup> at Recreation Complex and to waive fee
7. Special event permit for GnomeCon to be held March 2<sup>nd</sup> - 4<sup>th</sup> at Ramada Inn and to waive fee
8. Temporary/special event alcoholic beverage license for Kamleshbhai Amin at Ramada Inn on February 16<sup>th</sup> and 17<sup>th</sup>
9. Lighting Services Agreement with Georgia Power

**MOTION FOR EXECUTIVE SESSION** - to discuss personnel, legal and real estate matters

**MOTION FOR ADJOURNMENT**

January 16, 2018

Approved 2-5-18 

## MINUTES

The regular meeting of the Pooler City Council was held on January 16, 2018. Mayor Mike Lamb called the meeting to order at 6:46 p.m. (delayed due to the public hearing held prior). Present were Councilman Bruce Allen, Councilwoman Rebecca Benton, Councilwoman Shannon Black, Councilman Ashley Brown, Councilman Mike Royal and Councilman Stevie Wall. City Manager Robbie Byrd and City Attorney Steve Scheer were also present.

The invocation was given by Councilman Allen and the Pledge of Allegiance was led by Councilwoman Black.

The minutes of the previous meeting were approved as printed upon a motion by Councilman Allen, seconded by Councilwoman Benton, with no opposition.

### Report from the Standing Committees:

#### FINANCE

Councilman Wall presented bills in excess of \$1500.00 for payment and made a motion to pay, subject to funds. Motion was seconded by Councilwoman Benton and passed without opposition.

#### PUBLIC SAFETY

Councilman Royal reported that the fire department responded to 168 calls since the beginning of the year and that the police department responded to 1302 calls.

#### STREET/DRAINAGE

Councilwoman Benton reported that the street department picked up trash in designated areas as needed, performed maintenance on roads due to Winter Storm Grayson, performed pot hole repairs on Memorial Boulevard swept seven (7) miles of streets. Further, that the drainage department performed routine maintenance, cleaned a total of 6,249 feet of ditches, began enlarging the pipes at Worthington outfall where it exits Pipemakers Canal, assisting in road maintenance during the storm and picked up trash in designated areas.

#### WATER/SEWER

Councilman Brown reported that the water department inspected three (3) water meters for new construction, repaired four (4) leaking laterals, repaired and replaced 14 meters and MXUs, witnessed the testing and certification of 23 backflow preventers and performed 308 line locates requested by the Utility Protection Center. Further, that the sewer department performed four (4) grinder pump, three (3) lift station and five (5) collection system calls. Also, that the wastewater treatment plant is meeting its permit.

## RECREATION

Councilwoman Black reported that gymnastics, dance and youth basketball games continues.

## BUILDING/ZONING

Councilman Allen reported that eight (8) new single family residential, four (4) attached unit and three (3) commercial permits were issued since the last meeting, with 134 inspections performed.

There was no OLD BUSINESS to discuss.

Under NEW BUSINESS the following was discussed:

1. Zoning map amendment of approximately 93 acres located at the end of N. Rogers Street and N. Morgan Street

Councilwoman Benton stepped down from her seat and left the room. A public hearing was held prior wherein several residents expressed concern about the potential for increased traffic, drainage problems and a hardship to the school system if a multi-family development is allowed. Attorney Harold Yellin stated that traffic and drainage issues will be addressed and that there will be such issues, no matter how the property is developed. Further, that the only way to avoid any of these issues is to leave the property as is adding that a denial of the petitioner's zoning request will be a taking of the petitioner's property and will be a violation of the petitioner's constitutional rights. Councilman Wall stated that the City's Comprehensive Plan, as mentioned in the public hearing, is simply a plan and not binding and expressed concern over the re-zoning to multi-family, noting that he has recently voted against any petitions for multi-family zoning. Further, that it appears the property is being developed as a PUD (Planned Unit Development) with no amenities or open space, even though the City requires 500 acres or more and that the proposed bridge over the canal cannot handle the amount of traffic the development will produce. After discussion, Councilman Allen made a motion to table the request until the February 19<sup>th</sup> Council meeting. Motion was seconded by Councilwoman Black and passed without opposition.

Councilwoman Benton returned to her seat.

2. Preliminary site plan for At Home - The Home Decor Superstore

Mr. Byrd presented a preliminary site plan for a proposed At Home retail store on Outparcel 20 of the Outlet Mall of Georgia. Councilman Royal made a motion to approve the plan. Motion was seconded by Councilman Brown and passed without opposition.

3. Site plan for The Pete Store

The Pete Store is proposed to occupy the existing building at 101 Barrow Drive. An access drive off of Pine Meadow Drive has been added to the plan as well as a loading zone along Barrow Drive, to not block emergency vehicle access to Fire Station #3. Councilman Allen made a motion to approve the plan. Motion was seconded by Councilwoman Black and passed without opposition.

4. Site plan for The Karate Studio

The intent is to construct a 9,900 sq. ft. commercial building at 811 S. Rogers Street. Councilman Brown made a motion to approve the plan. Motion was seconded by Councilwoman Benton and passed without opposition.

5. Acceptance of maintenance bond/final plat approval of Harmony Phase 4

Phase 4 of Harmony Subdivision consists of 27 single family residential lots. The developer has posted a maintenance bond in the amount of \$211,561.00. Mr. Byrd stated that a final inspection was performed on December 18<sup>th</sup>. Councilwoman Benton made a motion to accept the maintenance bond and approve the final plat, contingent upon the city attorney approving the bond. Motion was seconded by Councilwoman Black and passed without opposition.

6. Special event permit for Mothers of Preschoolers "Touch a Truck" to be held February 17<sup>th</sup> at Recreation Complex and to waive fee

The Mothers of Preschoolers from First Presbyterian Church of Pooler are holding a fundraiser, "Touch a Truck" on February 17<sup>th</sup> at the recreation complex. Councilman Wall made a motion, seconded by Councilwoman Benton, to approve the permit and waive the fee. Motion passed without opposition.

7. Special event permit for GnomeCon to be held March 2<sup>nd</sup> - 4<sup>th</sup> at Ramada Inn and to waive fee

GnomeCon, a three (3) day event is scheduled to be held at the Ramada Inn on March 2<sup>nd</sup> through 4<sup>th</sup>. Councilman Wall made a motion to approve the event and waive the fee. Motion was seconded by Councilman Royal and passed without opposition.

8. Temporary/special event alcoholic beverage license for Kamleshbhai Amin at Ramada Inn on February 16<sup>th</sup> and 17<sup>th</sup>

Kamleshbhai Amin submitted an application to serve alcoholic beverages at a private party at the Ramada Inn on February 16<sup>th</sup> and 17<sup>th</sup>. Mr. Byrd stated that Police Chief Mark Revenew has performed the background investigation and recommends approval. Councilman Brown made a motion to approve the license. Motion was seconded by Councilwoman Benton and passed with Councilman Allen opposing.

9. Lighting Services Agreement with Georgia Power

Mr. Byrd presented a Lighting Services Agreement for additional lights along Pooler Parkway and Benton Boulevard. Councilman Royal made a motion, seconded by Councilman Brown, to approve the agreement. Motion passed without opposition.

Councilman Allen made a motion to adjourn to Executive Session at approximately 7:18 p.m. to discuss personnel, legal and real estate matters. Motion was seconded by Councilwoman Benton and passed without opposition.

Mayor Lamb called the meeting back to order at 7:26 p.m.

There being no further business to discuss, Councilman Allen made a motion to adjourn at approximately 7:26 p.m. Motion was seconded by Councilman Brown and passed without opposition.

Respectfully submitted,



Maribeth Lindler  
City Clerk

  
Mayor

## Public Hearing

A public hearing was held prior to the regular City Council meeting on January 16, 2018, Mayor Mike Lamb called the hearing to order at 5:45 p.m. Present were Councilman Bruce Allen, Councilwoman Rebecca Benton, Councilwoman Shannon Black, Councilman Ashley Brown, Councilman Mike Royal and Councilman Stevie Wall. City Manager Robbie Byrd and City Attorney Steve Scheer were also present.

Councilwoman Benton stepped down from her seat and left the room.

The purpose of the hearing was to discuss a requested zoning map amendment of approximately 93 acres located at the end of N. Rogers Street and N. Morgan Street. Mr. Byrd stated that the re-zoning is for 58 acres of the total acreage. Attorney Harold Yellin, on behalf of Satilla Capital Partners, presented the request to rezone a portion of approximately 93 acres from R-1A (Single-Family Residential) and a C-2 (Heavy Commercial) zoning to an R-3B (Multi-Family Residential) and an R-4 (Townhome and Condominium) zoning. The property is located at the end of N. Rogers Street and N. Morgan Street, adjacent to I-95 and bordered to the north by Pipemakers Canal. Mr. Yellin stated that there were three (3) previous re-zoning petitions for this property, with one for multi-family and one for industrial being denied and last one being withdrawn by the owner. Further, that the portions of the property will retain their current zoning, with the proposed parcel A & E as R-1A (Single-Family Residential) and parcel C as C-2 (Heavy Commercial), noting that this parcel will be reduced in size. Also, that parcel B is being requested as R-3B (Multi-Family Residential) and parcel D as R-4 (Townhome and Condominium). Mr. Yellin stated that the proposal is for a mixed-use residential community, while a PUD (Planned Unit Development) would be ideal for the property, the City requires 500 or more acres for a PUD. Further, that if the zoning of the property is left as is, any access will be from the south or that it can be developed as commercial as shown on the City's Comprehensive Plan character and future land use maps. Adding that the property can be developed as presented, with access from the north, with access from the south being limited to emergency vehicles only with a crash gate. Mr. Yellin noted that several residents expressed concern over the potential for drainage and traffic issues. Jim Collins of Thomas & Hutton Engineering stated that the issues would be addressed within the site plan. Several adjacent property owners as well as residents of Godley Station expressed opposition of the request, presenting concern about drainage, traffic and the potential for overcrowding the school system, requesting that access from N. Rogers Street and N. Morgan Street not be allowed. Also, that the development of the Tanger Outlet Mall and the berm has caused additional drainage problems and that the proposed development will only increase the potential for flooding in the area.

There being no further discussion, the hearing adjourned at approximately 6:44 p.m.

### **Public Hearing**

A public hearing was held prior to the regular City Council meeting on January 16, 2018, Mayor Mike Lamb called the hearing to order at 6:44 p.m. (delayed due to the public hearing held prior). Present were Councilman Bruce Allen, Councilwoman Shannon Black, Councilman Ashley Brown, Councilman Mike Royal and Councilman Stevie Wall. City Manager Robbie Byrd and City Attorney Steve Scheer were also present.

The purpose of the hearing was to discuss a requested side yard building setback variance for Satilla Capital Partners. Attorney Harold Yellin, representing Satilla Capital Partners, stated that the request has been withdrawn.

There being no further discussion, the hearing adjourned at approximately 6:45 p.m.

### **Public Hearing**

A public hearing was held prior to the regular City Council meeting on January 16, 2018, Mayor Mike Lamb called the hearing to order at 6:45 p.m. (delayed due to the public hearing held at 5:45 p.m.). Present were Councilman Bruce Allen, Councilwoman Shannon Black, Councilman Ashley Brown, Councilman Mike Royal and Councilman Stevie Wall. City Manager Robbie Byrd and City Attorney Steve Scheer were also present.

The purpose of the hearing was to discuss a requested conditional use to construct a nursing home in a proposed R-1A (Single-Family Residential) development for Satilla Capital Partners. Attorney Harold Yellin, representing Satilla Capital Partners, stated that the request has been withdrawn.

There being no further discussion, the hearing was adjourned at approximately 6:46 p.m.

## NOTICE

NOTICE IS GIVEN THIS 16<sup>TH</sup> DAY OF JANUARY,  
2018, THAT PETITIONER SEEKS TO REZONE  
APPROXIMATELY 93 $\frac{1}{2}$ - ACRES LOCATED AT THE  
END OF N. ROGERS STREET AND N. MORGAN STREET,  
AS FOLLOWS:

PARCEL B R-3B

PARCEL D R-4

AS SHOWN ON PLAN ATTACHED HERETO.

A DENIAL OF PETITIONER'S ZONING REQUEST WILL  
BE A TAKING OF PETITIONER'S PROPERTY, AND WILL  
BE A VIOLATION OF PETITIONER'S CONSTITUTIONAL RIGHTS  
INCLUDING A VIOLATION OF THE 5<sup>TH</sup> AND 14<sup>TH</sup>  
AMENDMENTS TO THE U.S. AND GA. CONSTITUTION.

RESPECTFULLY SUBMITTED

HAROLD B YELLIN

ATTY. FOR PETITIONER

SATILLA CAPITAL PARTNERS

NEW BUSINESS

ITEM #1 (AGENDA)



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January 17, 2018

Maribeth Lindler, City Clerk  
100 SW Highway 80  
Pooler, Georgia 31322

RE: Voluntary Withdrawal: Satilla Capital Partners

Mrs. Lindler:

I am writing to confirm that at the January 16, 2018 City of Pooler City Council Meeting, Satilla Capital Partners ("Applicant") voluntarily withdrew two items from consideration: (1) the requested side yard building setback variance; and (2) the requested conditional use approval to construct a nursing home in an R-1A zoning district.

Applicant's withdrawal shall not prevent Applicant from reapplying for the removed items at a future date. Applicant's request for a zoning map amendment shall be heard at the February 19, 2018 City Council Meeting, as approved by Council.

Thank you for your assistance.

Best,

Joshua S. Yellin

STATE OF GEORGIA )

COUNTY OF CHATHAM)

### AFFIDAVIT

Before an officer duly authorized to administer oaths appeared Michael F. Lamb, who, after being duly sworn, deposes and on oath states the following:

- (1) I am competent to make this Affidavit and have personal knowledge of the matters set forth herein.
- (2) Pursuant to my duties as Mayor, I was the presiding officer of a meeting of the Pooler City Council held on the 16<sup>th</sup> day of Jan., 2018. A portion of said meeting was closed to the public.
- (3) It is my understanding that O.C.G.A. § 50-14-4(b) provides as follows:  
When any meeting of an agency is closed to the public pursuant to subsection (a) of this Code section, the person presiding over such meeting or, if the agency's policy so provides, each member of the governing body of the agency attending such meeting, shall execute and file with the official minutes of the meeting a notarized affidavit stating under oath that the subject matter of the meeting or the closed portion thereof was devoted to matters within the exceptions provided by law and identifying the specific relevant exception.
- (4) The subject matter of said meeting, or the closed portion thereof, was devoted to matters within exceptions to public disclosure provided by law. Those specific relevant exceptions are identified as follows:
  - D. Meeting to discuss or vote to enter into a contract to purchase, dispose of, or lease property subject to approval in a subsequent public vote as provided in Georgia Code section 50-14-3(b)(1)(D).
  - F. Meeting to discuss or deliberate upon the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a public officer or employee as provided in Georgia Code section 50-14-3(b)(2).
  - H. Pursuant to the attorney-client privilege and as provided by Georgia Code section 50-14-2(1), a meeting otherwise required to be open was closed to the public in order to consult and meet with legal counsel pertaining to pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions brought by or against the agency or any officer or employee or in which the agency or any officer or employee may be directly involved and the matter discussed was \_\_\_\_\_.

This Affidavit is executed for the purpose of complying with the mandate of O.C.G.A. § 50-14-4(b) and is to be filed with the official minutes for the aforementioned meeting.

This 16<sup>th</sup> day of Jan., 2018.

Michael F. Lamb

Michael F. Lamb

Sworn to and subscribed before me  
this 16<sup>th</sup> day of Jan., 2018.

Maribeth Lindler

Notary Public

