

CHATHAM COUNTY-SAVANNAH METROPOLITAN PLANNING COMMISSION

MPC MINUTES

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

November 6, 2007

1:30 PM

Members Present: Jon Todd, Chairman
Robert Ray, Vice Chairman
Shedrick Coleman, Secretary
Susan Myers, Treasurer
Stephen R. Lufburrow
Douglas Bean
Michael Brown
Ben Farmer
David Hoover
Lacy Manigault
Adam Ragsdale
Freddie Gilyard
Timothy S. Mackey

Members Not Present: Russ Abolt

Staff Present: Thomas L. Thomson, P. E., AICP, Executive Director
Marilyn Gignilliat, Executive Assistant
Jim Hansen, AICP, Director, Development Services
Debbie Burke, AICP, Development Services Planner
Gary Plumbley, Development Services Planner
Amanda Bunce, Development Services Planner
Beth Reiter, AICP, Director, Historic Preservation
Sarah Ward, Preservation Planner
Geoff Goins, Development Services Planner
Constance Morgan, Administrative Assistant
LaToya Bynum, Administrative Assistant

Advisory Staff Present: Robert Sebek, County Zoning Administrator
James Blackburn, City Attorney

I. CALL TO ORDER AND WELCOME

Chairman Jon Todd called the November 6, 2007 meeting to order and asked that everyone stand for the Pledge of Allegiance and the Invocation. He explained the agenda for the benefit of those attending the meeting for the first time.

II. NOTICES, PROCLAMATIONS AND ACKNOWLEDGMENTS

A. Notice(s)

1. The next MPC Planning Session Meeting will be November 13, 2007 at 1:00 PM in the MPC Arthur A. Mendonsa Hearing Room, 112 East State Street.
2. The next Regular Scheduled MPC Meeting will be November 20, 2007 at 11:00 AM in the MPC Arthur A. Mendonsa Hearing Room, 112 East State Street.
3. The MPC Special Planning Session Meeting will be December 11, 2007 at 1:00 PM in the MPC Arthur A. Mendonsa Hearing Room, 112 East State Street.
4. The next Planning Academy Session will be November 13, 2007 and November 27, 2007 at 6:00 PM in the MPC Arthur A. Mendonsa Hearing Room, 112 East State Street.
5. Jason Lee made a brief presentation and invitation to the First Annual GIS Day Event held on November 14, 2007.

B. Acknowledgement(s)**III. Item(s) Requested to be Removed from the Final Agenda**

None.

IV. CONSENT AGENDA**A. Approval of October 16, 2007 MPC Meeting Minutes and Briefing Minutes.**

Mr. Mackey **moved** to approve the October 16, 2007 MPC Meeting Minutes and Briefing Minutes as submitted. Mr. Brown seconded the motion.

MPC Action: The motion to approve the October 16, 2007 MPC Meeting Minutes and Briefing Minutes as submitted carried with none opposed. Voting were: Mr. Todd, Mr. Ray, Mr. Lufburrow, Mr. Brown, Mr. Ragsdale, Mr. Manigault, Mr. Hoover, Mr. Farmer, Mr. Bean, Dr. Gilyard, Mr. Mackey, Ms. Myers, and Mr. Coleman.

B. Approval of the November 13, 2007 MPC Planning Session Agenda

Mr. Lufburrow **moved** to approve the November 13, 2007 MPC Planning Session Agenda as submitted. Mr. Mackey seconded the motion.

MPC Action: The motion to approve the November 13, 2007 MPC Planning Session Agenda as submitted carried with none opposed. Voting were: Mr. Todd, Mr. Ray, Mr. Lufburrow, Mr. Brown, Mr. Ragsdale, Mr. Manigault, Mr. Hoover, Mr. Farmer, Mr. Bean, Dr. Gilyard, Mr. Mackey, Ms. Myers, and Mr. Coleman.

C. Authorize Executive Director to Execute Contract with GDOT for Transit Planning Agreement (MT000-0141-00-014)

Mr. Brown **moved** to approve to Authorize the Executive Director to Execute the Contract with GDOT for Transit Planning Agreement (MT000-0141-00-014).
Mr. Mackey seconded the motion.

MPC Action: The motion to approve to Authorize the Executive Director to Execute the Contract with GDOT for Transit Planning Agreement (MT000-0141-00-014) carried with none opposed. Voting were: Mr. Todd, Mr. Ray, Mr. Lufburrow, Mr. Brown, Mr. Ragsdale, Mr. Manigault, Mr. Hoover, Mr. Farmer, Mr. Bean, Dr. Gilyard, Mr. Mackey, Ms. Myers, and Mr. Coleman.

D. Acceptance of Third Quarter Work Program 2007 Report

Mr. Coleman **moved** to accept the Third Quarter Work Program 2007 Report
Mr. Manigault seconded the motion.

MPC Action: The motion to accept the Third Quarter Work Program 2007 Report carried with none opposed. Voting were: Mr. Todd, Mr. Ray, Mr. Lufburrow, Mr. Brown, Mr. Ragsdale, Mr. Manigault, Mr. Hoover, Mr. Farmer, Mr. Bean, Dr. Gilyard, Mr. Mackey, Ms. Myers, and Mr. Coleman.

E. Amended General Development Plan

1. Hope VI, Phase IV
Waters Avenue
RIP-B* Zoning District
PIN 2-0042-04-036
Brian Tabb, Integral Properties, Property Owner/Agent
Doug Morgan, EMC Engineering, Engineer
Amanda Bunce, MPC Project Planner
MPC File No. P-040714-49299-2

Nature of Request: The petitioner is requesting an amendment to an approved General Development Plan (General Plan) a variance to reduce the required side yard setback for 10 residential units located on corner lots is requested.

Staff Recommendation: Approval of a variance to reduce the required side yard setback for 10 corner lot residential units located less than 15 feet from the right-of-way and **Approval** of the Amended General Plan with the following conditions; 1) the front yard setback for all buildings shall be the average for all buildings located within 200 feet. If a staggered setback is desired, any setback less than 25 feet from the right-of-way (property line) will require a variance; 2) a recombination plat shall be required for all lots in Area 1 and Area 3; 3) each off-street parking space shall be paved; 4) the height, mass and scale of the proposed residential units, as well as the building materials, shall be characteristic of existing residences within the Van Clark neighborhood. Off-ground construction and covered front porches shall be required; 5) the Stormwater Engineer shall determine whether a Drainage Plan will be required; and 6) the Specific Development Plan shall return to the MPC for approval. All outstanding items and items to be revised shall appear on the plan or as an attachment to the plan.

Mr. Coleman **moved** to approve staff recommendation for Waters Avenue, MPC File No. P-040714-49299-2. Mr. Bean seconded the motion.

MPC Action: The motion to approve staff recommendation for Waters Avenue, MPC File No. P-040714-49299-2 carried, with none opposed. Voting were: Mr. Todd, Mr. Ray, Mr. Lufburrow, Mr. Brown, Mr. Ragsdale, Mr. Manigault, Mr. Hoover, Mr. Farmer, Mr. Bean, Dr. Gilyard, Mr. Mackey, Ms. Myers, and Mr. Coleman.

F. Zoning Petitions - Map Amendments

513 East Oglethorpe Avenue
Phillip McCorkle, Agent
Multiple owners, Owner
Jack Butler, MPC Project Planner
MPC File No. Z-071018-57141-2

Issue: At issue is a request to rezone approximately 1.13 acres from a P-B-G-2 (Planned General Business, Transitional) classification to an R-I-P-B (Residential, Institutional, Professional, medium density) classification.

Policy Analysis: The proposed rezoning is consistent with the City's Future Land Use Plan and will establish a zoning district that is equally as compatible for the surrounding neighborhood as the zoning that presently exists. The stated intent of the request (to permit the sale of beer/wine with meals at restaurants) is unlikely to change the character of the property or to impact the adjoining properties. However, caution should be taken to limit the sale of alcoholic beverages to establishments whose primary purpose is the sale of food.

Staff Recommendation: Approval of the request to rezone the subject property from a P-B-G-2 classification to an R-I-P-B classification.

Mr. Lufburrow **moved** to approve staff recommendation for 513 East Oglethorpe Avenue, MPC File No. Z-071018-57141-2. Mr. Brown seconded the motion.

MPC Action: The motion to approve staff recommendation for 513 East Oglethorpe Avenue, MPC File No. Z-071018-57141-2 carried with none opposed. Voting were: Mr. Todd, Mr. Ray, Mr. Lufburrow, Mr. Brown, Mr. Ragsdale, Mr. Manigault, Mr. Hoover, Mr. Farmer, Mr. Bean, Dr. Gilyard, Mr. Mackey, Ms. Myers, and Mr. Coleman.

VII. OLD BUSINESS

None.

VIII. REGULAR BUSINESS**A. Minor Subdivision/Final Plat**

Beaulieu Bungalows, Phase 2
104 Heather Street
R-M-H/EO Zoning District
8 Lots - 1.06 Acres
PIN 1-0519-02-025
Whitfield Estates, LLC, Owner
Wayne Noah, Agent
Michael A. Hussey, Surveyor
Gary Plumbley, MPC Project Planner
MPC File No. S-060913-55491-1

Speaking on the Petition

Helen Stone, Chatham County Commissioner, stated her concerns regarding the drainage and the lighting in the area.

Nature of Request: The petitioner is requesting approval of an eight lot Minor Subdivision (recombination) located at the southwest corner of Whitfield Avenue and Mendel Avenue within an R-M-H/EO (Residential Mobile Home – Environmental Overlay) zoning district. The petitioner is also requesting the following variances: 1) a 50 foot lot width variance (from the required 100 feet) for Lots D, E, F, G, H, I, and J; and; 2) a 16,280 square foot lot area variance (from the required 21,780 square feet) for Lots D, E, F, G, H, I, and J.

Staff Recommendation: Approval of a 50 foot lot width variance (from the required 100 feet) for Lots D, E, F, G, H, I, and J; a 16,280 square foot lot area variance (from the required 21,780 square feet) for Lots D, E, F, G, H, I, and J, and the proposed Minor Recombination Subdivision subject to the following conditions; 1) show the signature of a Georgia Registered Land Surveyor (across the State of Georgia Seal) and the owner or authorized agent of all lots on the Final Plat; 2) revise the Final Plat to dedicate 10 feet as additional right-of-way on all lots along Heather Street. This condition may be omitted upon a finding by the County Engineer that the additional right-of-way is not needed and 3) approval by the Chatham County Health Department and the County Engineer.

Mr. Bean **moved** to approve staff recommendation as presented for 104 Heather Street, MPC File No. S-060913-55491-1. Mr. Ragsdale seconded the motion.

MPC Action: The motion to approve staff recommendation as presented for 104 Heather Street, MPC File No. S-060913-55491-1, carried with none opposed. Voting were: Mr. Todd, Mr. Ray, Mr. Lufburrow, Mr. Brown, Mr. Ragsdale, Mr. Manigault, Mr. Hoover, Mr. Farmer, Mr. Bean, Dr. Gilyard, Mr. Mackey, Ms. Myers, and Mr. Coleman.

B. Major Subdivision/Concept Plan

Residential Subdivision
 408 and 412 Edgewater Road
 R-6 Zoning District
 20 Lots-4.57 Acres
 PINs 2-0563-05-002,-003,-005, and -006
 Ed and Johns, LLC, Owners
 Ebrahim Nadji, Empire Engineering Co, Engineer/Agent
 Debbie Burke, MPC Project Planner
 MPC File No S-070925-53183-2

Speaking on the Petition

R.M. Love, 420 Edgewater Road, thanked the developers for their cooperation with the neighbors and for their attendance at the neighborhood meeting.

Nature of Request: The petitioner is requesting approval of a Concept Plan (Sketch Plan) for a 20-lot Major Subdivision located on the east side of Edgewater Road, within an R-6 (Single-Family Residential – Six Units Per Net Acre) zoning district. No variances are requested.

Staff Recommendation: Approval of the proposed Concept Plan (Sketch Plan) with the following conditions; 1) approval by all City review departments; and 2) approval by the Chatham County Health Department and the City Engineer.

Mr. Brown **moved** to approve staff recommendation for 408 and 412 Edgewater Road, MPC File No. S-070925-53183-2. Mr. Hoover seconded the motion.

MPC Action: The motion to approve staff recommendation for 408 and 412 Edgewater Road, MPC File No. S-070925-53183-2, carried with none opposed.

Voting were: Mr. Todd, Mr. Ray, Mr. Lufburrow, Mr. Brown, Mr. Ragsdale, Mr. Manigault, Mr. Hoover, Mr. Farmer, Mr. Bean, Dr. Gilyard, Mr. Mackey, Ms. Myers, and Mr. Coleman.

C. Zoning Petitions -Text Amendments

1. Text Amendment to the City of Savannah Zoning Ordinance
 Re: Amend Section 8-3030 Historic District, Section (L) Design Standards, subsection (1) Height and to amend and readopt the Historic District Height Map as amended.
 Beth Reiter, MPC Project Planner
 MPC File No. Z-071025-35434-2 (Ref. Z-040219-56939-2)

Speaking on the Petition

Jonathan Hart, Attorney for the petitioner, noted several reasons why they felt the petition should be approved. He asked that a recommendation be made today and that a continuance not be granted.

Ardis Wood, 321 East 55th Street, spoke on her opposition to this petition.

Owen Murphy, Attorney for all plaintiffs involved in the lawsuit, stated his clients' opposition to the petition and requested that a continuance be granted in order to give MPC time to consider the Amended Text Amendment as well as the Plaintiffs' proposed Amendment.

John Mitchell, 632 East Anderson Street, yielded his time to Owen Murphy.

Henry Reed, 128 West Jones Street, stated his concerns regarding visual compatibility. He requested a continuance be granted to give the citizens time to consider the amendment.

David Ferebee, 323 West Jones Street, asked that consideration be given to the possible personal impact that could occur by allowing maximum height structures to be built around existing homes in the Historic District.

Jan and Daniel Frey, 519 East Harris Street, yielded their time to Owen Murphy.

Louis Leonard, 311 West York Street, voiced concerns with visual compatibility. He also requested that a continuance be granted to give the citizens time to fully review the petition.

Mark McDonald, Executive Director of the Historic Savannah Foundation, stated his concern with the language in the Text Amendment. He asked that more time be given to the Revisions Committee to allow them to review the new amendment to be sure that the new language protects everyone.

Stewart Dohrman, 1220 East 49th Street, yielded his time to Owen Murphy.

Ken Sirlin, 408 East Jones Street, asked that more time be given for clarification and discussion of the petition

Bill Stuebe, 412 East Taylor Street and President of the Downtown Neighborhood Association, stated that new developments that were built according to the Revised Height Map that was adopted by City Council that includes the phrase "Maximum Heights on a Height Map shall be permitted" do not respect the Historic Qualities of scale proportion. He asked that the phrase be omitted.

Gary Arthur, 312 Tattnall Street, yielded his time to Owen Murphy.

Ida George, 101 East Oglethorpe Avenue, stated that there was a need to allow more time so the citizens could adequately review and consider the petition.

Donna Butler, 218 West Jones Street, yielded her time to Owen Murphy.

Melissa Jest, Neighborhood Coordinator for Historic Savannah Foundation, stated her concern regarding predictability. She said that the isolation of height restrictions reduce the remaining criteria as superfluous.

Michael Brown, 22 West Bryan Street, stated that the height restrictions are very important to the visual compatibility of the Historic District.

Dale Critz, 211 East Charlton Street, stated that the Historic Review Board should maintain their authority over the visual compatibility standards, which include mass and height.

Carmen Redmond, 537 East Perry Street, stated she was concerned as to why the phrase "maximum heights shall be permitted" was reinserted into the height map guidelines and she asked that this recommendation not be rushed.

Jill Lockwood, 214 West Harris Street, stated concerns regarding this petition and asked that the petition be denied.

Paul Robinson, Resident, asked for clarification on the issue and had concerns about the long term economic viability and growth of Savannah. He asked that the petition be denied.

Marie Simmons, 122 West Taylor Street, stated her opposition to the petition.

Helen Downing, 15 West Perry Street, asked that a delay be made in the decision making process to allow time for all of the different proposals regarding the petition to come before the MPC and that if a recommendation is made that it be approved without the phrase "Maximum heights shall be permitted."

Laura Pottsworth, 543 East Perry Street, stated she was concerned with compatibility and asked that a delay be made in making a recommendation on the petition.

Jerry Lominack, 309 East Liberty Street, questioned the predictability that the residents of the Historic District could expect if the petition is granted. He requested that the petition be denied.

Sheldon Tenenbaum, 427 Barnard Street, asked that the decision made on the petition not be rushed.

Dickey Mopper, 31 West Congress Street, asked that predictability be considered when making a decision on this petition.

Gaylord Hansen, 23 West Perry Street, stated his concerns with the language in the Amended Height Map.

Emma Adler, Downtown Resident, expressed her concerns of visual compatibility and she asked that the petition be denied.

Ramsey Khalidi, Resident, stated that the Historic District needed to be safeguarded from future demolition of historic buildings.

Patrick Shay, Chatham County Commissioner, spoke briefly on the criteria for compatibility. He stated that he was in favor of the petition because the elimination of a height standard would provide for less predictability.

Issue: On October 19, 2007 Perry Brannen, Jr., Chief Judge, Chatham County Superior Court, issued an order for a preliminary injunction and Mandamus alleging a procedural error in the adoption on October 2, 2003 of a text amendment to Section (l) Design Standards, subsection (1) Height and therefore, the amended portions of the ordinance were declared void. The amended ordinance included an amended Historic District Height Map as well. A subsequent ordinance was adopted on February 3, 2005 to amend Section 8-3030 Historic District, Subsection (k) Development Standards; Subsection (l) Demolition Standards and Subsection (m) Definitions. This is the most recent ordinance. The MPC File number for this ordinance is Z-040219-56939-2.

Policy Analysis: 1) To not adopt Section 8-3030 Section (l) Design Standards, Subsection (1) Height as amended October, 2003 would have the following adverse effects: a) many definitions would be deleted; b) many areas on the Height Map would revert to higher maximum heights; c) it could potentially jeopardize many decisions made since October 2003; 2) to adopt Section 8-3030 Section (l) Design Standards,

Subsection (1) Height as amended October 2003 would ensure that all of the critical amendments would still be in effect. It is recognized that as a result of the Downtown Master Plan process, there may be changes to the Historic District Ordinance. This would be open to a full public process at which time Chadbourne's original recommendations for both absolute and relational height districts can be revisited.

Staff Recommendation: Approval of the request to amend Section 8-3030 Section (l) Design Standards, subsection (1) Height, and an amendment to the Historic District Height Map.

Mr. Farmer **moved** to approve staff recommendation for MPC File No. Z-071025-35434-2, with the exclusion of the phrase "when the Visual Compatibility Factors enumerated in section (k)(6) b. through k. are met". Mr. Mackey seconded the motion.

Mr. Ragsdale moved to amend the motion as follows: to rescind the language including any wording with regard to "Maximum Heights on a Height map shall be permitted" for MPC File No. Z-071025-35434-2. Ms. Myers seconded the motion.

MPC Action: The amended motion to rescind the language excluding any wording with regard to "Maximum Heights on a Height map shall be permitted" for MPC File No. Z-071025-35434-2 failed. Mr. Ray, Mr. Manigault, Mr. Coleman, Ms. Myers, Mr. Bean, and Mr. Ragsdale voted in favor of the motion. Mr. Todd, Mr. Lufburrow, Mr. Brown, Mr. Farmer, Mr. Hoover, Dr. Gilyard, and Mr. Mackey voted against the motion.

Mr. Farmer **moved** to approve staff recommendation for MPC File No. Z-071025-35434-2, with the exclusion of the phrase "when the Visual Compatibility Factors enumerated in section (k)(6) b. through k. are met. Mr. Mackey seconded the motion.

MPC Action: The motion to approve staff recommendation for MPC File No. Z-071025-35434-2 carried. The conditions were: the exclusion of the phrase "when the Visual Compatibility Factors enumerated in section (k)(6) b. through k. are met". Mr. Todd, Mr. Ray, Mr. Lufburrow, Mr. Brown, Mr. Manigault, Mr. Hoover, Mr. Farmer, Dr. Gilyard, Mr. Mackey, and Mr. Coleman voted in favor of the motion. Ms. Myers, Mr. Ragsdale, and Mr. Bean voted against the motion.

IX. OTHER BUSINESS

None.

X. ADJOURNMENT

There being no further business to come before the MPC the November 6, 2007 Regular Meeting was adjourned.

Respectfully Submitted,

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

Note: Minutes not official until signed