



Arthur A. Mendonsa Hearing Room
August 6, 2013 1:30 P.M.
MINUTES

August 6, 2013 Regular MPC Meeting

- Members Present:** W. Shedrick Coleman, Vice Chairman
Ellis Cook, Secretary
Tanya Milton, Treasurer
Ben Farmer
Timothy Mackey
Lacy Manigault
Murray Marshall
Susan Myers
Joseph Welch
- Members Not Present:** J. Adam Ragsdale, Chairman
Russ Abolt
Stephanie Cutter
- Staff Present:** Thomas Thomson, P.E. AICP, Executive Director
Melony West, CPA, Director, Finance & Systems
Gary Plumbley, Development Services Director
Marcus Lotson, Development Services Planner
Christy Adams, Director, Administration
Bri Finau, Administrative Assistant
Amanda Bunce, Senior Planner
Charlotte Moore, AICP, Director of Special Projects
- Advisory Staff Present:** Robert Sebek, County Zoning Administrator
Geoff Goins, City Zoning Administrator

I. CALL TO ORDER AND WELCOME

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

IV. NOTICES, PROCLAMATIONS and ACKNOWLEDGEMENTS

Notice(s)

1. [August 6, 2013 MPC Finance Committee Meeting at 11:30 AM in the West Conference Room, 110 East State Street.](#)
2. [August 7, 2013 MPC Bylaws Committee Meeting at 10:00 AM in the Jerry Surrency Conference Room, 110 East State Street.](#)
3. [August 27, 2013 Regular MPC Meeting at 1:30 P.M. in the Arthur A. Mendonsa Hearing Room, 112 E. State Street.](#)

Acknowledgement(s)

4. [Staff Introductions](#)

Mr. Noel Perkins, Director of SAGIS, introduced Vanishravan Katta and Kevin MacLeod as the two newest staff members to the department.

Mr. Katta is the primary GIS Programmer and Developer; he is currently involved in developing desktop and web-based data.

Mr. MacLeod is a GIS Programmer and analyst.

Information Item(s) for Board Members

5. [Reading of Development Plans Submitted for Review](#)

Attachment: [Development Review Case Log August 08-06-13.pdf](#)

V. PRESENTATIONS

6. [Presentation on Georgia Power Crossgate - Dean Forest 230 kV Transmission Line Project](#)

Mr. Gignilliat presented the Georgia Power Crossgate presentation to the Board. The purpose is to upgrade the area. He explained how the power comes into the city and plans for more power.

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

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. [July 16, 2013 MPC Meeting and Briefing Minutes](#)

Attachment: [07.16.13 MPC BRIEFING MINUTES.pdf](#)

Attachment: [07.16.13 MEETING MINUTES.pdf](#)

Board Action:

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

Vote Results

Motion: Lacy Manigault

Second: Susan Myers

Russ Abolt - Not Present

James Blackburn Jr. - Aye

Shedrick Coleman - Aye

Ellis Cook - Aye

Stephanie Cutter - Not Present

Ben Farmer - Aye

Timothy Mackey - Not Present

Lacy Manigault - Aye

Murray Marshall - Aye

Tanya Milton - Aye

Susan Myers - Aye

Adam Ragsdale - Not Present

Joseph Welch - Aye

Victorian District - New Construction

8. [210 West Waldburg Street | New Construction | 13-003636-COA](#)

Attachment: [Aerial - Facing North.pdf](#)

Attachment: [Submittal Packet - Context Photographs.pdf](#)

Attachment: [Submittal Packet - Drawings.pdf](#)

Attachment: [Submittal Packet - Specifications.pdf](#)

Attachment: [Staff Report.pdf](#)

Mr. Daniel Carey stated he wanted to commend the petitioner and offer support. **Mr. Blackburn** agreed.

Board Action:

Approval for new construction of a detached two-

story single family residence on the property at 210 West Waldburg Street because the proposed work is visually compatible and meets the development standards. - PASS

Vote Results

Motion: Lacy Manigault

Second: Susan Myers

Russ Abolt	- Not Present
James Blackburn Jr.	- Aye
Shedrick Coleman	- Aye
Ellis Cook	- Aye
Stephanie Cutter	- Not Present
Ben Farmer	- Aye
Timothy Mackey	- Not Present
Lacy Manigault	- Aye
Murray Marshall	- Aye
Tanya Milton	- Aye
Susan Myers	- Aye
Adam Ragsdale	- Not Present
Joseph Welch	- Aye

9. [212 West Waldburg Street | New Construction | 13-003637-COA](#)

Attachment: [Aerial - Facing North.pdf](#)

Attachment: [Submittal Packet - Context Photographs.pdf](#)

Attachment: [Submittal Packet - Drawings.pdf](#)

Attachment: [Submittal Packet - Specifications.pdf](#)

Attachment: [Staff Report.pdf](#)

Board Action:

Approval for new construction of a detached two-story single family residence on the property at 212 West Waldburg Street because the proposed work is visually compatible and meets the development standards. - PASS

Vote Results

Motion: Lacy Manigault

Second: Susan Myers

Russ Abolt	- Not Present
James Blackburn Jr.	- Aye
Shedrick Coleman	- Aye
Ellis Cook	- Aye
Stephanie Cutter	- Not Present

Ben Farmer	- Aye
Timothy Mackey	- Not Present
Lacy Manigault	- Aye
Murray Marshall	- Aye
Tanya Milton	- Aye
Susan Myers	- Aye
Adam Ragsdale	- Not Present
Joseph Welch	- Aye

VIII. ITEMS MOVED FROM CONSENT AGENDA

IX. OLD BUSINESS

Zoning Petition - Text Amendment

10. [Text Amendment to add Use 29, Assembly Hall in the RIP-A, RIP-B, RIP-B-1, RIP-C & RIP-D districts & to define the use| Savannah Zoning Ordinance, various sections | 13-002021-ZA](#)

Attachment: [Assembly Hall - Map of affected districts-downtown.pdf](#)
Attachment: [Assembly Hall - Map of affected districts.pdf](#)
Attachment: [Emails from Ms Ralph shared with PC.pdf](#)
Attachment: [13-002021-ZA Assembly Hall Staff Report - August 6.pdf](#)

MPC File No. 13-002021-ZA

The petitioner is proposing to add Use 29 Assembly Hall to the C & R Use Schedule and to allow it as a permitted use in the RIP-B (Residential-Institutional-Professional, medium density) zoning district. The petitioner is also proposing several use conditions to address noise.

At its July 16, 2013 meeting, the Planning Commission voted to continue the public meeting on this text amendment to allow MPC staff to investigate options such as including the RIP-A zoning district and allowing the Assembly Hall use only with Zoning Board of Appeals use approval.

Therefore, MPC staff is recommending the following amendments that more comprehensively address the issue at hand:

- Move the description of “Assembly Hall” from the B & I Districts and Victorian Use Schedules and define the use in the Definitions section;
- Add the “Assembly Hall” use to the C & R Districts Use Schedule and allow it as a use requiring Zoning Board of Appeals use approval with use conditions in the RIP-A, RIP-B and RIP-D zoning districts and as a “by-right” use in the RIP-B-1 and RIP-C zoning districts with no use conditions.

The MPC staff recommends approval of the text amendments to Article A Generally, Section 8-3002 Definitions and Article B Zoning Districts,

Sections 8-3025(a) C & R Districts Use Schedule, 8-3025(b) B & I Districts Use Schedule and Sec. 8-3028(d) Victorian District Permitted Uses.

Ms. Amanda Bunce, MPC Project Planner, summarized the original petition and additional studies. The definition of 'Assembly Hall' was proposed to be added in the Definitions section of the ordinance and removed as a description in certain use tables. The proposed definition is: "A facility available for lease by the general public for meetings, parties, or events. Such use may also include the use of any outdoor area on site and any kitchen facilities associated with such use."

The second part of the amendment addresses how to allow the assembly hall use in the Conservation Residential (C&R) Use Schedule. Staff believes the use is appropriate by right in the R-I-P-B-1 and R-I-P-C with no use conditions. It could be appropriate with ZBA use approval in the R-I-P-A, R-I-P-B, and R-I-P-D zoning districts, with the condition of closing to the public by at 10:00 p.m. The ZBA has the authority to add any conditions that may be needed, based on the context of the area being considered.

Ms. Myers asked what happens if we do nothing.

Ms. Bunce replied some action has to be taken; if you vote to deny, there are a number of locations in the historic district that will be non-compliant and enforcement actions will have to begin.

Mr. Farmer stated it could be continued. There are still many unanswered questions.

Ms. Bunce stated staff would appreciate definite direction if the decision is to continue. Staff has already considered from an angle they consider appropriate.

Mr. Farmer requested Mr. Goins be more involved in the decision-making process. If there is already difficulty providing enforcement, adding more will complicate matters more. We need to enforce what we already have.

Mr. Blackburn, Jr. stated he believes it is a mistake to redefine the Assembly Hall definition and apply in the C & R districts. He believes something should be defined for those districts; redefining current Assembly Halls is not the way to go about. He asked Mr. Goins for direction. He believes that weddings and parties are considered part of cultural facility uses. Cultural facilities are considered to be museums, historic houses, etc. We need to determine what we are trying to regulate. The noise for various functions should be considered. He asked what was the use of the Morris Center was approved for on their CO. He requested clarity of what a cultural facility really is.

Ms. Bunce stated Cultural Facilities is a list of uses that are grouped together; 'Cultural Facilities' is just the first one on the list. The whole use is cultural facilities, art galleries, museums, little theaters, legitimate theaters, and libraries and other facilities of a similar nature.

Mr. Coleman asked for Mr. Goins to explain.

Mr. Goins stated they looked at the use as a for-profit function and the use "club or lodge" doesn't permit for-profit functions. Adding this as an accessory to that type of use is an option.

Mr. Blackburn, Jr. stated the Morris Center is the same type of zoning district with concerts, rented out for commercial reasons. We are not hearing complaints about them or the Davenport House.

Mr. Thomson asked if the Harper-Fowlkes House would be viewed as a museum or tour home if Mr. Goins' accessory suggestion was implemented, and would conditions be able to be attached to it.

Mr. Goins stated that would legalize what they are doing and conditions could be attached.

Mr. Marshall stated we need to have workshops with those who will be impacted by MPC decision for clarity and input.

Ms. Myers asked how do private homes that rent themselves out for public use come into this.

Ms. Bunce stated she was only able to find inns that fit that description. If a private home were to do so, it would not be the principle use of the establishment. It is not a matter of profit or non-profit, it is the use.

Mr. Farmer asked what is the significance of charging to rent to public or for members.

Mr. Goins replied the ordinance stipulates for museums those type of functions are for members only; profit or non-profit is not the issue. The land-use is still the same.

Mr. Farmer stated how does it work if the fee for a private function is to fund the organization.

Mr. Goins stated the definition for museum is the restriction on this property. This use cannot be rented out to non-members for a fee. This property was regarded as an assembly hall.

Ms. Milton asked if this is for this subject property and its zoning.

Mr. Goins stated it is based on zoning to determine permitting the use.

Mr. Coleman asked how is it defined as a principle use; the principle use would have to be what the use is over 51% of the time.

Mr. Goins stated there is no number or concrete language to identify a

principle use; an accessory use is an incidental use to a principle use. The interpretation is done by the Zoning Administrator. A facility can have two principle uses. In this petition, the facility was being rented out almost every weekend for wedding ceremonies and receptions; more than a few times per year. Doing so on such a high frequency made it no longer functioning as only a museum.

Mr. Blackburn, Jr. asked about other assembly hall facilities in residential areas that are rented out to the public.

Mr. Coleman stated that is a valid point and that should be directed to staff to investigate.

Ms. Dolly Chisholm, representative of the petitioner, stated the Trustees are regretful they were not aware of the disruption their facility caused in the neighborhood. They want to be good neighbors and in compliance with the law. They also need these special events to raise money to maintain the museum. They believe the text amendment makes the situation positive for all. It will allow the Harper-Fowlkes House to be in compliance with the law while the self-imposed and ZBA use restrictions will benefit the neighbors.

Mr. Manigault asked if she is aware they must obtain a new permit to fit into the zoning regulations.

Ms. Chisholm stated she understood that they could still have member-supported functions. However, to have non-member events, we would have to go to ZBA.

Mr. Cook asked if admission was charged to tour the house.

Ms. Chisholm replied yes.

Ms. Lisa Atwell, area resident, stated this issue is about the noise for the past three years. She stated she requested of Donna Butler for the amplifiers to be turned away from the house, but her request was denied. She later found out a permit was needed for amplifiers, which the petitioner did not have. Adjustments were not made until the police shut down a wedding day. They have now hired a lawyer to adjust the rules and noise ordinance that protect her. She stated the parties need to be inside, but the will prohibits indoor parties. She believes the actions of the Trustees are in violation of the will. The zoning and noise ordinances are being violated.

Mr. Dana Braun, attorney for the neighboring residents of the Harper-Fowlkes House, stated the property is owned by three Trustees that were to use the property for the benefit of the Society of Cincinnati. The society was made aware in 2012 they were in violation. In 2013, they were cited and then submitted a request for text amendment for their benefit. The property is residential in a residential area. He asked how does the financial condition of the property override the rights of the neighbors. The parking and alcohol requirements cannot not be met. He recommends denial, but is open to a

continuance to discuss options.

Mr. Farmer stated if the petition is denied, there is nothing to keep us from revisiting this. He stated he understood both sides.

Mr. Thomson stated whatever decision is made will affect all the museum houses in this zoning. He suggested continuance for additional research.

Mr. Marshall stated there was previously commercial property on the Whitaker Street side of the Harper-Fowlkes property.

Mr. Daniel Carey, of the Historic Savannah Foundation, asked that the non-offending parties not have this ordinance enforced against them while the issue is being debated. He stated this issue has raised concerns for the Davenport House regarding being a good neighbor. He asked that only the petitioned property involved be affected by this.

Ms. Melissa Witherspoon-Ralph, neighboring resident, stated she is negatively affected by the actions of the Harper-Fowlkes House. She believes revenue can be generated without destroying the integrity of the neighborhood. Tents should be erected no more than three times per calendar year and no more than ten hours daily; tents block her view of the other homes on Perry Street.

Ms. Gay Stephens, neighboring resident, stated the revenue from the Harper-Fowlkes House benefits primarily the Harper-Fowlkes House, therefore, it should be treated differently than other museums and museum houses that also benefit the city.

Ms. Chisholm stated the will also required the house be maintained, thus the renting of the house as a venue. Mary Telfair's will stated no parties or alcohol, but that occurs. She stated the petitioner came to this action in order to be in compliance. The self-imposed restrictions were to meet the needs of the neighbors, with the exception of closing at 7 p.m.

Mr. Farmer motioned to deny staff recommendation for text amendment.
Mr. Cook seconded the motion.

Ms. Myers stated she believes this should be continued; to deny will affect other organizations. Further discussion is needed. She amended Mr. Farmer's motion to continue for six weeks, September 17, 2013 MPC.

Mr. Manigault asked that the amendment includes all parties involved to be included.

Mr. Cook asked how would that affect any events already reserved.

Mr. Coleman stated nothing changes; they are still in violation if use as a venue continues. The only thing that can change is that someone could raise

issue with everyone that is in violation of the ordinance.

Mr. Blackburn, Jr. stated we have an issue larger than this petition. The ordinance cannot be enforced in one area and not another; that's basically what's been done for a number of years. He does not like using the Assembly Hall definition for this. The issue is not simple and straightforward. The location of the activities on these properties make a big difference; whether they are inside or outside, and if residential is immediately adjacent. Staff needs to meet also with the neighbors and the operators of the other like facilities. He requested Mr. Goins to provide how the Morris Center was originally permitted, along with other like properties.

Mr. Marshall stated workshops should be specified.

Mr. Farmer stated this item could take months, leaving everyone affected in limbo.

Ms. Myers stated if this item is acted upon, unintended consequences will occur. That needs to be considered; other properties will be affected. She stated she favors the workshops.

Mr. Coleman stated to do nothing is doing the same. To deny is to leave the ordinance as is; to continue is to leave as is. We can have an action beyond that regardless of the path taken today.

Ms. Myers stated one of the functions of the MPC is to advise City Council; they will push it back to us if we deny it.

Mr. Coleman stated we are acting on a single item with the acknowledgment to City Council we will take an action on it in the future. We are making a decision based on the facts and situation at hand. To continue may indicate indecisiveness on our part.

Mr. Marshall stated if it is postponed, the court and zoning administrator are less likely to take action against the museums as we deliberate. If we deny it, the court will be able to take action on the Harper Fowlkes House, which would make it difficult for the zoning administrator to face other related issues.

Mr. Manigault stated we are responsible to all of our neighbors, not just the petitioner.

Mr. Coleman called the question.

Board Action:

Continue hearing discussion to Sept 17, 2013
Regular MPC Meeting. Have planned public

discussion/workshop with petitioner and neighboring residents. This is to determine unintended consequences of the amendment as proposed. - PASS

Vote Results

Motion: Susan Myers

Second: James Blackburn Jr.

Russ Abolt	- Not Present
James Blackburn Jr.	- Aye
Shedrick Coleman	- Aye
Ellis Cook	- Nay
Stephanie Cutter	- Not Present
Ben Farmer	- Nay
Timothy Mackey	- Aye
Lacy Manigault	- Aye
Murray Marshall	- Aye
Tanya Milton	- Not Present
Susan Myers	- Aye
Adam Ragsdale	- Not Present
Joseph Welch	- Nay

X. REGULAR BUSINESS

Zoning Petition - Staff Text Amendment

11. [Text amendment to modify public notification standards | Savannah Zoning Ordinance, various sections | 13-003067-ZA](#)

Attachment: [Staff Report 13-003067-ZA.pdf](#)

MPC Staff is proposing text amendments to various sections of the Zoning Ordinance to:

- 1) Codify a requirement for mailed notification for site plans and special uses reviewed by the Planning Commission;
- 2) Increase the mailed notification radius from 200 feet to 300 feet;
- 3) Add a sign posting requirement for site plans reviewed by the Planning Commission; and,
- 4) Add a sign posting requirement for special uses reviewed by the Planning Commission and the Mayor and Aldermen.

A neighborhood meeting requirement is under study (see Finding #5 for more information).

Ms. Charlotte Moore, Director of Special Projects, stated there was concern about neighbors being notified. The County is choosing not to participate in this amendment. The goal of the amendment is to reconcile the inconsistencies in the Ordinance. The Board of Appeals has a posted and published notice requirement, but the Planning Commission does not. The City Council has a published notice requirement also.

Mr. Farmer asked how would it be known if the posting is posted.

Ms. Moore stated we don't; only if a staff member sees it. If it is not seen within the required posting time, the petition is continued. The City does not have the resources for staff to do that.

Mr. Mackey stated the ZBA makes site visits before each meeting with staff. If the sign is not up, it is not continued.

Ms. Moore stated not for zonings.

Mr. Mackey asked if we are now compliant with the State.

Ms. Moore replied yes.

Mr. Mackey asked how is this addressed in the new zoning ordinance that is being prepared.

Ms. Moore stated this is a variation of what is in place now; it is modeled after the new zoning ordinance, but not exactly like it.

Mr. Mackey stated he feels we are chipping away the ordinance by use of text amendments. Each text amendment proposal is "backdooring" to the new document.

Ms. Moore replied staff is requesting consistency through the text amendments. Anything leading to a zoning decision is compliant with the State. The proposed amendments codify some of the notifications and establish requirements in some areas where there are none. This was requested by the City, Alderman Sprague.

Mr. Coleman stated this is addressing only the current ordinance. It has nothing to do with the new document.

Mr. Mackey asked if we are compliant with the State, why is it being proposed to be changed.

Ms. Moore stated there is a desire to extend the State requirements for better resident notification.

Mr. Mackey stated the Zoning Board of Appeals does site visits before each meeting.

Mr. Marshall stated the noticing process is more expensive and time consuming. The result is the same: those that are concerned know what's going on and will show up, those that are not, won't. It does not need to be expanded.

Ms. Myers stated she disagreed. The more information is presented, the better all work together in the process.

Ms. Moore stated all of the review types have notice requirements, except Site Plans. That is really the only difference. The timing, distance, and consistency are the issues.

Mr. Mackey asked why the need for changing the ordinance; why not just send the extra notices.

Mr. Thomson stated the request was to codify it. Staff organized it for clarity.

Board Action:

Approval of amendments to the City of Savannah zoning ordinance to improve public notification for certain reviews by the Planning Commission, Zoning Board of Appeals and Mayor and Aldermen. Amendments include: 1) codifying a requirement for mailed notification for site plans and special uses reviewed by the Planning Commission; 2) increasing the mailed notification radius - PASS from 200 feet to 300 feet; 3) adding a sign posting requirement for site plans reviewed by the Planning Commission; and, 4) adding a sign posting requirement for special uses reviewed by the Planning Commission and the Mayor and Aldermen.

Vote Results

Motion: Susan Myers

Second: Ben Farmer

Russ Abolt	- Not Present
James Blackburn Jr.	- Aye
Shedrick Coleman	- Aye
Ellis Cook	- Not Present
Stephanie Cutter	- Not Present
Ben Farmer	- Aye
Timothy Mackey	- Aye
Lacy Manigault	- Aye
Murray Marshall	- Not Present
Tanya Milton	- Not Present
Susan Myers	- Aye
Adam Ragsdale	- Not Present
Joseph Welch	- Aye

XI. NEW ZONING ORDINANCES (NewZO)

12. [New ZO Review: Sec. 5.4 Principal Use Table and Article 8.0 Use Standards](#)

Attachment: [5.4 Principal Use Table.pdf](#)
Attachment: [Article 8.0 Use Standards.pdf](#)

Due to time, there was no presentation at this meeting.

XII. OTHER BUSINESS

13. [Report from Nominating Committee](#)

Mr. Farmer stated the three voting members were Ms. Myers, Ms. Milton and himself. He stated Mr. Mackey was present also.

The nominating committee proposed the following:

Mr. Manigault - Treasurer

Mr. Blackburn, Jr. - Secretary

Mr. Marshall - Vice Chair

Mr. Coleman - Chair

XIII. ADJOURNMENT

14. [Adjournment of August 6, 2013 Regular MPC Meeting](#)

There being no further business to come before the Board, Vice Chairman Coleman entertained a motion to adjourn the August 6, 2013 MPC Meeting at 3:50 p.m.

Respectfully submitted,

Thomas L. Thomson
Executive Director

TLT/bf

Note: Minutes not official until signed.

XIV. DEVELOPMENT PLANS SUBMITTED FOR REVIEW

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.