



Arthur A. Mendonsa Hearing Room
January 12, 2010
MINUTES

January 12, 2010 Regular MPC Board Meeting

Members Present: Shedrick Coleman, Chairman
Adam Ragsdale, Vice-Chairman
Lacy Manigault, Treasurer
Michael Brown
Ellis Cook
Ben Farmer
Stephen Lufburrow
Timothy Mackey
Tanya Milton
Susan Myers
Jon Todd
Joseph Welch

Members Not Present: Jon Pannell, Secretary
Russell Abolt

Staff Present: Melony West, Finance and Systems
James Hansen, AICP, Director, Development Services
Gary Plumbley, Development Services Planner
Marcus Lotson, Development Services Planner
Bri Finau, Administrative Assistant
Christy Adams, Director, Administration
Shanale Booker, Administrative Assistant/IT

Advisory Staff Present: Randolph Scott, City Zoning Administrator

I. CALL TO ORDER AND WELCOME

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

IV. NOTICES, PROCLAMATIONS and ACKNOWLEDGEMENTS

Swearing-in of MPC Commissioners

1. [Swearing-In of MPC Commissioners by Judge John E. Morse, Jr., Chatham County Superior Court](#)

Attachment: [Planning Commissioners Creed 121609.pdf](#)

Judge Morse officiated the swearing-in ceremony for all of the Board Members.

Notice(s)

2. [February 2, 2010 Regular MPC Meeting at 1:30 P.M. in the Arthur A. Mendonsa Hearing Room, 112 East State Street.](#)

V. PRESENTATIONS

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

Zoning Petition - Map Amendment

3. [533 East 38th Street](#)

Board Action:

The Petitioner has requested that this item be removed from the Final Agenda and rescheduled to the February 2, 2010 Regular Meeting. - PASS

Vote Results

Motion: Stephen Lufburrow
Second: Adam Ragsdale
Russ Abolt - Not Present
Michael Brown - Aye
Shedrick Coleman - Aye
Ellis Cook - Aye
Ben Farmer - Aye
Stephen Lufburrow - Aye
Timothy Mackey - Aye
Lacy Manigault - Aye
Tanya Milton - Aye
Susan Myers - Aye
Adam Ragsdale - Aye

Jon Todd	- Aye
Joseph Welch	- Aye

4. Rezoning Request for 199 E. Lathrop Avenue-Rezone from R-4 to RB-1

- Attachment: [Aerial Map.pdf](#)
- Attachment: [Zoningmap.pdf](#)
- Attachment: [Taxmap.pdf](#)
- Attachment: [EXISTING R-4.pdf](#)
- Attachment: [Proposed RB-1.pdf](#)
- Attachment: [staff report.pdf](#)

Board Action:

Per petitioner's request, this item will be heard on the February 2, 2010 Regular MPC Meeting. - PASS

Vote Results

Motion: Stephen Lufburrow	
Second: Lacy Manigault	
Russ Abolt	- Not Present
Michael Brown	- Aye
Shedrick Coleman	- Aye
Ellis Cook	- Aye
Ben Farmer	- Aye
Stephen Lufburrow	- Aye
Timothy Mackey	- Aye
Lacy Manigault	- Aye
Tanya Milton	- Aye
Susan Myers	- Aye
Adam Ragsdale	- Aye
Jon Todd	- Aye
Joseph Welch	- Aye

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

Approval of MPC Meeting Minutes and Briefing Minutes

5. Approval of December 22, 2009 MPC Meeting Minutes and Briefing Minutes

- Attachment: [12.22.09 MPC BRIEFING MINUTES.pdf](#)

Attachment: [12.22.09 Meeting Minutes.pdf](#)

Board Action:

Recommend **APPROVAL** of the MPC Meeting and Briefing Minutes as submitted. - PASS

Vote Results

Motion: Jon Todd

Second: Ellis Cook

Russ Abolt - Not Present

Michael Brown - Aye

Shedrick Coleman - Aye

Ellis Cook - Aye

Ben Farmer - Aye

Stephen Lufburrow - Aye

Timothy Mackey - Aye

Lacy Manigault - Aye

Tanya Milton - Aye

Susan Myers - Aye

Adam Ragsdale - Aye

Jon Todd - Aye

Joseph Welch - Aye

VIII. ITEMS MOVED FROM CONSENT AGENDA

IX. OLD BUSINESS

X. REGULAR BUSINESS

Zoning Petition - Map Amendment

6. [1602 East Henry Street](#)

Attachment: [Vicinitymap.pdf](#)

Attachment: [Taxmap.pdf](#)

Attachment: [Aerialmap.pdf](#)

Attachment: [Zoning and Land Use Map.pdf](#)

Attachment: [Tri-centennial Comprehensive Plan Future Land Use Map.pdf](#)

Attachment: [STAFF REPORT Z-091208-32585-2 1602 Henry Street.pdf](#)

Anne E. Vandiver, Owner

1602 East Henry Street

0.278 Acres

PIN: 2-0056 -04-008

Rezone R-6 to R-4

City Council District: 2

County Commission District: 2

MPC File No. Z-091208-32585-2

Gary Plumbley, MPC Project Planner, stated the petitioner is requesting a zoning map amendment to rezone a 0.278 acre parcel of land from its present R-6 classification to an R-4 classification in order to facilitate the establishment of a group home for senior citizens. He stated the area is predominantly single-family detached homes and some garage apartments.

Mr. Plumbley stated that the MPC staff determined the use to be inappropriate; it may have an adverse impact on the immediate area and provide opportunities for additional rezoning request not in compliance with existing development pattern. Therefore, staff is recommending denial.

Janice Minor, petitioner, presented printed pictures of her completed project. She stated the age demographics in the area support the need for her project and she plans to develop more throughout the city. Security, transportation, utilities, and on-site maintenance staff are provided, in addition to private and common areas.

Mr. Manigault asked how far was she into the renovation process. Ms. Minor stated the project was completed.

Mr. Manigault asked if she was aware of the zoning prior to starting the project. Ms. Minor replied no. Mr. Manigault stated it is unfortunate that these type of items come before the Board after money has spent and not knowing the zoning of the property. That was the reason for the recommendation of the MPC staff. He asked Ms. Minor if she was aware of that. She stated yes; that was why she was before the Board.

Mr. Robert Lewis, citizen and supporter of the petition, stated he used to live at 1602 Henry Street. As prior military personnel and currently disabled, it was difficult to pay rent at times. He stated Mr. Davis took care of him and his family by giving additional time to pay when needed. Mr. Lewis stated he didn't understand why the place was closed.

Mr. Coleman stated he would need to speak with Mr. Davis regarding that; the issue at hand is zoning. The property is not zoned for the use it is currently being utilized for.

Ms. Deborah Johnson, citizen and supporter of the petition, stated she previously lived at 1602 Henry Street until she was forced to move. The house was closed down and it is in good condition. She stated Mr. Davis is a good landlord and a pillar in the community. He helped out his tenants especially during the recession while she worked temporary jobs.

Mr. Nick Blosser, citizen and opposed to the petition, stated according to the information he'd read the change would diminish the safety of children in the neighborhood. Though it may not immediately, it may in the future as the use of the house may change.

Mr. Kevin Campbell, citizen and next door resident of the petitioned property, stated for the months during the work at 1602 Henry Street, he asked the contractors what would be the finished project. He stated he was told apartments for SCAD. He asked them if they were aware of the law and he stated they said they had permission. He said he left it alone until speaking with some of the neighbors who were also in opposition. He stated the gentleman living there had an increasing amount of traffic coming in and that concerned Mr. Campbell because he did not want criminal activity becoming a part of the neighborhood. He said the idea was good but in the wrong area.

Mr. Manigault asked if there was any attempt by Mr. Davis or the renovators to meet with anyone in the neighborhood. Mr. Campbell replied not to his knowledge. Mr. Manigault asked Mr. Campbell if he was in contact with his neighbors regarding the development. Mr. Campbell replied the neighbors were aware of what was going on.

Mr. Welch asked Mr. Campbell how long had he lived in the area. Mr. Campbell replied thirty years.

Mr. Andrew Gorman, citizen and area resident, stated he was not aware of the project until receiving a flyer from his representative, Mr. Mickey Stephens, two days prior to this meeting. He stated he did some independent research and determined this project would not be appropriate or conducive to the interests of the residents. He stated he appreciated being able to come before the Board to express his views.

Mr. Nathaniel Cokley, citizen and resident of 1602 Henry Street, stated he was the maintenance personnel for the site. He stated he is a disabled Navy veteran and is not eligible for the Section 8 housing in his area. His current living conditions are affordable and convenient. He stated there would be hardship for him to have to find alternate living conditions; he may have to go to a shelter.

Ms. Gwendolyn Glover, citizen and opposed to the petition, stated she has lived there for the past ten years. She believes this project would lower the quality of living in the area. She states she believes the Ordinance should be upheld as is written.

Mr. Manigault asked if she was aware of a neighborhood committee or organization for the area. Ms. Glover replied that there is none. Mr. Manigault stated that it has been stressed for years that neighborhoods form committees. This will eliminate the surprise of things coming into the area. The neighborhood belongs to the people that live there. Ms. Glover stated she agreed and believes one will be formed soon.

Mr. Kelvin Davis, citizen and owner of the petitioned property, acknowledged he failed with finding the zoning but believes he is not disrupting the integrity of the neighborhood. He stated he has invested a lot of money into the neighborhood because he cares about housing people and how they live. He stated the property is 3,000 square feet of space and he went wrong when he

reduced it to make it affordable housing. He asked the Board to look closer into the matter and focus on the people needing to be housed. He stated there is nothing wrong with the property or location. He stated when he spoke with his friend Mr. (James) Holmes, no disrespect was intended and hopes Mr. Holmes will forgive him for continuing on with the project. He stated no disrespect was intended toward Mr. (Mickey) Stephens either, whom he's known all of his life. He stated he tried to produce a quality product.

Mr. Todd asked if he was the one that actually performed the work on the house. Mr. Davis replied no, he was the investor. Mr. Todd asked if a permit was obtained. Mr. Davis stated there was a partial permit obtained for electrical and plumbing. Mr. Todd stated electrical and plumbing plans would have to have been submitted to the Building Inspections Department. Mr. Davis replied yes and stated he was sure there was one for electrical because he does many homes. Mr. Todd asked was there ever a question from the Inspections Department regarding the six bathrooms and six kitchens in a zoned single residential neighborhood. Mr. Davis stated not for electrical.

Mr. Farmer asked if any work other than electrical. Mr. Davis stated framing was also done. Mr. Farmer asked if a permit was obtained for that. Mr. Davis stated he would have to ask his subcontractors about that because he could not remember. Mr. Farmer asked if the electrical permit was obtained, placed on the front of the house and did other work as well or were proper permits obtained. Mr. Davis stated more work was done than permitted; he only obtained the electrical permit.

Mr. Manigault asked Mr. Davis if he lived in the neighborhood. Mr. Davis stated he lived nearby. Mr. Manigault asked how could the MPC Board help him with the things already done while not getting the necessary permits and permission to do the work. We are here to help and work with communities to the best of our ability but not to bail them out. The MPC has to stay within and adhere to the guidelines. It is unfortunate that Mr. Davis has already spent much money on the project. Mr. Davis stated he could be helped if the Board would consider his plan. Mr. Manigault asked even though it is not legal. Mr. Davis stated it is a zoning issue, not a legal issue.

Ms. Brenda Campbell, citizen and neighboring resident, stated she has lived there longer than thirty years. She stated it is a nice neighborhood and is now uncomfortable. She would have liked for Mr. Davis to communicate with the neighborhood regarding his plans. She would like for the neighborhood to stay as it is.

Mr. Mackey stated this should not turn into an indictment against Mr. Davis or college students. The problem is the zoning issue only. The charge before the Board is if we are to grant the removal of an R6 zoning to an R4. We don't want to malign the character of Mr. Davis. It is a vexing issue for all involved. This is a nice, completed home. The question is how to handle this: do we change to a multi-family zoning or leave as is? He stated he is not defending anyone and Mr. Davis has admitted in error in this situation. We all have the charge of

being our brother's keeper within the context of the law.

Representative Mickey Stephens, opposed to the petition, stated Mr. Davis was aware at the start of renovation that he did not have the proper permits. Mr. Davis did not consult with anyone in the community regarding this until after he was reported to the City for running a rooming house. He stated Mr. Davis came to him and requested that he not take his actions personal. Mr. Stephens replied it was strictly business and he would oppose it. He stated it was deceptive to have Ms. Minor to come forward as his surrogate referring to the project as assisted living. Mr. Stephens stated property was originally a rooming house and he reported it to the City. Mr. Stephens stated Mr. Davis then advertised it as condominiums. It is now assisted living. Mr. Stephens stated he has nothing against Mr. Davis, but Mr. Davis did not have the courtesy to consult with anyone prior to starting the project. He requested the Board to vote in accordance with the MPC staff.

Commissioner James Holmes, opposed to the petition, stated he received many calls about this property two years ago and informed Mr. Davis of the zoning. He stated it was closed down. He stated he's received many calls again about the property. He stated he went to the property as an elected official and spoke with Mr. Davis. Commissioner Holmes stated Mr. Davis asked if he (Comm. Holmes) knew Mr. Davis owned the property. Commissioner Holmes stated he replied no and asked Mr. Davis if he knew it was zoned for single-family. Commissioner Holmes said he also stated he hoped Mr. Davis was not doing anything out of context of that. He said Mr. Davis replied no, he would not do that and wanted to do what was right. Commissioner Holmes said he took Mr. Davis at his word. Commissioner Holmes stated as an elected official, he has never heard of any problems in the area until this project. He and Representative Stephens have to respond to the needs of their constituents and request denial of the petition.

Ms. Minor rebutted her opposition by stating her home would not be a rooming house; she would be providing a service to senior citizens. She stated she is not a surrogate for Mr. Davis; she is currently leasing the property and will be the owner in the future. Ms. Minor stated she believed no safety issue involved and she is only providing a service to economically challenged senior citizens. She stated she submitted for permits to authorize use for the home. She requested the Board to assist in getting the project approved.

Mr. Lufburrow stated the project sounds like a wonderful service. He stated he can't vote for it because it is in the wrong place and the neighbors have a legitimate concern. He requested Ms. Minor not to perceive his opposition to the petition as opposition to her project; it simply is in the wrong place.

Mr. Todd asked Ms. Minor if she was owner of the property. She replied that she is the leasee; Mr. Davis is the owner of the property. Mr. Todd stated he concurred with Mr. Lufburrow and acknowledged the need for the service. He stated he did not understand how the project moved to this point if all of the processes and procedures were followed. He said it would be a mistake for one to think the MPC Board would help them to fix a wrong because they did not

follow the process. This Board has not and will not do such a thing.

Ms. Minor stated after she leased the property, she obtained all of the necessary permits and submitted them downtown.

Mr. Todd stated someone acquired the property in May 2009 and started renovations June 2009 and permits would have to have been obtained to do the work. If they were obtained, the Inspections Office would have known the zoning was not for the type of facility planned.

Mr. Randolph Scott, City of Savannah Zoning Administrator, stated the City became involved from an enforcement position from community complaints. Several site visits were done, beginning the at the start of last summer. Many notices were left to try to contact Mr. Davis, unsuccessfully. The project was not completed when the City visited the site and "Stop Work" orders were left. This petition is in court and this is the avenue the judge directed for the situation to be remedied. Efforts to contact Mr. Davis were made at the outset of the this situation and we could not get into the property. One of the inspectors happened to venture in and that's when the multi-family use was evident. Mr. Scott stated though he knew Mr. Davis personally and gave him several opportunities to communicate with the Inspections Department, he could have been notified earlier of the zoning and proper uses allowed. When Mr. Davis was able to be contacted, he was notified of the zoning and this is his only option at this point. This is not a last minute informing of the applicant of the needed information. Regarding the applicant, Ms. Minor, the City and Mr. Davis had already gone to court regarding the proposed use and the only option was rezoning. Mr. Scott stated after communicating with MPC staff and others, he informed Ms. Minor that the kitchens would have to be removed even if it was rezoned.

Mr. Todd stated additional information pertaining the to subject matter is beneficial to the Board members to make sound decisions.

Mr. Farmer stated during the meeting was when he realized the proprty was already in use. The thought during the pre-meeting was that the property was not in use. He asked Ms. Minor what permits did she have. Ms. Minor replied she applied for permits and has not be issued any permits. Mr. Farmer asked if there was a "Stop Work" order on the project now. Mr. Scott replied the project is basically completed, but yes there is one. Mr. Farmer asked if there was a red tag in front of the project. Mr. Scott replied it has probably been removed but there should be one and it is currently in court.

Mr. Farmer stated though the project is needed, the proper procedure was not followed. If a zoning change was allowed, six months from now, the project could be abandoned. That would leave a rezoned property left open for purposes not to the benefit of the neighborhood.

Mr. Mackey stated he nor the Board, to his knowledge, was not aware that this petition was in court and that a mandate from the court was if there was a

remedy, it was to come from the MPC body. The Board does not just rezone areas of land upon request. Due to court involvement, Mr. Mackey requested his fellow Board members to follow the letter of the law and the opinion of the MPC staff. He stated to do otherwise would be spot-zoning.

Board Action:

The MPC staff recommends **denial** of the petitioner's request to rezone 1602 East Henry Street from its present R-6 classification to an R-4 classification. - PASS

Vote Results

Motion: Stephen Lufburrow

Second: Ben Farmer

Russ Abolt	- Not Present
Michael Brown	- Aye
Shedrick Coleman	- Aye
Ellis Cook	- Aye
Ben Farmer	- Aye
Stephen Lufburrow	- Aye
Timothy Mackey	- Aye
Lacy Manigault	- Aye
Tanya Milton	- Aye
Susan Myers	- Aye
Adam Ragsdale	- Aye
Jon Todd	- Aye
Joseph Welch	- Aye

XI. OTHER BUSINESS

XII. ADJOURNMENT

7. [Submittal](#)

There being no further business to come before the Commission, the January 12, 2010 Regular MPC Meeting adjourned at 2:45 PM.

Respectfully Submitted,

James Hansen
Director, Development Services

/bf

Note: Minutes not official until signed.

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.