

CHATHAM COUNTY-SAVANNAH

# METROPOLITAN PLANNING COMMISSION

Planning the Future - Respecting the Past

### Arthur A. Mendonsa Hearing Room October 30, 2012 1:30 P.M. MINUTES

## October 30, 2012 Regular MPC Meeting

Members Present:	J. Adam Ragsdale, Chairman
	Ellis Cook, Secretary
	Tanya Milton, Treasurer
	Stephanie Cutter
	Ben Farmer
	Stephen Lufburrow
	Murray Marshall
	Susan Myers
	Joseph Welch
Members Not Present:	W. Shedrick Coleman, Vice Chairman
	Russ Abolt
	Timothy Mackey
	Lacy Manigault
Staff Present:	Thomas Thomson, P.E. AICP, Executive Director
	Melony West, CPA, Director, Finance & Systems
	Gary Plumbley, Acting Development Director
	Marcus Lotson, Development Services Planner
	Christy Adams, Director, Administration
	Bri Finau, Administrative Assistant
	Amanda Bunce, Development Services Planner
	Charlotte Moore, Director of Special Projects
	Shanale Booker, IT Assistant
	Ellen Harris, Cultural Resource and Urban Planning Manager
	Michael Adams, Transportation Planner
	Mark Wilkes, Director of Transportation
Advisory Staff Present:	Robert Sebek, County Zoning Administrator

Geoff Goins, City Zoning Administrator

### I. CALL TO ORDER AND WELCOME

### **II. INVOCATION**

### **III. PLEDGE OF ALLEGIANCE**

### IV. NOTICES, PROCLAMATIONS and ACKNOWLEDGEMENTS

### Notice(s)

1. October 30, 2012 MPC Finance Committee Meeting at 11:30 AM in the West Conference Room, 110 East State Street.

**Ms. Milton** stated the Finance Committee reviewed the audited financial statements prepared by Karp, Ronning, and Tindol Independent Auditors. No material errors or issues were found and they have issued a clean opinion.

The Finance Committee approved receipt of the audit and voted to present the audit to the rest of the Board. (All Board members were provided a hard copy of the audit.)

2. <u>November 13, 2012 Metropolitan Planning Commission Planning Meeting at 1:30 P.M.</u> in the Arthur A. Mendonsa Hearing Room, 112 E. State Street.

**Mr. Thomson** stated Chairman Ragsdale suggested during the October 30, 2012 pre-meeting to add sections of the UZO Review/Discussion to the end of the regular meetings as time permits. This would cancel the November 6 & 13 Planning Meetings.

3. <u>November 20, 2012 Regular MPC Meeting at 1:30 P.M. in the Arthur A. Mendonsa</u> <u>Hearing Room, 112 E. State Street.</u>

### Acknowledgement(s)

4. <u>Georgia Planning Association Award for Outstanding Planning Document for the</u> <u>Reclaiming Old West Broad Street- The I-16 Exit Ramp Removal Study</u>

**Ms. Ellen Harris**, Cultural Resource adn Urban Planning Manager, requested Christian Sottile to join her in acknowledgment of this award.

The MPC is pleased to acknowledge receipt of this award. Thomas Thomson and Vice Chairman Shedrick Coleman received it at the annual Georgia Planning Association meeting on September 28, 2012. The study involved four main areas of focus: civic master plan, economic analysis, transportation analysis, and

implementation strategy.

**Ms. Harris** thanked the partners in the study: CORE MPO, City of Savannah, SDRA, and Chatham County. Consultants were WSA, Sottile and Sottile, Urban Partners, Grice and Associates, McMillan and Associates, and Gilbert and Lattimore. Ms. Harris specially thanked the members of the advisory committee, Commissioners Susie Myers and Stephanie Cutter and County Commissioner Patrick Shay.

**Ms. Myers** commended Ms. Harris for her handling of this study. She also thanked Mr.Thomson. She stated funding is the next obvious step.

### **V. PRESENTATIONS**

### VI. ITEM(S) REQUESTED TO BE REMOVED FROM THE FINAL AGENDA

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

None

5. <u>November 6, 2012 Metropolitan Planning Commission Planning Meeting at 1:30 P.M. in</u> the Arthur A. Mendonsa Hearing Room, 112 E. State Street.

**Mr. Thomson** requested amendment of allowing of no less than one hour after the regular meeting for UZO review and discussion.

Mr. Farmer asked for clarification of 'no less than one hour.'

**Mr. Thomson** explained if it is a short meeting, we can go a little longer. If it is a longer meeting, we can get at least get an hour in.

**Mr. Marshall** asked is this indefinitely? If there is a long regular meeting should we set a 4 p.m. deadlineso people can plan their afternoon.

**Mr. Ragsdale** recommended the time be 5 p.m. at the latest. If the MPC meeting goes beyond 5 p.m. then we will have no Planning Agenda.

**Mr. Marshall** stated he would rather see 4 p.m. so there are other things he could accomplish.

Ms. Myers asked if Mr. Thomson should determine if we will have a planning

meeting based on the agenda load so as to not overburden.

**Mr. Ragsdale** and **Mr. Thomson** stated 4 p.m. will be tried first to see how it works.

Mr. Farmer stated he would like to discuss at the next pre-meeting.

Board Action: approve	- PASS
approve	17100
Vote Results	
Motion: Susan Myers	
Second: Tanya Milton	
Russ Abolt	- Not Present
Shedrick Coleman	- Not Present
Ellis Cook	- Aye
Stephanie Cutter	- Aye
Ben Farmer	- Aye
Stephen Lufburrow	- Aye
Timothy Mackey	- Not Present
Lacy Manigault	- Not Present
Murray Marshall	- Aye
Tanya Milton	- Aye
Susan Myers	- Aye
Adam Ragsdale	- Aye
Joseph Welch	- Aye

### **Approval of MPC Meeting Minutes and Briefing Minutes**

6. October 9, 2012 MPC Meeting and Briefing Minutes

Attachment: <u>10.09.12 MEETING MINUTES.pdf</u> Attachment: <u>10.09.12 MPC BRIEFING MINUTES.pdf</u>

#### **Board Action:**

Recommend <u>APPROVAL</u> of the MPC Meeting - PASS and Briefing Minutes as submitted.

### **Vote Results**

Motion: Susan Myers	
Second: Tanya Milton	
Russ Abolt	- Not Present
Shedrick Coleman	- Not Present
Ellis Cook	- Aye
Stephanie Cutter	- Ave

Ben Farmer	- Aye
Stephen Lufburrow	- Aye
Timothy Mackey	- Not Present
Lacy Manigault	- Not Present
Murray Marshall	- Aye
Tanya Milton	- Aye
Susan Myers	- Aye
Adam Ragsdale	- Aye
Joseph Welch	- Aye

### Authorization(s)

7. Contract Authorization between the MPC and CAT for matching funds.

Attachment: <u>MPC Board memo to Approve CORE MPO - CAT Planning</u> <u>Agreement 10-17-2012..pdf</u>

<b>Board Action:</b> Approve contract authorization between the MPC	DAGG
and CAT for matching funds.	- PASS
Vote Results	
Motion: Susan Myers	
Second: Tanya Milton	
Russ Abolt	- Not Present
Shedrick Coleman	- Not Present
Ellis Cook	
	- Aye
Stephanie Cutter	- Aye
Ben Farmer	- Aye
Stephen Lufburrow	- Aye
Timothy Mackey	- Not Present
Lacy Manigault	- Not Present
Murray Marshall	- Aye
Tanya Milton	- Aye
Susan Myers	- Aye
Adam Ragsdale	- Aye
Joseph Welch	- Aye

### **Zoning Petition - Text Amendment**

8. <u>Amendment to Section 8-3025(b) of the Savannah Zoning Ordinance to allow</u> "Postsecondary School" in the B-N district

Attachment: <u>12-001249-ZA Allow Postsecondary Schools in B-N Staff</u> <u>Report.pdf</u>

Board Action:	
MPC staff recommends approval of the proposed	- PASS
text amendment.	- FA55
Vote Results	
Motion: Susan Myers	
Second: Tanya Milton	
Russ Abolt	- Not Present
Shedrick Coleman	- Not Present
Ellis Cook	- Aye
Stephanie Cutter	- Aye
Ben Farmer	- Aye
Stephen Lufburrow	- Aye
Timothy Mackey	- Not Present
Lacy Manigault	- Not Present
Murray Marshall	- Aye
Tanya Milton	- Aye
Susan Myers	- Aye
Adam Ragsdale	- Aye
Joseph Welch	- Aye

## VIII. ITEMS MOVED FROM CONSENT AGENDA

Doord Actions

### **IX. OLD BUSINESS**

#### **Specific Development Plan**

### 9. One West Victory Drive

Attachment: <u>Approved General Development Plan P-120222-32609-2.pdf</u> Attachment: <u>Aerial and Plans.pdf</u> Attachment: <u>Building Elevations.pdf</u> Attachment: <u>Miscellaneous.pdf</u> Attachment: <u>Staff Report (2).pdf</u>

1 & 109 West Victory Drive Site Area: 1.74 Acres PIN: 2-0074 -26-004 & 2-0074 -26-005 Agent: Amy Swick Attorney: Phillip McCorkle Aldermaninc District: 5 County Commission District: 5 Zoning District: P-RIP-B MPC File Number: 12-001179-PLAN MPC Reference File Numbers: P-120222-32609-2, P-070215-34479-2 and Z-070220-43024-2

Mr. Gary Plumbley, MPC Project Planner, presented the petitioner's request

for approval of a Specific Development Plan for a proposed mixed use development to be constructed at the southwest corner of West Victory Drive and Barnard Street within a P-RIP-B zoning district. The proposed development will consist of 114 residential units and 6,435 square feet of commercial space.

A General Development Plan for the proposed development was previously approved by the Metropolitan Planning Commission and the Mayor and Aldermen. There is a reduction of residential units and retail square footage. There will be no vehicular ingress and egress to Victory Drive.

**Ms. Amy Swick**, petitioner, introduced the Jamestown Development and Construction Team: Hank Farmer, Walter Brown, and Francis Bond. She also introduced Pat Shay as their architect, Bill Rouse as civil engineer, and Phillip McCorkle as legal counsel.

**Ms. Swick** stated there have been a number of community meetings and are grateful to their supporters.

**Mr. Hank Farmer** stated there are no material changes from the general development plan. He stated they will be happy to answer any questions.

Ms. Myers stated she is excited about this project.

**Mr. Steve Chick**, president of the Guerry Lumber Company, stated he is in favor of the project. He is thankful for the guidance of the MPC and the City in coming up with a mutually agreeable development plan, provided it is built as it is drawn on paper. He requests assistance with the elevation of the street; he wants to be sure that the street right-of-way elevation is lower than the finished floor of his company's warehouse. He wants to be sure he will not incur a flooding problem.

**Ms. Virginia Mobley**, of the Thomas Square Neighborhood, stated she is looking forward to the project happening. It is viewed as an asset to the area, although we do have concerns that this was considered under the general development plan. It has come to her attention that the interior design of the commercial area has changed. They are looking for a high-seat restaurant which will considerably increase the parking demand. One hundred fifty seats in restaurant requires a large staff plus the residents of the building and the other commercial establishments in the area. It will impact parking in the neighborhood. We just finished four years of a parking plan for the lower part of Bull Street and this project will have an impact on the parking outside of their building facilities. The alteration to their interior design needs to be considered.

**Mr. Kevin Thompson**, area resident, stated he owns the property on the northwest corner of Bull and Barnard. He stated he approves of this project and would like to see it happen. He believes a project like this will help the area.

**Ms. Connie Wraithstraw**, citizen, stated her concern is that the petitioner' do not have the architectural plan. That is always an issue and it impacts the final product. Plans and surveys are very important.

**Mr. Ragsdale** stated that from a procedural perspective, this body does not have the authority to review architectural plans. If the neighborhood constructs a legally recognized neighborhood association, they could place by-laws that require that.

**Mr. Ramsey Khalidi**, area resident, stated he owns property at 37 East Victory Drive. He is pleased with the petitioner's attention to detail and willingness to work with local talent and vendors.

The petitioner, **Mr. Farmer**, replied to Ms. Mobley's concern stating that the intensity of retail and restaurant component was decreased.

#### **Board Action:** MPC staff recommends approval of the petitioner's request subject to the following condition: - PASS Approval by the appropriate City Review Departments. Vote Results Motion: Susan Myers Second: Stephen Lufburrow **Russ Abolt** - Not Present Shedrick Coleman - Not Present Ellis Cook - Aye Stephanie Cutter - Aye Ben Farmer - Aye Stephen Lufburrow - Aye **Timothy Mackey** - Not Present - Not Present Lacy Manigault Murray Marshall - Aye Tanya Milton - Aye Susan Myers - Aye Adam Ragsdale - Aye Joseph Welch - Aye

### X. REGULAR BUSINESS

### **Zoning Petition - Map Amendment**

10. 1908-1910 Whitaker Street Rezoning Request From TN-2 to RIP

Attachment: Maps.pdf

Attachment: <u>Photo.pdf</u> Attachment: <u>Staff Report.pdf</u> Attachment: <u>Existing TN-2 Uses.pdf</u> Attachment: <u>Proposed RIP Uses.pdf</u>

1908-1910 Whitaker Street Rezoning Request from TN-2 to RIP Aldermanic District 5 County Commission District 2 PIN 2-0065-06-013 John & Princetta Simmons, Owner Zoning District TN-2 to RIP Acres 0.099

**Mr. Marcus Lotson**, MPC Project Planner, presented the petitioner's request to rezone the propoerty from TN-2 to RIP, in order to operate a legal boarding house. In March 2003, the petitioner requested to operate a boarding house at this location and was told yes with the conditions of meeting building codes and submitting architectural drawings. At that time, it was zoned RIP. The petitioner did not comply with the conditions and operated out of compliance for several years. In 2005, the zoning was changed to TN-2 in conjunction with the adoption of the Mid-City Zoning Ordinance.

Staff has determined the RIP designation is not appropriate at this location. There is no RIP zoning within the Mid-City zoning district. TN-2 was established to maintain a traditional development pattern in the area. Staff recommends denial.

**Mr. Roy Hill**, area resident, stated he has been in the area since 2005. He has worked with different developers to help develop the area and watched it grow and improve. He stated he is not aware of any other property in the immediate vicinity that has approval as a boarding house. The area is primarily single family and duplex residential. It will affect parking, as it is near 1 West Victory Drive. Mr. Hill stated that the house is very much in need of repairs. He is opposed to the petitioner's request.

**Mr. Ragsdale** acknowledged his procedural error by allowing public comment out of order and requested the petitioner to make his presentation if desired.

**Mr. John Simmons**, petitioner, stated he has owned the property since 1999. He stated he does not have the money that 1West Victory Drive owners have. He stated he was shut down on August 8 and he has been having financial problems. He stated he is not here to beg, he did not petition because he runs a dump. He has been in business since 2002 and it has been run with professionalism. He is disappointed because the material he submitted to City Hall was what he believed was requested. He stated he later found out that something else was needed. He stated he never received a letter stating he needed to do architectural drawings; it would have been done if received.

Mr. Simmons stated he has been living in Savannah all of his life; a lifelong

citizen. People come from other places and are treated like kings. He believes Savannahians are not treated fairly and are slighted. He stated he is not here to beg and he'll make an apartment building and you'll never hear from it. But, as a rooming house, he was able to pay his bills. Mr. Simmons apologized to Mr. Hill for having a broken window right now and for the needed repairs. He explained he's spent \$60,000 restoring the building. He also apologized to the Board for his manner of expressing his defense and thanked them for the opportunity to be before them.

**Mr. Ragsdale** stated he appreciated Mr. Simmons coming before them. He asked Mr. Lotson to clarify the need for architectural plans since this is a rezoning request.

**Mr. Lotson** replied that was correct. When Mr. Simmons originally applied with the City to establish a rooming house at this location, one of the requirements from a building code standpoint was to supply plans at that time to show the rooming house was in compliance. The records show it was not supplied at that time.

**Mr. Colley**, area resident, stated he owns 2234 Whitaker Street. He agreed that the neighborhood is developing and it's been a hardship for the 11 years he's been there. He asked if what the petitioner is asking for can be had as an apartment building or still have occupancy in the building without being designated as a rooming house.

**Mr. Lotson** stated the petitioner was seeking to rezone the property back to RIP because rooming houses are allowed within that zoning. There is no RIP in Mid-City and they are not allowed in the TN-2. The property is a duplex, therefore able to be established as a multi-family unit.

Mr. Ragsdale asked what procedure would he need to take?

Mr. Lotson replied through the MPC, nothing procedurally.

**Mr. Ragsdale** asked would it be in the petitioner's best interest to rescind this petition and guide him to the appropriate entity?

**Mr. Lotson** replied he was not certain about that; if the Board is considering recommending denial, Mr. Simmons would be faced with the options of continuing with this petition to City Council and await that outcome or establish property as a duplex.

**Mr. Ragsdale** stated he is not in favor of rezoning the property to RIP. But if he has a legal avenue to create a duplex versus a rooming house, which would be an appropriate use in its current zoning, he thinks that would be a better route for him to take.

Mr. Farmer asked how many people are in the rooming house now?

Mr. Lotson stated it was established as a six or seven unit.

**Mr. Farmer** asked if it were a duplex, how many people, under the current zoning, can live in there?

**Mr. Geoff Goins,** City Zoning Administrator, replied the definition of a family is one or more related people living together up to six. Under home occupation, he could have two people per unit that he could receive rent from.

Mr. Farmer stated the Board does not want to do spot zoning.

**Mr. Goins** stated the petitioner never received a Certificate of Occupancy to be established as a legal rooming house.

**Mr. Farmer** stated if compliance was had in the past, it would currently be a non-conforming use situation.

**Mr. Lufburrow** asked at what point is an older building required to bring up to current codes and get a Certificate of Occupancy? What invokes that and prevents grandfathering?

**Mr. Goins** stated usually a change of the use, which is what the petitioner proposed in 2002 from a duplex to a rooming house. He was going through the process but never completed the Certificate of Occupancy building code and life safety issues, thus never legal.

**Mr. Lufburrow** stated he was not legal for a rooming house, but if he wanted to maintain as duplex, then there would be no required Certificate of Occupancy or changes.

**Mr. Goins** stated unless he came into our system somehow, through improvements or building permits he would not need a Certificate of Occupancy. Normally, if you don't come into our system, we don't know about you.

**Mr. Thomson** stated the upgrade was to make it as six units for a rooming house. The building was built before zoning as a duplex. Had the use continued as a duplex, and duplexes are allowed under TN-2, no one would have brought to question the interior code compliance if were still set up as a duplex. If it's been changed to a rooming house, it will have to be changed back to a duplex to operate it, which will bring it in again into the system.

Mr. Ragsdale asked how did the petition get before the MPC today?

**Mr. Thomson** stated in order to operate legally as a rooming house, he has to have the use added to the TN-2 or change the zoning.

**Mr. Ragsdale** asked did the petitioner initiate an application to the City that brought this onto the radar?

Mr. Goins stated complaints were received in July regarding the property being

operated as a rooming house. After review, it was determined it was indeed a rooming house. The petitioner was summoned to court on August 6, 2012. The judge made an order to either rezone or convert back to a duplex.

**Mr. Farmer** stated under UZO, there will be tons of non-conforming uses. Is everyone now going to have to come up to code to continue to operate? He believes the petitioner has been caught in a paperwork bureaucratic situation and now has gone before a judge.

Mr. Ragsdale stated he believes it is a life-safety issue right now.

**Ms. Myers** stated we need to think of the neighborhood also. There was a reason rooming houses were not put in TN-2; it was deemed inappropriate for the neighborhood. The petitioner still has the ability to return the property to a duplex use. She stated he never was up to code, he was illegal. When you get caught you have to bring it up to the current zoning or sell it.

**Mr. Farmer** asked if he could bring it up to current code now, could it be continued to be used as a non-conforming use?

Ms. Myers replied only as a duplex.

**Mr. Marshall** asked if it were a vacant lot, what could be built on it under its current zoning? It appears that it could be a multi-family, three or more units.

Mr. Lotson replied yes, in TN-2 now.

Mr. Marshall asked if the petitioner could convert it to a quad?

**Mr. Goins** replied assuming the lot size was available, he could. The lot size per unit density could not be varied. The parking possibly at the ZBA, but not the density.

**Mr. Farmer** stated this is more complicated than he initially thought. He recommended redirecting the petitioner to reconsider his request. He agreed with Ms. Myers that it appeared that someone may have just been trying to get away with something, but it is more complicated than presented.

**Mr. Lufburrow** stated it raises questions and concerns. He would like to better understand the ramifications of how zoning changes affects properties and cause people to have to undergo extensive renovations and improvements in order to become compliant. This could result in economic hardship. He stated he suspects the petitioner was under economic hardship, based on his statement, however, that does not justify continuing as an illegal use.

**Ms. Myers** stated that as she understands it, even under RIP, the petitioner did not follow all of the steps to be legal. He was illegal then; he just slid under the radar when it was changed to TN-2. This is just someone that did not do all of the legal things he was required to do in order to run a boarding house. When the zone change occurred, some did not realize they lost the ability to have a certain use. But it was ruled that since they did not take advantage of all the public meetings and discussions, that they had lost their right to demand the use they previously had because they were not part of the process. In order to be a citizen or business owner, one has to participate. When this went to TN-2, there was ample advertisement and many public hearings that the petitioner could have gone to.

**Mr. Lufburrow** stated he is not arguing the validity of Ms. Myers comments, but he has learned about things at this meeting that he would like additional information on before the Board goes further along in UZO.

**Mr. Lotson** stated with large-scale rezonings, there are uses that were legal that became legally non-conforming. That is not the case here.

**Mr. Marshall** requested the petition be continued to investigate changing the definition of what he is looking for in order to accomplish his goal with the income stream needed to maintain the investment.

Mr. Ragsdale stated he believes the petitioner needs to be at the ZBA.

Board Action:	
Postpone Item to Dec 11, 2012 - Allow further research petitioner's request by staff. Provide applicable guidance for petitioner.	- PASS
Vote Results	
Motion: Ben Farmer	
Second: Stephen Lufburrow	
Russ Abolt	- Not Present
Shedrick Coleman	- Not Present
Ellis Cook	- Nay
Stephanie Cutter	- Aye
Ben Farmer	- Aye
Stephen Lufburrow	- Aye
Timothy Mackey	- Not Present
Lacy Manigault	- Not Present
Murray Marshall	- Aye
Tanya Milton	- Aye
Susan Myers	- Aye
Adam Ragsdale	- Aye
Joseph Welch	- Aye

### XI. UNIFIED ZONING ORDINANCE (UZO)

11. Article 7 Historic & Other Overlay Districts (Secs. 7.7-7.14)

Attachment: Article 7.0 Historic & Other Overlay Districts.pdf

**Ms. Charlotte Moore**, Director of Special Projects, provided a refresher of the differences between base zoning districts and overlay districts. She explained that an overlay district is in addition to the base districts. All of the 93,000+ parcels within the City of Savannah and the unincorporated County will have a base district. Not all will have an overlay. Overlays are intended for specific areas, typically for things we want to protect or maintain. We see them commonly as historic, but we also have an airfield overlay, the Southeast Chatham District, and redevelopment areas.

The development standards, yard setbacks, height and minimum lot size and lot width are all found in the base district. An overlay district may modify these – that is, be more or less restrictive. The base districts also identify what uses are appropriate within the district. The overlay may modify that—it may remove some of approved uses in the base district or add additional uses in the district.

Ms. Ellen Harris, Cultural Resource and Urban Planning Manager, introduced a new overlay to the ordinance: "Historic Property Overlay District." It exists currently in Chatham County, not in the City. It is similar to a historic district; it is an overlay for a specific single property. There are currently two such properties listed in Chatham County (New Ogeechee Missionary Baptist Church on Chevis Road; and, a private residence, Meridon, on Wilmington Island). They were created prior to the draft of the UZO, so they have been translated into the new format. There are no changes. New properties could be added in the future, but it is a property owner consent process. No questions were asked.

Ms. Sarah Ward, Director of Historic Preservation, stated the existing overlay districts in the city of Savannah are being slightly changed and reformatted to fit the proposed UZO format. She provided the following overview on the overlay districts proposed:

<u>Savannah Downtown Historic Overlay District</u>: There was a major revision to the ordinance in 2009. The new document incorporates all of those recommendations and adopted standards. There will not be a major overhaul of all of the standards since it was recently revised. It will incorporate the amended height map, design standards, visual compatibility for signs, appurtenances and additional standards for monumental buildings. Right now there are only four requirements for monumental buildings.

<u>Victorian District Historic Overlay District</u>: This is an existing overlay district with a proposal to expand the boundaries. It would cover both sides of the Martin Luther King, Jr. Boulevard corridor; it currently covers only one side. Properties owners within this area have been contacted about the expansion and the standards. The revised ordinance will incorporate intent statements into the neighborhood districts. Rehabilitation standards will be created. The current ordinance focuses on new construction.

<u>Cuyler-Brownville Historic Overlay District</u>: This is an existing district with proposed slight boundary changes. The name will be changed from Cuyler-Brownsville to Cuyler-Brownville, which is the name of the National Register District. Though it is known by both names, the change is to provide greater consistency.

Mr. Ragsdale: What to residents refer to it as?

Ms. Ward: Both names.

Ms. Ward: Intent statements are also being incorporated. Design standards will also apply to existing buildings, not just new construction. Exterior work from the lanes will be subject to the standards, and there are additional standards for awnings, doors, storefronts. There are few standards for commercial redevelopment, so that will be included as well.

<u>Mid-City Overlay District</u>: There is a proposal to change the name to Street Car Historic Overlay District. The National Register nomination is called the Thomas Square Street Car National Register District. It will provide consistency with the National Register district and differentiate from the Midtown neighborhood. There is as boundary change proposed to include all the National Register properties. The standards work pretty in this district, so there are not a lot of changes. We have proposed more specific standards with regard to windows, walls, doors and roofs. There were no questions of Ms. Ward.

Ms. Harris stated there are two existing historic districts in the county: Pin Point, designated in 2009 (Sec. 7.12) and Pennyworth Island (Sec. 7.13), designated in 2011. There are no changes to the design standards for either, just formatting. There were no questions.

Ms. Moore presented information regarding the Corridor Overlay District (Sec. 7.14). The section was developed using the Comprehensive Plan as guidance. Within the Comprehensive Plan Future Land Use Map there areas that are designated "arterial corridor transition overlays." The overlay district areas consist primarily of single-family residences located on arterial streets. They were likely developed on two-lane roads, which have since been widened. The desirability to remain residential has diminished; many of the homes have become rental units or have been requested to be rezoned for commercial. This overlay district will help with the transition from residential to commercial. Currently, the Planned Residential Transition District is typically used for these types of properties; however, this district has some difficulties including the requirement for a general development plan at that time of zoning. The P-R-T district also still maintains the individual driveways along the arterial, which slows traffic. Staff has encouraged the recombination of properties to assist with driveway closures and to increase the site area so that an appropriate buffer, for example, can be put in place. She showed an example at Waters Avenue and Cranman Drive. The overlay does not require that the base zoning district change from residential at the same time. She then went through the various criteria proposed for the overlay district.

Ms. Myers asked where are the corridors?

Ms. Moore replied Montgomery Crossroad, west of Waters Avenue and the northeast corner of DeRenne and Abercorn. There are not many.

Ms. Myers asked if people knew that they were in an area proposed for the overlay.

Ms. Moore said that they will know through the notification process for the adoption of UZO. There have also been general community and neighborhood meetings.

Ms. Myers asked how the people were reacting to this.

Ms. Moore replied that she had not heard from anyone.

Ms. Myers asked if there have been meetings, who held them?

Ms. Moore mentioned that a local real estate has approached property owners in the neighborhood about selling to allow for a potential commercial development in the future. Residents are aware that the neighborhood is in transition.

Ms. Myers replied so you're asking us to okay a general overlay district, and then you will apply it through a different process?

Ms. Moore explained that the underlying residential district would still be in place and keep all of the homes there conforming. The overlay anticipates possible rezoning for commercial purposes. When rezoning to a nonresidential base district occurs, then the criteria for the overlay will have to be applied.

Mr. Ragsdale said that the Commission has not been shown the map yet. The districts have been mapped.

Ms. Myers We don't have this yet?

Ms. Moore The concept exists on the Future Land Use Map in the Comprehensive Plan. The overlay district implements the concept. The overlay district does appear on the proposed zoning map, which is available at unifiedzoning.org.

Mr. Cook The NW corner of DeRenne and Habersham...will that property be rezoned to commercial?

Ms. Moore said that she'd have to verify it.

**Mr. Marshall** asked if once the overlay district is in place, the person that has one house and wants to sell it for commercial use, he will not be able to do so.

**Ms. Moore** replied that is correct. If the overlay is adopted, and the buyer only wants one property.

**Mr. Marshall** stated one would be forced to combine their assets with their neighbors to be able to realize any money from the asset. He stated he believes that is wrong to consider such an idea. In this case, if you put a 50-foot rear yard setback, he believes the lots to be only 100 feet deep. On Waters Avenue, there may be a 50-foot front yard setback?

Ms. Moore stated it's a building setback for the rear yard. The parking would be in the rear.

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**Mr. Ragsdale** requested clarification. I understand the addition of the overlay district. The overlay does still allow the ability to seek a variance, does it not?

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**Ms. Moore** provided a refresher of the differences between base zoning districts and overlay districts. She explained that an overlay district is in addition to the base districts. All of the 93,000+ parcels within the City of Savannah and the unincorporated County will have a base district. Not all will have an overlay. Overlays are intended for specific areas, typically for things we want to protect or maintain. We see them commonly as historic, but we also have an airfield overlay, the Southeast Chatham District, and redevelopment areas.

The development standards, yard setbacks, height and minimum lot size and lot width are all found in the base district. An overlay district may modify these – that is, be more or less restrictive. The base districts also identify what uses are appropriate within the district. The overlay may modify that—it may remove some of approved uses in the base district or add additional uses in the district.

**Ms. Ellen Harris**, Cultural Resource and Urban Planning Manager, introduced a new overlay to the ordinance: "Historic Property Overlay District." It exists currently in Chatham County, not in the City. It is similar to a historic district; it is an overlay for a

specific single property. There are currently two such properties listed in Chatham County (New Ogeechee Missionary Baptist Church on Chevis Road; and, a private residence, Meridon, on Wilmington Island). They were created prior to the draft of the UZO, so they have been translated into the new format. There are no changes. New properties could be added in the future, but it is a property owner consent process. No questions were asked.

**Ms. Sarah Ward**, Director of Historic Preservation, stated the existing overlay districts in the city of Savannah are being slightly changed and reformatted to fit the proposed UZO format. She provided the following overview on the overlay districts proposed:

<u>Savannah Downtown Historic Overlay District</u>: There was a major revision to the ordinance in 2009. The new document incorporates all of those recommendations and adopted standards. There will not be a major overhaul of all of the standards since it was recently revised. It will incorporate the amended height map, design standards, visual compatibility for signs, appurtenances and additional standards for monumental buildings. Right now there are only four requirements for monumental buildings.

<u>Victorian District Historic Overlay District</u>: This is an existing overlay district with a proposal to expand the boundaries. It would cover both sides of the Martin Luther King, Jr. Boulevard corridor; it currently covers only one side. Properties owners within this area have been contacted about the expansion and the standards. The revised ordinance will incorporate intent statements into the neighborhood districts. Rehabilitation standards will be created. The current ordinance focuses on new construction.

<u>Cuyler-Brownville Historic Overlay District</u>: This is an existing district with proposed slight boundary changes. The name will be changed from Cuyler-Brownsville to Cuyler-Brownville, which is the name of the National Register District. Though it is known by both names, the change is to provide greater consistency.

Mr. Ragsdale asked what do the residents refer to it as?

Ms. Ward replied both names.

**Ms. Ward** stated intent statements are also being incorporated. Design standards will also apply to existing buildings, not just new construction. Exterior work from the lanes will be subject to the standards, and there are additional standards for awnings, doors, storefronts. There are few standards for commercial redevelopment, so that will be included as well.

<u>Mid-City Overlay District</u>: There is a proposal to change the name to Street Car Historic Overlay District. The National Register nomination is called the Thomas Square Street Car National Register District. It will provide consistency with the National Register district and differentiate from the Midtown neighborhood. There is as boundary change proposed to include all the National Register properties. The standards work pretty in this district, so there are not a lot of changes. We have proposed more specific standards with regard to windows, walls, doors and roofs. There were no questions of Ms. Ward.

**Ms. Harris** stated there are two existing historic districts in the county: Pin Point, designated in 2009 (Sec. 7.12) and Pennyworth Island (Sec. 7.13), designated in 2011. There are no changes to the design standards for either, just formatting. There were no questions.

Ms. Moore presented information regarding the Corridor Overlay District (Sec. 7.14). The section was developed using the Comprehensive Plan as guidance. Within the Comprehensive Plan Future Land Use Map there areas that are designated "arterial corridor transition overlays." The overlay district areas consist primarily of single-family residences located on arterial streets. They were likely developed on two-lane roads, which have since been widened. The desirability to remain residential has diminished; many of the homes have become rental units or have been requested to be rezoned for commercial. This overlay district will help with the transition from residential to commercial. Currently, the Planned Residential Transition District is typically used for these types of properties; however, this district has some difficulties including the requirement for a general development plan at that time of zoning. The P-R-T district also still maintains the individual driveways along the arterial, which slows traffic. Staff has encouraged the recombination of properties to assist with driveway closures and to increase the site area so that an appropriate buffer, for example, can be put in place. She showed an example at Waters Avenue and Cranman Drive. The overlay does not require that the base zoning district change from residential at the same time. She then went through the various criteria proposed for the overlay district.

Ms. Myers asked where are the corridors?

**Ms. Moore** replied Montgomery Crossroad, west of Waters Avenue and the northeast corner of DeRenne and Abercorn. There are not many.

Ms. Myers asked if people knew that they were in an area proposed for the overlay.

**Ms. Moore** said that they will know through the notification process for the adoption of UZO. There have also been general community and neighborhood meetings.

Ms. Myers asked how the people were reacting to this.

Ms. Moore replied that she had not heard from anyone.

Ms. Myers asked if there have been meetings, who held them?

**Ms. Moore** mentioned that a local real estate has approached property owners in the neighborhood about selling to allow for a potential commercial development in the future. Residents are aware that the neighborhood is in transition.

**Ms. Myers** replied so you're asking us to okay a general overlay district, and then you will apply it through a different process?

**Ms. Moore** explained that the underlying residential district would still be in place and keep all of the homes there conforming. The overlay anticipates possible rezoning for commercial purposes. When rezoning to a nonresidential base district occurs, then the criteria for the overlay will have to be applied.

**Mr. Ragsdale** said that the Commission has not been shown the map yet. The districts have been mapped.

Ms. Myers asked we don't have this yet?

**Ms. Moore** stated the concept exists on the Future Land Use Map in the Comprehensive Plan. The overlay district implements the concept. The overlay district does appear on the proposed zoning map, which is available at unifiedzoning.org.

**Mr. Cook** asked about the NW corner of DeRenne and Habersham...will that property be rezoned to commercial?

**Ms.** Moore said that she'd have to verify it.

**Mr. Marshall** asked if once the overlay district is in place, the person that has one house and wants to sell it for commercial use, he will not be able to do so.

**Ms. Moore** replied that is correct. If the overlay is adopted, and the buyer only wants one property.

**Mr. Marshall** stated one would be forced to combine their assets with their neighbors to be able to realize any money from the asset. He stated he believes that is wrong to consider such an idea. In this case, if you put a 50-foot rear yard setback, he believes the lots to be only 100 feet deep. On Waters Avenue, there may be a 50-foot front yard setback?

Ms. Moore stated it's a building setback for the rear yard. The parking would be in the rear.

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#### 12. Existing and Proposed Approaches to Uses

Attachment: <u>City Use Table B&I.pdf</u> Attachment: <u>City Use Table C&R.pdf</u> Attachment: <u>Victorian District Use Table.pdf</u> Attachment: <u>Mid City Use Tables.pdf</u> Attachment: <u>County Use Table C&R.pdf</u> Attachment: <u>County Use Table B&I.pdf</u> Attachment: <u>UZO- Sec 5 4 Principal Use Table.pdf</u>

**Ms. Moore** mentioned that there had been some confusion in past discussions about use types, so the purpose of this part of the presentation was to re-familiarize everyone prior to reading Article 8.

<u>Land Uses</u>: There are three types of land uses: Principal, Accessory, and Temporary. Most often we hear about principal uses in this forum—for example, the rooming house discussion that was held earlier. It is the primary use of the land. An example of an accessory use would be a detached garage. An example of a temporary use would be a carnival in a church parking lot.

<u>Principal Uses</u>: There three types of Principal Uses: 1) matter of right uses (or by-right); 2) limited and conditional uses; and, (3) special uses. These use types already exist within the current ordinance although they aren't specifically named.

The existing ordinance identifies matter-of-right uses with "X"; in the UZO, such uses are proposed to have a check mark. Where there are conditions in the UZO, such use will be designed with an "L" for limited use. Anything requiring Board of Appeals approval is currently identified with the letter "B", which stands for special use. It will be proposed as "S" for special use in the UZO, which, by state law requires approval by City Council or County Commission. "B1" indicates developments on three or more acres require review of the Planning Commission. This type of use will not exist in the UZO as use review by the Planning Commission will depend on other criteria.

**Mr. Farmer** asked Ms. Moore to return to a slide relating to the various types of uses and how they will translate into the UZO.

Ms. Moore provided an explanation through a comparison of several uses.

Mr. Ragsdale asked if there are any no procedures with the UZO.

Ms. Moore replied no.

Mr. Ragsdale asked if there will be additions of special uses that are not currently.

Ms. Moore replied possibly, along with removal of some special uses.

Mr. Cook asked if limited uses had to go before Board of Appeals.

**Ms. Moore** replied no. Anything with an "L" designation is permitted with no approval process as long as the conditions are being met.

**Mr. Ragsdale** stated one would not have to go anywhere else to find the limiting conditions; they will all be stated right there.

Ms. Moore replied correct.

Mr. Cook asked if an "S" use had to go before Council and County Commission.

**Ms. Moore** replied under the proposed UZO, they will. They currently are going only to Board of Appeals. City Council and County Commission currently don't see these uses; past meetings and workshops have indicated they do want to see that changed.

Ms. Milton asked if anything has changed with churches and places of worship.

**Ms. Moore** replied that she would have to check. It is possible some conditions have been added or deleted. That will be reviewed in Article 8 on November 20. We will walk through them and inform as to what has been changed and not.

Ms. Milton asked if the process will be discussed with the churches.

Ms. Moore replied we have met with the local Interdenominational Ministerial Alliance.

Mr. Thomson stated there was a connection made through the Chamber to meet with religious institutions.

**Mr. Farmer** asked for clarification regarding the types of uses. It looks as if you are trying to fix something here.

Ms. Moore said that was correct.

**Mr. Farmer** asked if they will still come before this Board or will it go straight to City Council or County Commission. Where does it put the discretionary power?

**Mr. Ragsdale** said it's not discretionary. The current process sends the review to the wrong body; this process would correct it.

Mr. Thomson replied yes, it will still have MPC recommendation.

Mr. Farmer asked if special uses would go through the Planning Commission

Mr. Thomson replied yes.

Ms. Cutter asked how do the storefront churches fit into this and what will be its impact.

**Ms. Moore** replied it will be addressed in Article 8 also. This presentation was meant to be an introduction. She offered to follow up with Ms. Cutter.

**Mr. Marshall** stated he would like to be included when the follow up occurs. He has a concern with how many store front churches spring up around our community that potentially have a negative impact on existing uses in the immediate vicinity. He also expressed a concern with the existing condition which requires a church to be 100 feet from a conforming dwelling. Where in the community do we have a church that conforms to this? And that's in the new and the old.

Ms. Moore mentioned that the UZO process is attempting to eliminate unnecessary conditions.

Mr. Ragsdale said that as a Commission, we should identify issues that we need to return to and discuss.

Mr. Marshall said that this one, and what constitutes a church.

**Ms. Moore** continued that there will be only one use table in the proposed UZO, as opposed to the current four in the City. Information will be found more quickly; uses will be listed categorically, then alphabetically. The user will be directed to where to find the conditions for the use. It will be much more user friendly.

With limited uses, we are looking at things that may be potentially objectionable, such as noise, hours of operation and odor, as a way of identifying which conditions may be appropriate. We may need to make a particular use more compatible for its location and zoning district.

We've also looked at federal, state, and local laws to make certain that we are in compliance, in particular, with the Fair Housing Act and the Religious Land Use and Institutionalized Persons Act (RLUIPA). The state also has a lot of licensing requirements, especially with regard to square footage for certain use types.

**Mr. Farmer** asked how is it determined what is acceptable under something non-specific like 'odors' or 'vibration'? I understand traffic studies, but this could be subjective in some cases.

**Ms. Moore** explained we look at where the use is proposed. There may be limitations in one district and not in another. She returned to the use table to explain how conditions might be necessary for some districts but not others.

Mr. Farmer asked if there are several types of a store in an area and another of the same

type is requested in the same area, would the last request be denied?

**Ms.** Moore replied in some instances it may be, such as proposed distance requirements rooming houses, to avoid an over concentration of a particular use. She is not aware of this for a commercial use.

Mr. Farmer asked will the proposed UZO allow one to do that.

**Ms. Moore** replied it has to be stated in the ordinance. It is not just something that we say 'you're the fifth one in, so you can't be allowed.' Usually there is a distance requirement in the ordinance.

**Mr. Farmer** stated like with the billboards. It would be something stated, not just subjective.

Ms. Moore agreed. We cannot make up a condition when the plan comes in.

**Mr. Farmer** asked could there be a condition for an odor?

**Ms. Moore** stated we do have restaurants as special uses in some areas. It may be something that comes up as a concern. There are no 'no odors' standard in the ordinance, but it is a distance issue. It may become more apparent as we review Article 8.

**Mr. Marshall** stated that he didn't understand. What odor is acceptable versus an odor that is unacceptable for something that is next to residential?

Mr. Farmer mentioned horse-drawn carriages.

**Ms. Moore** said that the planner look at uses comprehensively—What are the hours of operation? Does it emit smoke? Will there be vibrations?

Mr. Farmer asked who identifies odors?

**Ms. Moore** responded that the condition would be in the ordinance. It may be that a distance requirement would be created.

**Mr. Farmer** said a "four odor" is a subjective opinion. For example, the guy with a chicken coop in the backyard.

**Ms. Moore** said that there are no specific odor standard in the ordinance. Typically, it's a distance requirement to separate a use where odor is likely from other uses that may be affected. For example, a dairy farm is known to have bad odors. There are certain uses that would not be appropriate next to such farms. As we read through Article 8, the approach should become more apparent. She then moved forward and showed conditions for rooming houses as an example. She pointed out that there are proposed to be distance requirements between rooming houses.

**Mr.** Cook asked if distance requirements from other city's zoning ordinances were used as examples to development the conditions for the rooming house use.

Ms. Moore stated in some cases they have, she cannot recall directly for this particular use.

**Mr. Lufburrow** stated he had to leave, but he wanted to encourage others to remain to view the SR 204 video that is under 'Other Business'. He thanked all that had a part in it.

**Ms. Moore** concluded that she wanted to end the presentation with a discussion of special uses. A change to state law in 1998 changed the review process.

She showed an example of a restaurant in a predominantly residential area of downtown that is on the ground floor with residential on top of and around it. By allowing it to be a special use, there is a potential for City Council to deem it as appropriate or not appropriate. It may be appropriate with additional conditions, such as limiting the hours of operation. A 24-hour restaurant, for example, may not be appropriate given the residential nature of the area.

Ms. Myers provided background on the particular use and location be discussed.

**Ms. Moore** said it was treated similarly to a special use but that the conditions were placed into the nonconforming section of the ordinance. If you weren't here at the time it happened, you might not be aware of it. If this was a special use within the zoning district where the property is located, we would know that there is a permit associated with that particular use. If any conditions are violated, the permit could be revoked and prevent the use from continuing to operate. We currently do not have that ability; the violators would have to be taken to court. This change to a special use permit process may be beneficial and allow uses in some areas that previously were not considered. Another thing that has happened in the past is that rezoning was often used to rectify this type of situation. She gave an example of a rezoning at Huntington and Abercorn Streets to allow a restaurant. The rezoning allowed uses for the subject property that are permitted in the zoning district surrounding the property; likewise, some uses in the district surrounding the subject property. Rezoning has the potential to change area character, whereas special uses do not change other uses or development standards.

**Mr. Farmer** stated it sounds like a good idea. It almost sounds as if we're treating this as if a business license was being applied for, where everything is being weighed in, like hours of operation. Is that correct?

**Ms. Moore** added there is also a public hearing process that will go through the Planning Commission, possibility of neighborhood meetings for resident concerns, then to City Council or County Commission.

Mr. Farmer asked if Russo's would have been a good example of a possible special use.

**Ms. Moore** said possibly. She added that when a use is a special use, it is allowed to be the use it is approved for, along with any of the uses allowed as a matter of right or a limited use within the district.

Mr. Ragsdale stated that for the record, the meeting no longer has a quorum.

Mr. Farmer asked if a special use changed hands, it would have to go back to Council.

Ms. Moore responded that would not be the case. The permit could be transferred if there

were no changes to the approved conditions.

**Ms. Moore** concluded by asking the Commission to begin reading Article 8 in order to prepare for the November 20 meeting.

13. Public Input

Mr. Ragsdale opened the floor to public comment.

No one came forth.

Mr. Ragsdale continued with the meeting.

#### 14. Draft 2 Questions & Answers Matrix

Attachment: Draft 2 QA Matrix\_Oct 9 (2).pdf

### XII. OTHER BUSINESS

15. Video: SR 204 Corridor Study Video "A Vision for SR 204 - A Community Connected"

**Mr. Michael Adams,** MPC Transportation Planner and study Project Manager, presented the SR 204 Corridor Study Video, " A Vision for SR 204 - A Community Connected." He stated this has been an over two-year study. This is the first phase of the study.

The video is also found on the website, <u>www.thempc.org</u>. The link is at the bottom of the Executive Director's narrative on the home page.

**Mr. Adams** stated the video will be presented at the next CORE MPO board meeting, the next Stake Holder's meeting at the Armstrong Center, and the Public Meeting on Thursday, November 1, also at the Armstrong Center from 5 p.m. to 7 p.m.

**Mr. Thomson** stated the mayor requested the video to be shown at the next City Council Workshop on November 1 as well.

Mr. Farmer asked how long would it take to accomplish this with the appropriate funds.

**Mr. Thomson** stated the next phase will look at the financial plan and the economic benefit and impact. The public will be engaged deeply. It may take about 10 years.

Mr. Welch thanked the project team for their hard work.

#### XIII. ADJOURNMENT

### 16. Adjournment of October 30, 2012 Regular MPC Meeting

There being no further business to come before the Board, Chairman Ragsdale entertained a motion to adjourn the October 30, 2012 MPC Meeting at 4:05 p.m.

Respectfully submitted,

Thomas L. Thomson Executive Director

TLT/bf

Note: Minutes not official until signed.

**Board Action:** Adjourn.

**Vote Results** Motion: Ben Farmer Second:

### XIV. DEVELOPMENT PLANS SUBMITTED FOR REVIEW

17. Development Plans Submitted for Review

Attachment: DEVELOPMENT REVIEW CASE LOG 103012.pdf

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