

CHATHAM COUNTY-SAVANNAH METROPOLITAN PLANNING COMMISSION

MPC MINUTES

ARTHUR A. MENDONSA HEARING ROOM

110 EAST STATE STREET

December 2, 2008

1:30 PM

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

Staff Present: Thomas L. Thomson, P.E. AICP Executive Director
Melony West, Director of Finance and Systems
Gary Plumbley, Development Services Planner
Beth Reiter, AICP Director of Historic Preservation
Geoff Goins, Development Services Planner
Sabrina Thomas, Administrative Assistant
Constance Morgan, Administrative Assistant
Marilyn Gignilliat, Executive Assistant

Advisory Staff: Randolph Scott, City Zoning Administrator
Robert Sebek, County Zoning Administrator

I. CALL TO ORDER AND WELCOME

Chairman Todd called the meeting to order at 1:35 PM and asked that everyone stand for the Invocation and the Pledge of Allegiance. 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. MPC Finance Committee Meeting was held at 11:30 AM in the J. P. Jones Conference Room, 110 East State Street.

2. The next MPC Planning Session Meeting will be on December 9, 2008 at 1:00 PM in the MPC Arthur A. Mendonsa Hearing Room, located at 112 East State Street.

3. *On December 16, 2008 a special ceremony will be held to rename the Public Information Center in honor of the late Lee Meyer, architect and former MPC Commissioner. The time is as follows:

*NOTE: 11:30 AM - LUNCH
12:00 PM - PRE-MEETING
1:00 PM - DEDICATION

4. The next Regular MPC Meeting will be on December 16, 2008 at 1:30 P.M. in the MPC Arthur A. Mendonsa Hearing Room, 112 East State Street

III. Items Requested to be Removed from the Agenda

A. Rezoning Petition – Map Amendment

Nicholas C. Hale, Owner
5419 LaRoche Avenue
Aldermanic District 4
County Commission District 3
Zoning District R-6 to P-RM-12
Acres 1.95
PIN: 2-0138-01-044
Phillip McCorkle, Attorney
MPC File No. Z-080826-28558-2

Gary Plumbley, MPC Project Planner

(Two separate actions)

1. Consideration of Tricentennial Comprehensive Plan Amendment Relating to the Zoning Request.

2. The petitioner is requesting rezoning of property at 5419 LaRoche Avenue of a 1.95 acre site from an R-6 (Single Family Residential – 6 Units Per Net Acre) classification to a P-RM-12 (Planned Residential Multi-Family (Residential – 12 units per net acre) classification.

AND

General Development Plan / Group Development

The Residences on LaRoche Avenue
5419 LaRoche Avenue
Aldermanic District 4
County Commission District 3
Zoning District P-RM-12 (Proposed)
Acres 1.95
PIN: 2-0138-01-044
Phillip McCorkle, Attorney
MPC File No. P-080918-55791-2

Gary Plumbley, MPC Project Planner

The petitioner has requested that this item be removed from the Final Agenda and rescheduled to the December 16, 2008 Regular Meeting.

Ms. Myers **moved** to approve the petitioner's request to reschedule MPC File No. Z-080826-28558-2 and P-080918-55791-2 to the December 16, 2008 Regular Meeting.
Mr. Coleman seconded the motion.

MPC Action: The motion carried with none opposed. The motion was to reschedule MPC File No.'s Z-080826-28558-2 and P-080918-55791-2 to the December 16, 2008 Regular Meeting. Voting were: Mr. Todd, Mr. Coleman, Ms. Myers, Mr. Ragsdale, Mr. Abolt, Mr. Bean, Mr. Farmer, Mr. Hoover, Mr. Lufburrow, Mr. Mackey, Mr. Manigault, and Mr. Ray. Mr. Brown was not in the room when the vote was taken.

B. Specific Development Plan

Edgewater Apartments, Phase 3
259 Croatan Street
Aldermanic District 4
County Commission District 5
Zoning District RM-25
Acres 0.41
PINs: 2-0562-09-30A and 30B
Randall Davis, Owner
Randall Davis, Agent
Davis Engineering, Inc.
MPC File No.: P-081106-54470-2

Marcus Lotson, MPC Project Planner

The petitioner has requested that this item be removed from the Final Agenda and rescheduled to the December 16, 2008 Regular Meeting.

Mr. Lufburrow **moved** to approve the petitioner's request to reschedule MPC File No. P-081106-54470-2 to the December 16, 2008 Regular Meeting. Mr. Coleman seconded the motion.

MPC Action: The motion carried with none opposed. The motion was to reschedule MPC File No. P-081106-54470-2 to the December 16, 2008 Regular Meeting. Voting were: Mr. Todd, Mr. Coleman, Ms. Myers, Mr. Ragsdale, Mr. Abolt, Mr. Bean, Mr. Farmer, Mr. Hoover, Mr. Lufburrow, Mr. Mackey, Mr. Manigault, and Mr. Ray.

C. General Development Plan

Village at Isle of Hope
7360 Skidaway Road
County Commission District 3
Zoning District P-B-N / TC
Acres 7.3
PIN: 1-0377-10-002, -002A, -002B, -004
Landmark 24, Owner
Jamie Csizmadia, Agent
MPC File No. P-081117-43021-2

Gary Plumbley, MPC Project Planner

The petitioner has requested that this item be removed from the Final Agenda and rescheduled to the December 16, 2008 Regular Meeting.

Mr. Abolt **moved** to approve the petitioner's request to reschedule MPC File No. P-081117-43021-2 to the December 16, 2008 Regular Meeting. Mr. Ray seconded the motion.

MPC Action: The motion carried with none opposed. The motion was to reschedule MPC File No. P-081117-43021-2 to the December 16, 2008 Regular Meeting. Voting were: Mr. Todd, Mr. Coleman, Ms. Myers, Mr. Ragsdale, Mr. Abolt, Mr. Bean, Mr. Farmer, Mr. Hoover, Mr. Lufburrow, Mr. Mackey, Mr. Manigault, and Mr. Ray.

Mr. Todd stated that the purpose of rescheduling this petition is to allow the petitioner to meet with County Staff. He requested that the County Staff have the necessary information to MPC staff by December 9, 2008 in order that the information be received by December 16, 2008 MPC Meeting.

IV. CONSENT AGENDA

A. Approval of November 18, 2008 MPC Meeting Minutes and Briefing Minutes.

Ms. Myers **moved** to approve the November 18, 2008 MPC Meeting Minutes and Briefing Minutes. Mr. Lufburrow seconded the motion.

MPC Action: The motion carried with none opposed. The motion was to approve the November 18, 2008 MPC Meeting Minutes and Briefing Minutes. Voting were: Mr. Todd, Mr. Coleman, Ms. Myers, Mr. Ragsdale, Mr. Abolt, Mr. Bean, Mr. Farmer, Mr. Hoover, Mr. Lufburrow, Mr. Mackey, Mr. Manigault, and Mr. Ray. Mr. Brown was not in the room when the vote was taken.

B. Approval of December 9, 2008 MPC Planning Meeting Preliminary Agenda.

Ms. Myers **moved** to approve the December 9, 2008 MPC Planning Meeting Preliminary Agenda. Mr. Ray seconded the motion.

MPC Action: The motion carried with none opposed. The motion was to approve the December 9, 2008 MPC Planning Meeting Preliminary Agenda. Voting were: Mr. Todd, Mr. Coleman, Ms. Myers, Mr. Ragsdale, Mr. Abolt, Mr. Bean, Mr. Farmer, Mr. Hoover, Mr. Lufburrow, Mr. Mackey, Mr. Manigault, and Mr. Ray. Mr. Brown was not in the room when the vote was taken.

C. Adoption of 2009 MPC Calendar of Meetings

Mr. Coleman **moved** to adopt the 2009 MPC Calendar of Meetings. Mr. Ray seconded the motion.

MPC Action: The motion carried with none opposed. The motion was to adopt the 2009 MPC Calendar of Meetings. Voting were: Mr. Todd, Mr. Coleman, Ms. Myers, Mr. Ragsdale, Mr. Abolt, Mr. Bean, Mr. Farmer, Mr. Hoover, Mr. Lufburrow, Mr. Mackey, Mr. Manigault, and Mr. Ray. Mr. Brown was not in the room when the vote was taken.

D. Zoning Petition- Text Amendments

Text Amendment to the City of Savannah Zoning Ordinance
Re: Text Amendment to Article K, Section 5.8.2 and Section 6.3.17
MPC File No. Z-081002-29796-2

Gary Plumbly, MPC Project Planner

Proposal to allow tattoo studios in the TC-1 and TC-2 zoning classifications.

Mr. Farmer **moved** to remove MPC File No. Z-081002-29796-2 from the Consent Agenda and place it under Regular Business. Mr. Lufburrow seconded the motion.

MPC Action: The motion carried with none opposed. The motion was to remove MPC File No. Z-081002-29796-2 from the Consent Agenda and place it under Regular Business. Voting were: Mr. Todd, Mr. Coleman, Ms. Myers, Mr. Ragsdale, Mr. Abolt, Mr. Bean, Mr. Farmer, Mr. Hoover, Mr. Lufburrow, Mr. Mackey, Mr. Manigault, and Mr. Ray.

V. OLD BUSINESS

Demolition

City of Savannah
Juanita Simmons
209 West 33rd Street
Aldermanic District 1
County Commission District 8
Zoning District TN-2
PIN: 2-0066-27-015
Catherine Pearson, Owner
MPC File No. N-080903-48241-2

Beth Reiter, MPC Project Planner

Status Report: On October 7, 2008 and again on November 3, the MPC voted for a continuance in order for Historic Savannah Foundation to contact the owner. HSF found out that the owner is deceased, but was able to contact her daughter. Jonette Pearson would like to renovate the house. Historic Savannah Foundation is providing technical assistance through the Young Architects forum. Historic Savannah Foundation is requesting an additional extension in order to continue working with Ms. Pearson.

Recommendation: Approval to demolish the fire damaged portion which appear to be later additions and to secure the remaining portion of the building. **Approval** of an additional four week continuation, until the first meeting in January, in order for Historic Savannah Foundation to provide the owner with design assistance to restore the remaining contributing structure.

Speaking on the Petition:

Juanita Simmons, agent for the City of Savannah, presented photographs of the present condition of the property and stated that the owner had agreed that the property would be cleaned and secured. However the property owner did not keep the agreement. She added that the property owner has also signed a waiver to demolish the property. Ms. Simmons stated that she would like to move forward with the demolition of the subject property.

Scot Kelly, adjacent property owner, stated that he has witnessed the deterioration of this house but would like to see someone purchase the property and make the needed repairs. He added that he would be willing to participate in the cleanup of the property.

Jessica Pedigo, Historic Savannah Foundation, stated that she is working with the property owner to rehab the property. Unfortunately there is a lot of paper work involved and progress is slow. She stated that she was in favor of the benchmarks Ms. Reiter has requested but would like an extension in order to clean and secure the property. She added that if the benchmarks are not adhered to she would understand going forth with the demolition.

Mr. Hall, property owner, stated that he would obtain a dumpster to clean and secure the property. He is also in the process of establishing clear ownership of on the property.

Ardis Wood, concerned citizen, asked if the city would have its representative on site to determine what the burn section of this property is and which section to remove.

Mr. Lufburrow **moved** to continue this petition to the January 6, 2009 MPC Meeting.

Mr. Farmer seconded the motion.

Mr. Abolt requested that in the MPC's staff report Ms. Simmons would have a specific opportunity to comment as to whether or not there has been any good faith movement. In the event the property owner has not shown adequate progress the house will be demolished.

MPC Action: The motion carried with none opposed. The motion was to continue MPC File No. N-080903-48241-2 to the January 6, 2009 Regular MPC Meeting subject to conditions. The conditions were that in the event substantial progress has not been met by the property owner the house will be demolished. Voting were: Mr. Todd, Mr. Coleman, Ms. Myers, Mr. Ragsdale, Mr. Abolt, Mr. Bean, Mr. Farmer, Mr. Hoover, Mr. Lufburrow, Mr. Mackey, Mr. Manigault, and Mr. Ray.

VI. REGULAR BUSINESS

A. Zoning Petition- Text Amendments

203 West Victory Drive
Text Amendment to the City of Savannah Zoning Ordinance
Re: Text Amendment to Section 8-3112(c)(5)(c) Restricted Sign
MPC File No. Z-081110-55934-2

Geoff Goins, MPC Project Planner

Proposal to allow announcement signs with copy scrolled by electronic or mechanical means within the R-B (Residential – Business) zoning classification.

Issue: It is proposed that an amendment be made to 8-3112(c)(5)(c) (Restricted Sign) to permit announcement signs with copy scrolled by electronic or mechanical means within the R-B (Residential –Business) zoning classification.

Policy Analysis: Text amendments are applicable city-wide. Therefore, the potential impacts of proposed amendments must be considered on a city wide basis. While the impact to or from a single property may not be deemed detrimental, it is imperative to consider all properties the amendment would affect.

Staff Recommendation: Denial of the petitioner's request to amend Section 8-3112(c)(5)(c) (Restricted Sign) to allow announcement signs with copy scrolled by electronic means within the R-B (Residential Business) zoning classification.

Speaking on the petition: **Ardis Wood**, concerned citizen, stated that she was opposed to someone doing something wrong and then asking for forgiveness. She added that the character of the neighborhood should be maintained.

Ms. Myers **moved** to approve staff recommendation for denial. Mr. Abolt seconded the motion.

MPC Action: The motion carried with none opposed. The motion was for denial of MPC File No. Z-081110-55934-2. Voting were: Mr. Todd, Mr. Coleman, Ms. Myers, Mr. Ragsdale, Mr. Abolt, Mr. Bean, Mr. Farmer, Mr. Hoover, Mr. Lufburrow, Mr. Mackey, Mr. Manigault, Mr. Ray, and Mr. Brown.

VI. REGULAR BUSINESS

- B.** Text Amendment to the City of Savannah Zoning Ordinance
 Re: Text Amendment to Article K, Section 5.8.2 and Section 6.3.17
 MPC File No. Z-081002-29796-2

Gary Plumbly, MPC Project Planner

Proposal to allow tattoo studios in the TC-1 and TC-2 zoning classifications.

Issue: It is proposed that an amendment to the use section of the TC-1 (Traditional Commercial) and TC-2 (Traditional Commercial) districts be made that will expressly allow the establishment of tattoo studios within said districts subject to use standards established in a new section 6.3.17.

Policy Analysis: Most ordinances, and in particular the Zoning Ordinance, are not static documents. They need, from time to time, to be amended to reflect changing community values, changing land use trends, or to remove or clarify provisions which are ambiguous unclear, or confusing.

The amendment proposed by the petitioner, designed to reflect changing community values and to be responsive to previously allowed uses in the mid-city area, is intended to allow tattoo studios within both the TC-1 and TC-2 zoning classifications by right. Given the scattered nature of the TC-1 classification and the previous uses allowed in the similar zoning districts, staff does not feel that allowing tattoo studios in the TC-1 classification is prudent. However, given its limited applicability, tattoo studios can, subject to development standards, be an acceptable use in the TC-2 district.

Staff Recommendation: **Denial** of the petitioner's request to amend Article K, Section 5.8.2 (Principal Uses in the TC Districts) and Section 6.3 (Commercial Use Standards) as filed and **approval** of an amendment to Article K, Section 5.8.2 and Section 6.3.17 as follows:

ENACT

Section 5.8.2 Principal Uses

TC Districts	TC-1	TC-2	Standards
Tattoo Studio	X		6.3.17

6.3.17 Tattoo Studios

- a. Provided that such use shall not be located adjacent to or across the street from land located within an R-6 zoning classification.**

Speaking on the Petition:

Harold Yellin, agent for the petitioner, stated that he was in favor of the amended petition.

Mr. Brown **moved** to approve staff recommendation. Mr. Mackey seconded the motion.

MPC Action: The motion carried with none opposed. The motion was for denial of the petitioner's request to amend Article K, Section 5.8.2 (Principal Uses in the TC Districts) and Section 6.3 (Commercial Use Standards) as filed and approval of an amendment to Article K, Section 5.8.2 and Section 6.3.17. Voting were: Mr. Todd, Mr. Coleman, Ms. Myers, Mr. Ragsdale, Mr. Bean, Mr. Farmer, Mr. Hoover, Mr. Lufburrow, Mr. Mackey, Mr. Manigault, Mr. Ray, and Mr. Brown. Mr. Abolt was not in the room when the vote was taken.

VI. REGULAR BUSINESS

C. Rezoning Petition – Map Amendment

1216 East DeRenne Avenue
Aldermanic District – 3
County Commission District – 2
Zoning District B-N to P-B-C
Acres: 0.625
PIN: 2-0125A-04-011
Vale Royal Interests, LLC, Owner
Robert Puccini, Jr., Agent
MPC File No. Z-081029-41611-2

Geoff Goins, MPC Project Planner

Issue: The petitioner is requesting to rezone the properties located at 1216 E. DeRenne Avenue from the B-N (Neighborhood Business) to the P-B-C* (Planned- Community Business) Classification to establish an automobile sales use.

Policy Analysis: The proposed zoning classification is consistent with the Tri-centennial Future Land Use Plan. However, due to the close proximity to single family residences abutting the property to the north and across the DeRenne Avenue right-of-way to the south, staff feels that the P-B-C* zoning classification will erode the protection for single family residences from intense commercial uses that the current B-N classification provides. Also, the DeRenne corridor is currently undergoing study with the land use phase beginning next year. The intent is to make streetscape improvements and possibly rezone for mixed use development. Uses permitted in the B-C zoning classification most likely will conflict with the intent of this effort.

Staff Recommendation: Denial of the request to rezone the subject property from the B-N zoning classification to the P-B-C* classification.

Speaking on the Petition:

Robert Brannen, agent, stated that he represents a lot of small businesses that do not understand zoning or how it works. This is the case with his client. Mr. Puccini's considerable investment in this property proves that he did not fully understand the use classification. He added that this plan is site specific and he could not change this plan or the use without going back before the MPC Board or the City Council. He added that as it stands his client is in compliance with the Tricentennial Plan. He asked that the petition be approved.

Jack Knops, Preserving Savannah Neighborhoods representative, urged the MPC to maintain the neighborhood business zoning designation for this property. He added that the business in question does not fit with the character of the neighborhood. He stated that he was opposed to a used car dealership in a residential neighborhood.

Beth Kinsler, resident of Magnolia Park, stated that allowing this property to be rezoned sets a very bad precedent for all of DeRenne. She was opposed to the rezoning.

Ardis Wood, concerned citizen stated that MPC Staff has recommended denial of this petition and she feels the staff recommendation should be approved.

Allan West, property owner, gave an overview of the subject and surrounding property. He explained that the requested zoning presently exists in the same block as the subject property. He asked that the Board reconsider the request.

Mr. Lufburrow **moved** to approve staff recommendation. Mr. Brown seconded the motion with some discussion.

Mr. Brown stated that one of the objectives of the commission was to make sure that commercial (in the neighborhood sense) should abut residential and it should be the sort of things that were discussed today, such as small scale businesses that people need for services near them.

The plan also attempted and still needs work on some uses that are a problem or can be a problem in areas such as automotive, alcohol, large scale commercial and businesses that have externalities. One of the problems on DeRenne is what is called the "edge of the city problem". At one point this was the urban edge and these type businesses went to the edge of the city so that they would be near the people but not be in the middle of the people; however, now they are in the middle.

He added that commercial is making a change back to realtors, service establishments and so forth. The DeRenne Plan is going further so that instead of a line of setback strip centers and convenience stores we will see more neighborhood commercial that will both serve and be more appropriate for the neighborhood.

MPC Action: The motion carried. The motion was for denial of MPC File No. Z-081029-41611-2. Voting in favor of the motion were: Mr. Todd, Mr. Coleman, Ms. Myers, Mr. Ragsdale, Mr. Bean, Mr. Hoover, Mr. Lufburrow, Mr. Mackey, Mr. Manigault, Mr. Ray and Mr. Brown. Mr. Farmer voted against the motion. Mr. Abolt was not present when the vote was taken.

VII. OTHER BUSINESS

Ms. Myers asked what the process was for Board Members that wanted to be re appointed to the Commission.

Mr. Thomson replied that he would email applications to each Board Member so that he/she may apply for re-appointment.

[Note: The applications were sent.]

VIII. ADJOURNMENT

There being no further business to come before the Commission, the December 2, 2008 Regular MPC Meeting was adjourned at 3:29 P.M.

Respectfully submitted,

Thomas L. Thomson
Executive Director

NOTE: Minutes not official until signed.