

CHATHAM COUNTY-SAVANNAH METROPOLITAN PLANNING COMMISSION

MPC MINUTES

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

June 20, 2006

1:30 PM

Members Present: Stephen R. Lufburrow, Chairman
Lee Meyer, Vice Chairman
Jon Todd, Secretary
Douglas Bean
Michael Brown
W. Shedrick Coleman
Ben Farmer
Melissa Jest
Walker McCumber
Timothy S. Mackey
Lacy A. Manigault

Members Not Present: Russ Abolt
Susan Myers
Robert Ray

Staff Present: Thomas L. Thomson, P. E., AICP, Executive Director
Harmit Bedi, AICP, Deputy Executive Director
James Hansen, AICP, Director, Development Services
Beth Reiter, AICP, Director of Historic Preservation
Amanda Bunce, Development Services Planner
Deborah Rayman-Burke, AICP, Development Services Planner
Courtland Hyser, Land Use Planner
Marilyn Gignilliat, Executive Assistant
Lynn Manrique, Administrative Assistant

Advisory Staff Present: Robert Sebek, Chatham County Zoning Administrator

I. Call to Order and Welcome

Chairman Lufburrow called the meeting to order and asked everyone to stand for the Pledge of Allegiance and Invocation. He explained the agenda for the benefit of those who were attending the meeting for the first time.

II. Notices, Proclamations and Acknowledgments

A. Notice(s)

MPC By-Laws Committee will meet Tuesday, July 11, 2006, at 11:00 a.m. in the J. P. Jones Conference Room.

B. Items Requested to be Removed from the Final Agenda.**1. General Development Plan**

St. Andrews School Unified Campus Plan
601 Penn Waller Road
PUD-IS/EO Zoning District
PIN: 1-0062-01-002
Hussey, Gay, Bell & DeYoung, Inc., Engineer
Steven C. Wohlfeil, PE, Agent
St. Andrews on the Marsh, Inc., Owner/Petitioner
Gary Plumbley, MPC Project Planner
MPC File No. P-060427-48535-1

This item has been requested to be removed from the Final Agenda at the petitioner's request and rescheduled for the July 18, 2006, Regular Meeting.

2. Telecommunications Facility

New Telecommunications Facility
Spring Hill Road
R-6 Zoning District
Hayden Horton (National Wireless Construction, LLC), Applicant
Jonathan Yates, Agent
Jim Hansen, MPC Project Planner
MPC File No. T-060320-57975-2

This item has been requested to be removed from the Final Agenda at the petitioner's request and rescheduled for the July 18, 2006, Regular Meeting.

Mr. Manigault **moved** to approve petitioners' requests to remove the St. Andrews School Unified Campus Plan and the Spring Hill Road Telecommunications Facility from the Final Agenda and reschedule them for the July 18, 2006, Regular Meeting. Mr. Todd seconded the motion.

MPC Action: The motion carried with none opposed. Voting were Mr. Lufburrow, Mr. Meyer, Mr. Todd, Mr. Bean, Mr. Coleman, Mr. Farmer, Ms. Jest, Mr. McCumber, Mr. Manigault. Mr. Brown and Mr. Mackey were not present for the vote.

III. Consent Agenda**A. Approval of the June 6, 2006, MPC Meeting Minutes and Briefing Minutes.**

Mr. Todd **moved** to approve the June 6, 2006, MPC Meeting Minutes and Briefing Minutes. Mr. Meyer seconded the motion.

MPC Action: The motion carried with none opposed. Voting were Mr. Lufburrow, Mr. Meyer, Mr. Todd, Mr. Bean, Mr. Coleman, Mr. Farmer, Ms. Jest, Mr. McCumber, Mr. Manigault. Mr. Brown and Mr. Mackey were not present for the vote.

B. Victorian Planned Neighborhood Conservation District/Certificate of Compatibility for New Construction

Ryan E. Williamson, Petitioner and Owner
525 East Bolton Street
1-R Zoning District
PIN 2-0043-11-030
MPC File No. N-060601-36203-2

Nature of Request: The applicant is requesting approval for New Construction of a two-story single-family residence on the vacant lot at 525 East Bolton Street.

Staff Recommendation: Approval with the condition that all extrusions on the windows shall be covered with appropriate molding and openings should feature traditional surrounds with a pronounced sill.

Mr. Meyer **moved** to accept staff recommendation for approval subject to the condition contained in the Staff Recommendation. Mr. Todd seconded the motion.

MPC Action: The motion carried with none opposed. Voting were Mr. Lufburrow, Mr. Meyer, Mr. Todd, Mr. Bean, Mr. Coleman, Mr. Farmer, Ms. Jest, Mr. McCumber, Mr. Manigault. Mr. Brown and Mr. Mackey were not present for the vote.

C. Zoning Petition – Map Amendment

10401 White Bluff Road
Timothy Walmsley, Agent
Dolphus Hodges, Jr., Owner
Amanda Bunce, MPC Project Planner
MPC File No. Z-060601-39284-2

Issue: The petitioner is requesting rezoning of 10401 White Bluff Road from a PUD-IS-B (Planned Unit Development – Institutional) zoning classification to a B-N (Neighborhood Business) classification.

Policy Analysis: The proposed rezoning is not consistent with the current City of Savannah Future Land Use Plan, but is consistent with the Tricentennial Plan. The B-N zoning allows uses that are consistent with the properties to the west and north and compatible with uses to the south of the subject property.

Staff Recommendation: Approval of the request to rezone the subject property from a PUD-IS-B (Planned Unit Development-Institutional) zoning classification to a B-N (Neighborhood Business) classification.

Mr. McCumber **moved** to accept the Staff Recommendation for approval. Mr. Farmer seconded the motion.

MPC Action: The motion carried with one opposed. Voting in favor: Mr. Lufburrow, Mr. Meyer, Mr. Todd, Mr. Bean, Mr. Coleman, Mr. Farmer, Mr. McCumber and Mr. Manigault. Opposed: Ms. Jest. Mr. Brown and Mr. Mackey were not present for the vote.

D. Master Plan / General Development Plan

Union Mission – Dutchtown Campus Revision
9611 Middleground Road
R-4 Zoning District
PIN 2-0751-01-008 thru 2-0751-01-022
Lominack Kolman Smith Architects, Architect
Ann Smith, Agent
New Horizon – UMI, Inc., Owner
Debbie Burke, MPC Project Planner
MPC File No. M-060606-42153-2

Nature of Request: The petitioner is requesting approval of a revised Master Plan / General Development Plan for a proposed 48-unit multi-family residential development to be located on Middleground Road within an R-4 (Four-family Residential) zoning district. The original request was approved by the MPC on December 20, 2005, (MPC File No. M-051201-61335-2). The R-4 district allows for 12 units per net acre, with the proposed development resulting in approximately 11 units to the net acre. The proposed project includes 12 buildings, one of which is a community center.

Staff Recommendation: Approval of the Revised Master Plan / General Development Plan.

Mr. Todd **moved** to accept the Staff Recommendation for approval. Mr. Meyer seconded the motion.

MPC Action: The motion carried with none opposed. Voting were Mr. Lufburrow, Mr. Meyer, Mr. Todd, Mr. Bean, Mr. Coleman, Mr. Farmer, Ms. Jest, Mr. McCumber, Mr. Manigault. Mr. Brown and Mr. Mackey were not present for the vote.

E. Approval of the July 11, 2006, Planning Session Agenda

Mr. Todd **moved** to approve the agenda for the July 11, 2006, Planning Session. Mr. Meyer seconded the motion.

MPC Action: The motion carried with none opposed. Voting were Mr. Lufburrow, Mr. Meyer, Mr. Todd, Mr. Bean, Mr. Coleman, Mr. Farmer, Ms. Jest, Mr. McCumber, Mr. Manigault. Mr. Brown and Mr. Mackey were not present for the vote.

IV. OLD BUSINESS

Zoning Petition – Map Amendment

3 Columbus Drive
James T. Grantham, Sr., Owner
Debbie Burke, MPC Project Planner
MPC File No. Z-060410-53777-2

Issue: The petitioner is seeking to rezone a .14-acre parcel from an R-6 (One-family Residential) classification to a P-R-T (Planned Residential Transition) classification.

Policy Analysis: The proposed rezoning is inconsistent with the City's Future Land Use Plan and will allow for the encroachment of commercial uses into an established single-family residential area.

Staff Recommendation: **Denial** of the request to rezone the subject property from an R-6 classification to a P-R-T classification.

and

General Development Plan

3 Columbus Drive
P-R-T Proposed Zoning District
PIN 2-0093-28-013
James T. Grantham, Sr., Owner
Debbie Burke, MPC Project Planner
MPC File No. P-060609-54803-2

Nature of Request: The petitioner is requesting approval of a General Development Plan in order to continue utilizing a residential structure for office and multi-family purposes within a P-R-T (Planned Residential-Transition) zoning district. The petitioner is seeking rezoning of .14 acres from an R-6 (One-family Residential) zoning classification to a P-R-T (Planned Residential Transition) zoning classification concurrently (MPC File No. Z-060410-53777-2).

Staff Recommendation: **Denial** of the General Development Plan and **denial** of the request to rezone the subject property from an R-6 classification to a P-R-T classification.

Speaking about the petition: **James T. Grantham** said he purchased this building about two years ago. It was listed on the tax property card as "Commercial 02" which makes it transitional. He bought it to put his offices there and has been using it for that purpose for two years. A friend has a small cabinet design studio at 2901 Bull Street and wants to use the other side of Mr. Grantham's office. Mr. Grantham wants to sell him the building. There are five apartment units in the main house and two units in the rear. All are metered separately. Businesses located there in the past include an insurance company, barber shops, beauty shops and a lawn-mower repair business. Some of the residents who have written to complain about the proposed change did so because they received a letter from the Olin Heights people telling them they were going to lose their property values and strangers would be brought into the neighborhood. Mr. Grantham sells about 25 kitchens per year and does business by appointment only. He is in the building maybe four or five hours per week and sees

one person at a time. The entire downstairs, half of the building, would be office space. There would be three rental units in the main building and two in the rear. The business licenses provided as exhibits were for 4304 Bull Street, which is the side door of the main house. The site is 35 feet away from the Raymond Daiss service station. Bowen's Refrigeration is nearby. He does not think it inappropriate for his business to remain and the cabinet design shop to share the premises. Cabinets will not be built at this site; people will come to choose doors and tops, etc. The sign for the cabinet designer would be the same size as Mr. Grantham's. This site has been used for business for 30 years.

Beth Kinstler, representing PSN (Preserving Savannah Neighborhoods) is concerned about the precedence that would be set along Bull Street and Columbus Drive if this use change is allowed. Almost anything of a retail nature would be allowed along what is now a residential corridor. Whether someone currently lives there or not is irrelevant.

Ardis Wood, member of the Board of Ardsley Park-Chatham Crescent Neighborhood Association and also Olin Heights. She shares Ms. Kinstler's concern about the precedent that would be set should the requested zoning change be approved. There is a clean line between residential and commercial along Bull Street, with everything on the east side of Bull being R-6.

Ms. Jest **moved** to accept the Staff Recommendation for denial of both the request to rezone and the general development plan. Mr. Manigault seconded the motion.

MPC Action: The motion carried with two opposed. Voting in favor: Mr. Lufburrow, Mr. Meyer, Mr. Todd, Mr. Bean, Mr. Brown, Mr. Coleman, Ms. Jest, Mr. Manigault. Opposed: Mr. Farmer and Mr. McCumber. Mr. Mackey was not present for the vote.

V. REGULAR BUSINESS

A. Zoning Petitions – Map Amendments

1. 808-902 Elliott Street (9 lots)
Courtland Hyser, MPC Project Planner
MPC File No. Z-060418-49255-2

Issue: Nine lots fronting Elliott Street are zoned B-C. Six of the lots have residential uses and three of the lots are vacant. B-C zoning makes all of the residential lots non-conforming. The purpose of the proposed rezoning is to make the existing residential lots conforming uses, to encourage residential infill of vacant lots, and to discourage commercial intrusion onto this residential street.

Policy Analysis: Although they are currently zoned B-C, the parcels in the study area are not well-suited for commercial use. The lots are small (generally 30 feet wide) and are located on a residential street with no current commercial uses. Furthermore, the current B-C zoning makes all of the existing uses inside of the study area non-conforming as it does not allow single-family homes or duplexes. Rezoning to R-4 would make all existing uses conforming and would prevent commercial intrusion onto the block in the future.

Staff Recommendation: **Approval** of the request to rezone the nine subject properties from B-C to R-4.

Speaking about the petition: **Dorothy Polote**, President of the Carver Heights Mission Improvement Organization, said those present at a recent meeting concurred with the zoning change recommended by MPC staff.

Mr. Mackey **moved** to accept the Staff Recommendation for approval of the request to rezone. Staff is directed to notify the three property owners from whom no response has been received by registered mail, return receipt. The intent of the motion is to move this petition forward for action by City Council while ensuring that every effort has been made to contact the affected property owners. Mr. Meyer seconded the motion.

MPC Action: **The motion carried with none opposed.** Voting were Mr. Lufburrow, Mr. Meyer, Mr. Todd, Mr. Bean, Mr. Brown, Mr. Coleman, Mr. Farmer, Ms. Jest, Mr. McCumber, Mr. Mackey and Mr. Manigault.

2. 18 East 34th Street
Philip McCorkle, Agent
Thomas Square Associates, LLC, Owner
Jim Hansen, MPC Project Planner
MPC File No. Z-060601-35903-2

Issue: At issue is the requested rezoning of a parcel of land located at 18 East 34th Street and containing approximately 12,268 square feet from its existing TN-2 (Traditional Neighborhood) classification to a TC-1 (Traditional Neighborhood) classification.

Policy Analysis: The proposed rezoning is inconsistent with the City's Future Land Use Plan and will establish a spot zoning district that is incompatible with the surrounding neighborhood. Because the subject property is located on a side street interior lot, rezoning to a more commercial use will establish a precedent that is unwarranted and unnecessary.

Staff Recommendation: **Denial** of the request to rezone the subject property from a TN-2 classification to a TC-1 classification.

Speaking about the Petition: **Phillip McCorkle**, Agent for property owner Nancy Cummings, said that spot zoning was an integral part of the Mid-city Plan. There were eight spot zonings and numerous peninsulas included in the plan. Mr. McCorkle believes that spot zoning when warranted, compatible and necessary is not a dirty word. His client's property is zoned Traditional Neighborhood. In this district on a

corner lot one can have offices, restaurants without alcohol sales (or with alcohol sales with zoning board approval) and retail or service businesses. If you are located one lot in from a corner, you are allowed an office or artists studios or galleries on the ground floor only. According to John Deering, Architect, the house was a single-family house with a unique and character-defining central hall with a grand staircase and Palladian window. There is no practical way to provide shared access without destroying the architectural integrity of the structure. The structure can only be occupied as a single-user building. Between 37th and Anderson there are approximately 10 to 20 major buildings, the majority of which were included in the commercial zone. When you look at the northern portion of the Mid-City zoning area, you find many churches and civic uses as well as a good number of commercial uses, but much of the TC-1 property consists of single-purpose, major residences that have been converted to offices. In the area around Ms. Cummings' building are 29 structures: a quadraplex, 23 duplexes, a single-family one-story, a one-story office, a corner single-family residence and a corner law office in a large structure. Ms. Cummings owns the only large two-story structure in the area that is not multi-use. Prior to the approval of the Mid-city Plan, office use was an approved use for this structure subject to Zoning Board of Appeals approval. It is incongruous to have the only major two-story building within a 36-block area that does not allow an office use on both floors. Rezoning is warranted 1) to preserve the structural integrity of the building and 2) because this building will not support a single-family use.

Virginia Mobley, lives in a single-family home in the 200 block of East 38th Street. The spot zones referred to by Mr. McCorkle are recently constructed commercial structures over 5,000 square feet. They are not residential in design nor buildings that have been converted. The design of the house in question is typical for this neighborhood. It is replicated in different styles in every residential structure on her block. It is located in a block where the two corners on main arterial streets have pre-existing commercial uses. As for its value as a residence, in the same block on 37th Street there is a renovated single-family residence on the market with a price tag of \$1.25 million. It is surrounded with commercial uses. The block of 35th Street pointed out by Mr. McCorkle did have several commercial structures prior to approval of the Mid-city Plan. Those structures are now residential. The offices that exist on the corners and the ones that exist throughout the neighborhood are

ones that were pre-existing, grandfathered uses. Under the new zoning, this structure could not be chopped up; protection was intentionally built into the Mid-city plan through design and use. Approving this rezoning request would set a precedent that harks back to an era when a house of similar size and design in this neighborhood sold for \$3,000 and today is on the market for \$1,000,000. Ms. Cummings and her husband took part in the planning for this Mid-city zoning and at no time did they question the zoning that was placed on their property.

Jordan Scott, is a property owner and resident of one of the duplexes across the street from the building in question. A young couple with a child lives next door to him. There are other young couples, students and families in this residential neighborhood. He recently received a substantial bill in the mail in the form of a tax hike reflecting the tremendous increase in property values in this area in recent years and particularly during the last year. Part of that rise in property value can be attributed to the intricate planning that went into the land use map currently in effect. As Mr. McCorkle pointed out, there are islands that were grandfathered into the plan. Ms. Cummings property is not on a corner as are other similar properties used for office or commercial use. Mr. Scott sees no room for compromise. He asked the MPC to help justify the recent property tax hike he received by upholding the current zoning map which preserves the integrity of the neighborhood. To grant this rezoning request would do great harm to him and other residential property owners in the area.

Mr. McCorkle, responded to concerns expressed by Commissioners who believed that offices on both floors in this particular structure and location would be a reasonable use but did not want to recommend a rezoning that could adversely impact the entire zone. Mr. McCorkle said there are two ways to give Ms. Cummings the relief she seeks—a map amendment or text amendment. City Council is loathe to amend the text because it affects so many properties. There are very few uses in the commercial zone that would be appropriate mid-block on 34th Street. Perhaps a text amendment that would allow offices on both floors with Zoning Board of Appeals approval would be feasible. Offices on both floors would not always be allowed mid-block in the entire Mid-city district, but Zoning Board of Appeals could provide relief to owners like Ms. Cummings when deemed appropriate. He said that if the Commissioners would like to table this request for two

weeks to give him an opportunity to explore that idea with staff, he would be happy to do so.

Mr. Brown **moved** to continue this request for rezoning until the July 18, 2006, regular MPC meeting. Mr. Meyer seconded the motion.

MPC Action: The motion carried with two opposed. Voting in favor: Mr. Lufburrow, Mr. Meyer, Mr. Todd, Mr. Bean, Mr. Brown, Mr. Farmer, Mr. McCumber and Mr. Manigault. Opposed: Mr. Coleman, Ms. Jest. Mr. Mackey was not present for the vote.

VI. Other Business

None.

VII. Adjournment

There being no further business to come before the Commission, the June 20, 2006, Regular Meeting was adjourned.

Respectfully submitted,

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

Note: Minutes not official until signed