

**IN THE SUPERIOR COURT OF CHATHAM COUNTY
STATE OF GEORGIA**

e-Filed in Office
Tammie Mosley
Clerk of Superior Court
Chatham County
04/11/2025 13:29:04
SL

Clara Greig and Tana Fileccia-Flagg,

Petitioners,

v.

The Mayor and Aldermen of the City of
Savannah, Seacrest Seven, LLC, 1015
Whitaker, LLC and Portfolio Holdings,
LLC,

Defendants.

Case No. SPCV25-00195

**ORDER ON NON-CITY DEFENDANTS' NOTICE OF ABANDONMENT
AND MOTION TO STAY ALL PROCEEDINGS**

The Petitioners filed a *Petition for Judicial Review* (the "Petition") on February 7, 2025, appealing on numerous grounds two (2) determinations made by the City of Savannah's City Council (the "City Council"), namely, the January 9, 2025, rezoning of four (4) properties situated on the corner of Whitaker Street and West Park Avenue,¹ and the January 9, 2025, amendment of the Future Land Use Map to reflect the rezoning of the four properties (the "Development").² The Petitioners then filed a *Motion for Expedited Declaratory Judgment* (the "Petitioners' Motion") on March 3, 2025, requesting that the Court declare that:

1. O.C.G.A. § 36-66-5.1(d) stayed the MPC Variances Hearing of February 18, 2025, that the MPC violated the stay, and that the variances issued by the MPC at said hearing are void;³

¹ Chatham County-City of Savannah Metropolitan Planning Commissions ("MPC") matter 24-005815-ZA (the "Rezoning" or "Zoning Amendment").

² MPC matter 24-005916-ZA (the "FLUM Amendment").

³ MPC matter 25-000446-ZA (the "Variances").

2. O.C.G.A. § 36-66-5.1(d) stays any upcoming hearing by the Historic Preservation Commission (“HPC”) to review an application for a certificate of appropriateness (“COA”) for the Development, and any such COA if issued would be void; and,
3. Any further permits or approvals issued by the City of Savannah that are dependent on the Variances are void.

Petitioners filed an *Amended Petition for Judicial Review* on March 16, 2025. For the purposes of this Order, the Court refers to the Petition and Amended Petition as the Petition.

The Court scheduled the parties to appear on April 8, 2025, at 10:00 a.m. for oral argument on Petitioners’ Motion.⁴ Defendants Seacrest Seven, LLC, 1015 Whitaker, LLC and Portfolio Holdings, LLC (“Non-City Defendants” or “LLCs”) filed their *Notice of Abandonment and Motion to Stay All Proceedings* (the “Non-City Defendants’ Notice”) on April 7, 2025.

The Court has reviewed Non-City Defendants’ Notice. The Court takes notice that therein, Non-City Defendants state that:

The LLCs hereby give notice of the abandonment of the Rezoning and FLUM Amendment Application, the Variances, the COA/Special Exception, and any further permits or approvals issued by the City of Savannah that are fully dependent on the Rezoning and FLUM Amendments and Variances. In doing so, the LLCs do not admit or concede any defect or failure with the Rezoning and FLUM Amendment Application or the other matters alleged in this case. Rather, the LLCs seek to address the procedural concerns raised in the Petition and to streamline and potentially obviate this case [. . .]. Consistent with this abandonment, the LLCs agree to not undertake development actions that are fully dependent on the Zoning Amendment, the FLUM Amendment, the Variances, or the COA/Special Exception. However, the LLCs reserve the right to proceed with other work related to the project such as demolition of current structures and work related to the underground parking facility (both of which were previously approved and unchallenged).

Non-City Defendants’ Notice further states that:

⁴ Subsequent to that setting, on March 25, 2025, Non-City Defendants filed *Non-Parties Brad Baugh, Reed Dulany, III, Jeff Jepson and David Paddison and Non-City Defendants’ Objection to Non-Party Discovery Requests and Motion for Protective Order Including Stay of All Discovery*, to which Petitioners responded and requested oral argument at the same setting.

This filing moots Petitioners' Motion for Expedited Declaratory Judgment in its entirety, and partially moots the Amended Petition to the extent it seeks any affirmative remedy from the LLCs. The LLCs are currently exploring options to moot this case in its entirety. To allow adequate time for the LLCs to pursue the possible resolution of this case in its entirety, they request a stay of all proceedings in this case for a period of ninety days.

Therefore, the Court now finds that Non-City Defendants hereby have abandoned and do abandon:

1. Their Rezoning and FLUM Amendment Application;
2. The Variances issued in 25-000446-ZA on February 18, 2025; and,
3. Any COA/Special Exception and any further permits or approvals of the LLCs issued by the City of Savannah that are fully dependent on the Rezoning and FLUM Amendments and Variances.⁵

The Court further finds that consistent with this abandonment, the LLCs agree to not undertake development actions that are fully dependent on the Zoning Amendment, the FLUM Amendment, the Variances, or the COA/Special Exception, although the LLCs are, and continue to be, permitted to: (i) undertake work not fully dependent on the Zoning Amendment, the FLUM Amendment, the Variances, or the COA/Special Exception, including without limitation demolition of current structures and work related to the underground parking facility; (ii) obtain, or cause to be obtained, permits, certificates, approvals, variances, and special exceptions not fully dependent on the Zoning Amendment, the FLUM Amendment, the Variances, or the COA/Special Exception.

Finally, Non-City Defendants move the Court for a ninety (90) day stay of all proceedings in the within action, including without limitation discovery.

⁵ No COA/Special Exception has yet been issued, and the Non-City Defendants hereby abandon seeking such.

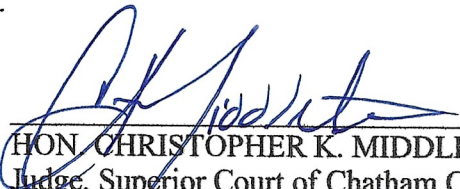
Finding good cause for Non-City Defendants' Notice, the Court ACCEPTS the Notice.

IT IS THEREFORE ORDERED that:

- a. The Rezoning and FLUM Amendment Application stands ABANDONED by the LLCs;
- b. The Variances in 25-000446-ZA on February 18, 2025 stand ABANDONED by the LLCs; and,
- c. Any COA/Special Exception and any further permits or approvals of the LLCs issued by the City of Savannah that are fully dependent on the Rezoning and FLUM Amendments and Variances ARE AND SHALL BE ABANDONED AND NOT SOUGHT.

IT IS FURTHER ORDERED that all proceedings in this matter shall be stayed for a period of ninety (90) days, including without limitation discovery.

SO ORDERED, this 10 day of April, 2025.


HON. CHRISTOPHER K. MIDDLETON
Judge, Superior Court of Chatham County
Eastern Judicial Circuit, State of Georgia

Prepared in part and presented by:
Michael L. Edwards (GA Bar No. 240112)
Thomerson Jones & Edwards P.C.
P.O. Box 8006
Savannah, GA 31412
(912) 512-5670
medwards@tjelaw.net
For Petitioners

Prepared in part by:
Allan C. Gallis (GA Bar No. 185603)
Hunter, Maclean, Exley & Dunn, P.C.
P.O. Box 9848
Savannah, GA 31401
(912) 236-0261
agalis@huntermaclean.com
For Non-City Defendants