



Arthur A. Mendonsa Hearing Room
March 13, 2012 1:30 P.M.
MINUTES

March 13, 2012 Regular MPC Board Meeting

Members Present: J. Adam Ragsdale, Chairman
Ellis Cook, Secretary
Tanya Milton, Treasurer
Russ Abolt
Shedrick Coleman
Ben Farmer
Lacy Manigault
Murray Marshall
Susan Myers
Joseph Welch

Members Not Present: Jon Pannell, Vice-Chairman
Stephen Lufburrow
Timothy Mackey
Rochelle Small-Toney

Staff Present: Thomas Thomson, P.E. AICP, Executive Director
Melony West, CPA, Director, Finance & Systems
James Hansen, AICP, Director, Development Services
Gary Plumbley, Development Services Planner
Marcus Lotson, Development Services Planner
Christy Adams, Director, Administration
Bri Finau, Administrative Assistant

Advisory Staff Present: Tiras Petrea, City Zoning Administrator

I. CALL TO ORDER AND WELCOME

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

IV. NOTICES, PROCLAMATIONS and ACKNOWLEDGEMENTS

Notice(s)

1. [March 20, 2012 Metropolitan Planning Commission Planning Meeting at 9:00 A.M. in the Arthur A. Mendonsa Hearing Room, 112 E. State Street.](#)
2. [April 3, 2012 Regular MPC Meeting at 1:30 P.M. in the Arthur A. Mendonsa Hearing Room, 112 E. State Street.](#)

V. PRESENTATIONS

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

General Development Plan

3. [Kroger Foodstore Redevelopment-318 Mall Blvd-General Development Plan](#)

Attachment: [Site Exhibits.pdf](#)
Attachment: [Kroger Aerial.pdf](#)
Attachment: [Parking Study.pdf](#)
Attachment: [Staff report.pdf](#)

Chairman Ragsdale asked if anyone was present to speak on this item that will not be able to attend the April 3, 2012 Regular MPC meeting.

No one responded affirmatively; the item was removed from the March 13, 2012 Regular MPC meeting agenda.

Board Action:

Postpone Item - move to the April 3, 2012 MPC meeting agenda. - PASS

Vote Results

Motion: Ben Farmer
Second: Murray Marshall

Russ Abolt	- Aye
Shedrick Coleman	- Aye
Ellis Cook	- Aye
Ben Farmer	- Aye
Stephen Lufburrow	- Not Present
Timothy Mackey	- Not Present
Lacy Manigault	- Aye
Murray Marshall	- Aye
Tanya Milton	- Not Present
Susan Myers	- Aye

Jon Pannell	- Not Present
Adam Ragsdale	- Aye
Rochelle Small-Toney	- Not Present
Joseph Welch	- Aye

Amended General Development Plan / Group Development Plan

4. [McAlpin Square - Kroger Fuel Center](#)

Attachment: [Maps.pdf](#)
Attachment: [General Development Plan.pdf](#)
Attachment: [Staff Report.pdf](#)

Chairman Ragsdale asked if anyone was present to speak on this item that will not be able to attend the April 3, 2012 Regular MPC meeting.

No one responded affirmatively; the item was removed from the March 13, 2012 Regular MPC meeting agenda.

Board Action:

Postpone Item - move to the April 3, 2012 MPC meeting agenda. - PASS

Vote Results

Motion: Ellis Cook
Second: Shedrick Coleman

Russ Abolt	- Aye
Shedrick Coleman	- Aye
Ellis Cook	- Aye
Ben Farmer	- Aye
Stephen Lufburrow	- Not Present
Timothy Mackey	- Not Present
Lacy Manigault	- Aye
Murray Marshall	- Aye
Tanya Milton	- Not Present
Susan Myers	- Aye
Jon Pannell	- Not Present
Adam Ragsdale	- Aye
Rochelle Small-Toney	- Not Present
Joseph Welch	- Aye

Amended General Development Plan

5. [One West Victory Drive](#)

Attachment: [Maps.pdf](#)

Attachment: [General Development Plan P-070215-34479-2.pdf](#)

Attachment: [Amended General Development Plan P-120222-32609-2.pdf](#)

Attachment: [GDP Staff Report P-120222-32609-2.pdf](#)

Chairman Ragsdale asked if anyone was present to speak on this item that will not be able to attend the April 3, 2012 Regular MPC meeting.

No one responded affirmatively; the item was removed from the March 13, 2012 Regular MPC meeting agenda.

Board Action:

Postpone Item - move to the April 3, 2012 MPC meeting agenda. - PASS

Vote Results

Motion: Ellis Cook

Second: Shedrick Coleman

Russ Abolt - Aye

Shedrick Coleman - Aye

Ellis Cook - Aye

Ben Farmer - Aye

Stephen Lufburrow - Not Present

Timothy Mackey - Not Present

Lacy Manigault - Aye

Murray Marshall - Aye

Tanya Milton - Not Present

Susan Myers - Aye

Jon Pannell - Not Present

Adam Ragsdale - Aye

Rochelle Small-Toney - Not Present

Joseph Welch - Aye

Victorian District - New Construction

6. [Petition of Matthew Allen, File No. N-120131-56189-2, New Construction at 505 East Waldburg Street](#)

Chairman Ragsdale asked if anyone was present to speak on this item that will not be able to attend the April 3, 2012 Regular MPC meeting.

No one responded affirmatively; the item was removed from the March 13, 2012 Regular MPC meeting agenda.

Board Action:

Postpone Item - move to the April 3, 2012 MPC meeting agenda. - PASS

Vote Results

Motion: Ben Farmer

Second: Lacy Manigault

Russ Abolt - Aye

Shedrick Coleman - Aye

Ellis Cook - Aye

Ben Farmer - Aye

Stephen Lufburrow - Not Present

Timothy Mackey - Not Present

Lacy Manigault - Aye

Murray Marshall - Aye

Tanya Milton - Not Present

Susan Myers - Aye

Jon Pannell - Not Present

Adam Ragsdale - Aye

Rochelle Small-Toney - Not Present

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

7. [February 21, 2012 MPC Meeting and Briefing Minutes](#)

Attachment: [02.21.12 MEETING MINUTES.pdf](#)

Attachment: [02.21.12 MPC BRIEFING MINUTES.pdf](#)

Board Action:

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

Vote Results

Motion: Shedrick Coleman

Second: Ellis Cook

Russ Abolt	- Aye
Shedrick Coleman	- Aye
Ellis Cook	- Aye
Ben Farmer	- Aye
Stephen Lufburrow	- Not Present
Timothy Mackey	- Not Present
Lacy Manigault	- Aye
Murray Marshall	- Aye
Tanya Milton	- Aye
Susan Myers	- Aye
Jon Pannell	- Not Present
Adam Ragsdale	- Aye
Rochelle Small-Toney	- Not Present
Joseph Welch	- Aye

Concept Plan

8. Lands of Withington and Shemerbe Subdivision

- Attachment: [Maps.pdf](#)
- Attachment: [Concept Plan.pdf](#)
- Attachment: [Staff Report.pdf](#)

Lands of Withington and Shemerbe Subdivision
4618 Ogeechee Road
PIN 2-0873-01-001A, 008B, 017, and 021
Agent: Don Taylor
Surveyor: EMC Engineering Company
Aldermanic District: 1
County Commission District: 8
Zoning District: B-G, P-I-L, P-B-C, C-A, and PUD-B-R
MPC File Number: S-120209-61133-2

Mr. Gary Plumbley, Development Services Planner, presented the petitioner's request of consideration of a Concept Plan for a proposed non-residential seven-lot major subdivision to be developed on a site located on the north side of Ogeechee Road approximately 2,075 feet east of Fall Avenue.

The MPC staff recommends **approval** of the proposed Concept Plan for a major subdivision.

Board Action:
The MPC staff recommends **approval** of the proposed Concept Plan for a major subdivision. - PASS

Vote Results

Motion: Ben Farmer

Second: Shedrick Coleman

Russ Abolt - Aye

Shedrick Coleman - Aye

Ellis Cook - Aye

Ben Farmer - Aye

Stephen Lufburrow - Not Present

Timothy Mackey - Not Present

Lacy Manigault - Aye

Murray Marshall - Aye

Tanya Milton - Aye

Susan Myers - Aye

Jon Pannell - Not Present

Adam Ragsdale - Aye

Rochelle Small-Toney - Not Present

Joseph Welch - Aye

VIII. ITEMS MOVED FROM CONSENT AGENDA

IX. OLD BUSINESS

X. REGULAR BUSINESS

Zoning Petition - Map Amendment

9. [3515 Montgomery Street - I-L-B classification to an R-D classification](#)

Attachment: [maps.pdf](#)

Attachment: [staff rpt.pdf](#)

3515 Montgomery Street

Rezoning from I-L-B classification to an R-D classification

Approximately 6.5 Acres

PIN: 2-0081 -23-001

Harold Yellin, Agent/Petitioner

Savannah College of Art and Design, Owner

Aldermanic District 5

County Commission District 5

MPC File No. Z-120228-39377-2

Chairman Ragsdale recused himself from this petitioned item. Mr. Cook chaired the meeting for this item.

Mr. Jim Hansen, MPC Project Planner, presented the petitioner's request to rezone the subject property from an I-L-B classification to an R-D classification. The intent of the petitioner is develop the site with a multitude

of classrooms, dormitories, and a cafeteria on site. The rezoning is needed for the dormitory use. Staff recommends approval of the petitioner's request.

Ms. Myers asked if another dormitory was near the petitioned area.

Mr. Harold Yellin, representative for SCAD, stated there is a nearby dormitory on Barnard and 48th Streets. He states they believe the requested use is the least intrusive that will allow the requested uses.

Board Action:

Staff recommends that the Planning Commission forward a recommendation of **APPROVAL** to the Mayor and Aldermen for their consideration on the requested action to rezone the subject property from an I-L-B classification to an R-D classification. - PASS

Vote Results

Motion: Ben Farmer

Second: Russ Abolt

Russ Abolt	- Aye
Shedrick Coleman	- Aye
Ellis Cook	- Aye
Ben Farmer	- Aye
Stephen Lufburrow	- Not Present
Timothy Mackey	- Not Present
Lacy Manigault	- Aye
Murray Marshall	- Aye
Tanya Milton	- Aye
Susan Myers	- Aye
Jon Pannell	- Not Present
Adam Ragsdale	- Not Present
Rochelle Small-Toney	- Not Present
Joseph Welch	- Aye

10. [3311 Martin Luther King Jr. Boulevard Rezoning From \(R-6 to B-N\)](#)

Attachment: [Maps.pdf](#)

Attachment: [3311 MLK Photos.pdf](#)

Attachment: [R-6 Use Table.pdf](#)

Attachment: [B-N Use Table.pdf](#)

Attachment: [Staff report.pdf](#)

3311 Martin Luther King Jr. Boulevard
Rezoning request (R-6 to B-N)
PIN: 2-0091-04-020
D. Kaufman Construction Group, LLC., Owner
Douglas Kaufman, Agent
Aldermanic District: 5
County Commission District: 5
Zoning District R-6 (Single Family Residential)
Lot Size: Approximately 4,000 square feet
Z-120228-37176-2

Mr. Marcus Lotson, MPC Project Planner, presented the petitioner's request to rezone the subject property from the existing R-6 (single family residential) to a B-N (neighborhood business) zoning classification. The property is within the Jackson Park Neighborhood. The neighborhood consists of small lots and bungalow-styled homes. The rezoning will open the property to additional uses that he believes to be inappropriate adjacent to a residential district. Staff recommends denial of the petitioner's request.

Douglas Kaufman, petitioner, stated he received a \$2,000 facade grant to help improve the subject property. SCAD is building a new dormitory near his property and a Family Dollar with B-C zoning is nearby. He stated there are two beauty shops in the area, in addition to the beauty/barber shop he is currently renting to. He stated his intent is so that his tenants will not have to come before the Board continually to get new zoning. He stated he purchased the land behind the building to have parking.

Mr. Farmer asked the petitioner how long had he owned the building.

Mr. Kaufman replied about six or seven years. It is currently being rented as a beauty/barbershop.

Mr. Farmer asked Mr. Kaufman if he is aware of the requirements of the non-conforming use statutes as far as being able to use the property. If the property is vacant for more than a year he or his tenant would have to go before the Zoning Board of Appeals to reestablish the use.

Mr. Kaufman stated that is what is he trying to avoid each time something like that would have to happen.

Mr. Farmer asked if a house could be built on the property.

Mr. Kaufman stated yes; it would have to be five feet from the property lines. Due to the odd shape of the property, it is possible but it would be a small house.

Mr. Farmer asked staff if the parking has any bearing on the non-conforming use.

Mr. Lotson responded it is approximately 20 feet wide and . . .

Mr. Farmer asked, from a zoning standpoint, is the lot acceptable for parking for his business if it were zoned residential. He asked if zoning of the second lot could be used for parking for the first lot.

Mr. Lotson stated the petitioner could not establish an off-street parking lot in an R-6 zoning district with approval from the ZBA.

Mr. Farmer asked Mr. Thomson if the owner did not leave the property vacant for more than a year (the statute of limitations), and someone wanted to use the property for one of the allowed uses, would they have to go before the ZBA.

Mr. Thomson and **Mr. Lotson** responded no. Mr. Lotson expounded further saying the uses can be established by right as long the time limit has not expired.

Mr. Farmer stated though the property is small in size, the property is very important to Mr. Kaufman. He purchased it with a certain use in mind and expectations he could use it for that. He stated he would like to see the property rezoned so that Mr. Kaufman would not have to come before the ZBA repeatedly. Mr. Farmer expressed he believed the current zoning request may be too broad, but that it should be rezoned. Otherwise, he will need to be very diligent in making sure that the building is not vacant longer than a year.

Mr. Thomson stated Mr. Kaufman has zoning as long as he has use of the property.

Mr. Kaufman stated he would accept a zoning not so broad that would accomplish his purpose.

Mr. Abolt asked Mr. Coleman to share his pre-meeting comments for the record regarding the neighborhood and its residential character.

Mr. Coleman stated he grew up in the neighborhood and witnessed its changes. Relevance as a commercial spot is not a positive; it has been commercial for all of these years. To go through the criteria continually and changing the character and rezoning becomes an issue on further rezonings within the neighborhood within that R-6. Purchasing the adjacent property for parking and the need now to rezone the new property supports his point. Adding little bits and pieces requires more land to make it work. Mr. Coleman believes the residents need to be afforded some protection as well. He recognizes the business owner has a building but he also has process by which he is able to use the non-conforming property. Once a property is rezoned, some of the protection is taken away from surrounding residential neighborhoods, which is a viable neighborhood also trying to be redeveloped to strengthen itself. Rezoning would force more encroachment on the neighborhood.

Mr. Farmer stated he understood Mr. Thomson's comments as the lot for

parking does not have to be zoned the same as the business building lot. The believed the process to be that the petitioner could go before the ZBA for the parking request. He stated this property has a greater demand for a use to the proposed students that will be close to the area. And, the properties would not be suitable single-family residential unless the two lots were combined. The property has been in use as a commercial for the last 60 years.

Mr. Lotson read the uses for the property. He stated there are less intense classifications than B-N.

Mr. Farmer asked if the petitioner would allow staff to review again to find a more appropriate zoning for his property than what is being requested.

Mr. Coleman stated he wants to make it clear the issues are understood as well. Once one property is rezoned, the desire to rezone the other will come forward, since both are currently R-6.

Mr. Thomson stated if the petitioner obtains ownership of the second property, he could recombine them into one, and the R-6 lot would become part of a non-conforming property. Therefore, the need to go before the ZBA would be avoided for parking. Mr. Thomson stated that is incorrect and he withdraws his statement.

Mr. Ragsdale stated the lot will have to be designed to recognize standards for off-street parking.

Mr. Kaufman stated he would consider tabling the petition. He stated he just wants to get it out of the R-6 and requests the Board to think forward and consider the development of the neighborhood; it's not just him.

Mr. Abolt stated it not fair to justify this with what is happening nearby. The focus should be on saving the neighborhood.

Mr. Marshall stated the property has been commercial for a long time. He believes more control will be had if there is rezoning. He requested tabling the petition.

Ms. Myers suggested seeing what was projected for the area based on the study by the Savannah Renewal Authority.

Mr. Plumbley stated he wanted the petitioner to be aware that he may lose more flexibility that may be gained through ZBA as opposed to a matter of right that the MPC may approve. He will give up something to gain permanency of a use by right.

Mr. Kaufman stated he is aware and agrees; but some of the uses Mr. Lotson read off he does not want in his building. His goal is to keep his renter from having to go before the ZBA; he is willing to give up some to achieve that goal.

Mr. Farmer stated we don't need to save a neighborhood from something that

has been there for 60 years already. There is no evidence showing there has been a negative impact on that neighborhood because of it.

Mr. Marshall supported Mr. Plumbley's statement that though it restricts the property owner, it provides an opportunity to benefit the neighborhood by putting better control on it.

Mr. Abolt stated it needs to be understood that all things are not about status quo, but about changing status quo.

Mr. Coleman stated he is not against the use being proposed. He is concerned with future encroachment in the neighborhood and the rezoning setting a precedent for future rezonings based on outside pressures once the fabric of the neighborhood has been intruded.

Mr. Farmer stated the way to do that is to find a zoning to condense the amount of usage but tell you for sure what you have. He stated he believes the same goal is trying to be accomplished but in different ways. That is why tabling the petition was suggested, since there is no rush now.

Mr. Welch commended Mr. Kaufman on the appearance of the building on the subject property.

Ms. Myers stated as we look at zoning, we're getting away with just having people just live where there can only be residential. We're now looking at putting within walking distance small store areas so we don't have to get into our car for everything. A lot of money was paid for the study SDRA did for the whole area and she would really like to return this to staff - residential and commercial; how to blend them in.

Mr. Ragsdale said he want to know if the future land use map taking into account the SDRA MLK Boulevard/Montgomery Corridor studies with regard to the anticipated uses along that.

Mr. Ragsdale asked if anyone in the public would like to speak on the petition. There were no responses.

Board Action:

Staff recommends that the Planning Commission forward a recommendation of **DENIAL** to the Mayor and Alderman for their consideration on the - requested action to rezone the subject property from an R-6 classification to a B-N classification.

Vote Results

Motion:

Second:

Board Action:

Postpone Item to April 3, 2012 MPC Meeting for further research regarding zoning and use of the subject property. - PASS

Vote Results

Motion: Ben Farmer
Second: Susan Myers
Timothy Mackey - Not Present
Lacy Manigault - Aye
Murray Marshall - Aye
Tanya Milton - Aye
Susan Myers - Aye
Jon Pannell - Not Present
Adam Ragsdale - Aye
Rochelle Small-Toney - Not Present
Joseph Welch - Aye
Russ Abolt - Aye
Shedrick Coleman - Aye
Ellis Cook - Aye
Ben Farmer - Aye
Stephen Lufburrow - Not Present

General Development Plan

11. [Avail Tattoo - 8110B White Bluff Road](#)

Attachment: [maps.pdf](#)
Attachment: [Staff Report.pdf](#)

Avail Tattoo
8110B White Bluff Road
B-C Zoning District
0.50 Acres
PIN: 2-0561 -01-005B
James Tash, Agent/Petitioner
Mary Ellen Fountain, Owner
Aldermanic District 4
County Commission District 1
MPC File No. P-120216-36299-2

Mr. Jim Hansen, MPC Project Planner, presented the petitioner's request for general development plan review along with the following variances:

- 1) Reduce the required separation distance between a tattoo studio and

residentially

zoned districts, residential uses, and churches.

2) Eliminate the plan submittal requirements of the Planned Development District.

The property is zoned B-C, which a tattoo parlor is an allowed use, subject to certain conditions. Though the request is unique, it is not without precedent, to locate a tattoo facility less than 300 feet from a residential zone, residential use, school, or church. In this particular instance, the properties south of Fairmont and to the rear are zoned residential and less than 300 feet away. Similar situations allowed such action because of being located in a existing strip center and no known improvements anticipated to the exterior.

In 1995, the City amended the ordinance to allow tattoo parlors in districts other than B-C1; in 1999 a text amendment was made to eliminate some of the distance requirements; in 2004, the MPC denied a similar request because it was immediately adjacent to a residential structure. An approval was given in 2005 for a tattoo facility for separation distance standards and general development plan. In 2008, the ordinance was again amended to allow tattoo parlors in various districts, such as TC-2.

Staff recommends that the tattoo studio at 8110B White Bluff Road petition be **APPROVED**, including variances from the distance separation standards and the Planned Development District submittal requirements.

Mr. Manigault asked if notice was provided to the neighboring residents.

Mr. Hansen stated there is no legal requirement, but as a matter of practice, notification was sent out to property owners within 200 feet. No responses were received.

Mr. Ragsdale asked if this should be a Zoning Board of Appeals item.

Mr. Hansen stated the petitioner desired to go before the MPC, which is probably most appropriate because of the second variance request.

Clifford Watson, citizen, stated he wanted to voice his opinion towards the shop. He supports the business and the owners.

Board Action:

It is recommended that the tattoo studio at 8110B White Bluff Road be **APPROVED**, including variances from the distance separation standards and the Planned Development District submittal requirements. - PASS

Vote Results

Motion: Ben Farmer	
Second: Tanya Milton	
Russ Abolt	- Aye
Shedrick Coleman	- Aye
Ellis Cook	- Aye
Ben Farmer	- Aye
Stephen Lufburrow	- Not Present
Timothy Mackey	- Not Present
Lacy Manigault	- Aye
Murray Marshall	- Aye
Tanya Milton	- Aye
Susan Myers	- Aye
Jon Pannell	- Not Present
Adam Ragsdale	- Aye
Rochelle Small-Toney	- Not Present
Joseph Welch	- Aye

XI. OTHER BUSINESS

XII. ADJOURNMENT

XIII. DEVELOPMENT PLANS SUBMITTED FOR REVIEW

12. [Development Plans Submitted for Review](#)

Attachment: [DEVELOPMENT REVIEW CASE LOG 040312.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.