

## **Chatham County - Savannah Metropolitan Planning Commission**

Arthur Mendonsa Hearing Room April 27, 2021 ~ 1:30 PM Minutes

## April 27, 2021 Regular MPC Meeting, 1:30 P.M.

Members Present: Joseph Welch, Vice-Chairman

Karen Jarrett, Secretary Eula Parker, Treasurer

Laureen Boles Michael Brown Travis H. Coles Elizabeth Epstein Joseph Ervin Wayne Noha Lee Smith

Dwayne Stephens Malik Watkins Tom Woiwode

Members Not Present: Ruel Joyner

Staff Present: Melanie Wilson, Executive Director

Pamela Everett, Assistant Executive Director Marcus Lotson, Director of Development Services

Kiakala Ntemo, Contract Planner

Jessica Hagan, Administrative Assistant

Julie Yawn, Systems Analyst

- I. Call to Order and Welcome
- II. Invocation and Pledge of Allegiance
- III. Approval of Agenda
  - 1. Approval of Agenda

The agenda was approved as submitted.

#### **Motion**

Approve the agenda as submitted.

Vote Results (Approved)

Motion: Wayne Noha

Second: Karen Jarrett

Joseph Ervin - Aye
W. Lee Smith - Aye

Tom Woiwode - Not Present

**Travis Coles** - Aye Joseph Welch - Abstain Karen Jarrett - Aye **Dwayne Stephens** - Aye **Eula Parker** - Aye Wayne Noha - Aye Michael Brown - Aye Laureen Boles - Aye Elizabeth Epstein - Aye

Malik Watkins - Not Present

## IV. Notices, Proclamations and Acknowledgements

## Notice(s)

2. May 18, 2021 Regular MPC Meeting, 1:30 P.M., Planning Commission, GO-TO- WEBINAR (VIRTUAL) to access go to: www.thempc.org.

## Information Item(s) for Board Members

3. Development Plans Submitted for Review

**∅** 4-27-21 MPC Case Log.pdf

## V. Item(s) Requested to be Removed from the Final Agenda

4. REZONING MAP AMENDMENT | 182 Rice Mill Drive | Rezone from RSF-10 to RSF-6 | File No. 21-001774-ZA

## Motion

The petitioner has requested that this item be Postponed to the May 18, 2021 Regular MPC Meeting.

## Vote Results (Approved)

Motion: Wayne Noha Second: W. Lee Smith

Joseph Ervin - Aye W. Lee Smith - Aye Tom Woiwode - Aye **Travis Coles** - Aye Joseph Welch - Abstain Karen Jarrett - Aye **Dwayne Stephens** - Aye **Eula Parker** - Aye

Wayne Noha	- Aye
Michael Brown	- Aye
Laureen Boles	- Aye
Elizabeth Epstein	- Aye
Malik Watkins	- Not Present

# 5. REZONING MAP AMENDMENT | 5651 Ogeechee Road | Rezone from R-A; AT & PB to R-3 | File No. Z-1120 - 000095

Motion		
The petitioner has requested that this item be Postponed to the May 18, 2021 Regular MPC Meeting.		
Vote Results ( Approved )		
Motion: Karen Jarrett		
Second: W. Lee Smith		
Joseph Ervin	- Aye	
W. Lee Smith	- Aye	
Tom Woiwode	- Aye	
Travis Coles	- Aye	
Joseph Welch	- Abstain	
Karen Jarrett	- Aye	
Dwayne Stephens	- Aye	
Eula Parker	- Aye	
Wayne Noha	- Aye	
Michael Brown	- Aye	
Laureen Boles	- Aye	
Elizabeth Epstein	- Aye	
Malik Watkins	- Not Present	

## VI. Items Requested to be Withdrawn

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

6. Approval of the April 6, 2021 Briefing and Regular Meeting Minutes.

∅ 04.06.2021 Meeting Minutes.pdf

**Ø**04-6-2021 MPC BRIEFING MINUTES.pdf

The April 6, 2021 briefing and regular meeting minutes were approved as submitted.

#### **Motion**

Recommend approval of the Briefing and Regular Meeting Minutes.

#### Vote Results (Approved)

Motion: Karen Jarrett

Second: Dwayne Stephens

Joseph Ervin - Aye W. Lee Smith - Aye Tom Woiwode - Aye **Travis Coles** - Aye Joseph Welch - Abstain Karen Jarrett - Aye **Dwayne Stephens** - Aye **Eula Parker** - Ave Wayne Noha - Aye Michael Brown - Aye Laureen Boles - Ave Elizabeth Epstein - Aye Malik Watkins - Not Present

#### VIII. Old Business

## IX. Regular Business

7. ZONING MAP AMENDMENT | 5501 Montgomery Street | Rezone request from RSF-6 to B-N | File No. 21-001901-ZA

- Staff Report 4.23.pdf

**Mr. Kiakala Ntemo, Urban Planner**, stated the petitioner is requesting to rezone a 7200 square foot lot on Montgomery Street from its current zoning classification of Residential Single Family (RSF-6) to the proposed zoning classification Neighborhood Business (B-N).

The subject property bears the address 5501 Montgomery Street in the City tax records; however, it possesses the physical street address of 221 Birchfield Street. It is located near the corner of Montgomery Street and Birchfield Drive in the Poplar Place/University Place neighborhood, where Montgomery Street bends south of DeRenne Avenue. The subject property is developed with a single-family house that has operated as a hair salon for the past 16 years. The owner learned her property had been rezoned during the process of her leasing space to a barber last year. Prior to the City-wide rezoning in 2019, the subject property was zoned as commercial property under a previous zoning classification, B-H, Highway Business. The property owner also owns the two adjacent properties to the east, near Montgomery Street. These two properties were zoned B-H, prior to the rezoning as well. However, they retained a commercial zoning designation under the City-wide rezoning to the zoning classification B-N, the zoning classification the petitioner is seeking to rezone the subject property. According to the applicant, all three properties were purchased in the same deal. The subject property is in the area where the proposed road expansion for DeRenne Avenue will take place. This property does not appear to be one of the potential properties to be taken for this project.

The subject property is currently functioning as a nonconforming use (barbershop); it is the only business

and nonconforming use on Birchfield Drive. All of the structures on the street are single family residences, with the exception of a two-family house and a two-story office space (abutting property owned by applicant). North of the subject property is an established development pattern of single-family homes. Abutting to the east of the subject property is the B-N zoned property that the applicant also owns. The owner's lot abutting the subject property is developed with a two-story vacant office space, and the lot fronting Montgomery Street is currently vacant. East across Montgomery Street is property zoned B-N, developed with a vacant commercial storefront. Abutting the subject property to the south is a self-storage facility, commercial strip center, and a mobile home park within the B-N zoning district.

Per the City's Comprehensive Plan, the subject property's Future Land Use category is labeled as Residential-Suburban Single Family. This Future Land Use category presumes that the land use of the selected area will consist of single-family residences with medium-low density. The definition for the Residential-Suburban Single Family Future Land Use category in the Comprehensive Plan does not list or give any notice to nonresidential development within the category. As previously mentioned, the subject property was commercially zoned prior to the City-wide rezoning in 2019. It is possible that the subject property was mistaken as a residence at the time the assessment for the Future Land Use Map initially took place around 2010 (Comp Plan update in 2016). The subject property's Future Land Use may have been selected as Residential-Suburban Single Family, and ultimately rezoned to RSF-6, because of its lack of frontage on Montgomery Street. The two adjacent properties, closer to Montgomery Street, are designated as Commercial-Neighborhood on the Future Land Use Map. The Comprehensive Plan defines this category as "nodal and strip business areas that are within predominately residential areas and are developed at a scale and intensity compatible with adjacent residential uses." Although the Future Land Use of the subject property is designated as Residential-Suburban Single Family, it's current land use, and land use for the past 15 years, displays a reality that is more consistent with the definition of the Commercial-Neighborhood Future Land Use category. Currently, the Comprehensive Plan is being updated and the Future Land Use designation of the subject property may be amended.

**Ms. Shammy Magabo**, **petitioner**, stated she is requesting that her property be rezoned back to it's original zoning district, so it will match the rest of the property. When I took out the loan on the property, it was financed as commercial property and I have been using the property as commercial. Since I injured my leg I have not been able to operate the salon, so I was going to lease it out to the barber shop. I did not know that the zoning had changed until I got ready to lease it to the barber shop. When they went to get their business license, they were told that the property is zoned residential not commercial.

## **Public Comments**

**Ms. Tanya Milton, County Commissioner,** asked if the property was zoned commercial when Ms. Magabo purchased it?

Mr. Marcus Loston, Director of Development Services, stated yes, the property was zoned commercial.

#### **Motion**

Deny the request to rezone the property listed as 5501 Montgomery (PIN: 20129 06006) from RSF-6 to B-N but approve the rezoning of the property to BL, Limited Business.

## Vote Results (Approved)

Motion: Joseph Ervin Second: Travis Coles

Joseph Ervin - Aye

W. Lee Smith - Aye

Tom Woiwode - Aye

Travis Coles - Aye

Joseph Welch - Abstain

Karen Jarrett	- Aye
Dwayne Stephens	- Aye
Eula Parker	- Aye
Wayne Noha	- Nay
Michael Brown	- Aye
Laureen Boles	- Aye
Elizabeth Epstein	- Aye
Malik Watkins	- Not Present

## 8. SPECIAL USE PERMIT - 111 & 113 West Anderson Street - 21-001844-ZA

- Aerial Map.pdf
- Application.pdf
- Staff Report 111&113 west anderson.pdf
- Street View 111\_113 West Anderson.pdf

**Mr. Marcus Lotson, Director of Development Services,** stated the petitioner is requesting approval of a Special Use pursuant to Section 3.10 of the Savannah Zoning Ordinance to establish a veterinarian's office (Animal Services, Indoor). The Special Use process includes review by the Planning Commission and the Savannah City Council. Should the use be approved by Council, a permit will be granted by the City of Savannah which will be governed by the permit enforcement criteria outlined in Article 3 of the Savannah Zoning Ordinance.

The subject properties are located at 111 and 113 West Anderson Street, between Barnard Street and Whitaker Street in the Metropolitan Neighborhood. The parcels total .24 acres and are developed with a single-story building and parking lot that was previously a dentist's office. The property is within the TN-1 zoning district. Per Section 8.4.24, the proposed use requires Special Use approval when located in the TN-1 zoning district.

The Special Use provisions of the Savannah Zoning Ordinance are designed to allow the reviewing authorities to consider the establishment of uses in zoning districts, where the use may be appropriate but should not be allowed by right. The review criteria outlined in Section 3.10.8 are the standards for considering a Special Use. In review of the standards, it appears that the subject property and proposed use meet the requirements.

This portion of the Metropolitan District is developed with a mix of uses in a traditional neighborhood setting. While this block is primarily residential, Bull Street lies two blocks to the east with more commercial uses. The Special Use conditions for Animal Services, Indoors, are restrictive in an effort to promote a harmonious neighborhood without detrimental effects to the existing residences and businesses. This location was previously used as a dentist's office, which will be very similar in operation to a veterinarian's office.

**Ms. Barbara Zinn, petitioner**, stated we believe this is a wonderful neighborhood service that is in high demand, since there are so many pets these days. The density keeps going up and there are only about two vets in walking distance to the historic area. The vet's business model is completely neighborhood-oriented and centers on preventative care and holistic treatment. The criteria is met by the nature of her practice. There will be no surgeries, outdoor runs or boarding. The building was a dental office, so it has plenty of parking. She is working on plans for improvements, including landscaping.

#### **No Public Comments**

## Motion

Approve the petitioner's request for a Special Use Permit for Animal Services, Indoor at 111 & 113 West Anderson Street.

## Vote Results (Approved)

Motion: Karen Jarrett Second: Travis Coles

Joseph Ervin - Not Present

W. Lee Smith - Aye Tom Woiwode - Aye **Travis Coles** - Aye Joseph Welch - Abstain Karen Jarrett - Aye **Dwayne Stephens** - Aye Eula Parker - Aye Wayne Noha - Aye Michael Brown - Aye Laureen Boles - Aye Elizabeth Epstein - Aye Malik Watkins - Aye

# 9. REZONING MAP AMENDMENT | 351 Technolgy Circle | Rezone from OI-E to I-L (portion) | File No. 21-000864

- Exhibit A SEDA Property Portion to Rezone.pdf
- Maps Combined.pdf
- @ 13980.01 Access to Rail Site Alternate A 11-17-20.pdf
- Staff Report-00864.pdf

**Mr. Marcus Lotson, Director of Development Services,** stated the petitioner is requesting to rezone a 6.2-acre portion of a 36-acre parcel on the north side of Jimmy Deloach Parkway from the OI-E (Office Institutional - Extended) zoning classification to the I-L (Light-Industrial) zoning classification.

The subject property is north of Jimmy Deloach Parkway, on the southeast quadrant of Technology Circle within the Crossroads Business Center. The Center is governed by a private Declaration of Covenants originally filed in 1995, which includes properties on both sides of Jimmy Deloach Parkway and properties within both the City of Savannah and the City of Port Wentworth. The property is an undeveloped site that includes significant wetlands. The property owner (SEDA) is requesting the zoning change to assist in facilitating access to the adjacent property to the east at 0 Godley Road. The property at Godley Road is seeking rezoning, and the access to the Godley Road property is through an access easement from the SEDA property. This access issue requires that the properties share a zoning classification.

The Comprehensive Plan Future Land Use Map identifies the parcels as Industry - Light. This designation is consistent with the proposed rezoning and the development pattern in the vicinity. The current zoning classification OI-E was based on the development pattern of the Business Center and is an appropriate classification for the balance of the property.

The zoning pattern in the vicinity is primarily industrial. Properties to the south are developed with warehousing, so are properties farther east in the City of Port Wentworth. Properties within the Business Center have less intense land use. The character of the area is a mix of large-scale warehousing and commercial uses.

The proposed rezoning is unusual as it is being requested to provide access to another property for a proposed development. The adjacent property owner is concurrently seeking a rezoning of a parcel to the east and needs the subject property owner to facilitate connectivity because a more intense zoning classification is being requested. The existing easement on the subject property is proposed to be relocated further south, away from Engineering Drive. The exact location of the relocated easement is currently being finalized by the applicant. Because the final location is yet to be determined, the applicant has identified a larger parcel that would be the boundaries of a floating zone in which the easement can be placed. Within the boundaries of the floating zone, the easement can be placed based on the final approval of the location as described in the conditions below.

Staff finds that although the provision of access to the adjacent property is important, managing potential impacts to properties within Crossroads Business Center is a critical part of the proposed rezoning. In addition, existing buffering (mature vegetation) should be maintained to the greatest extent possible when establishing the access point, in order to protect other properties from the effects of more intense use. Because of this, Staff has identified needed conditions related to access, buffers and the zoning adoption process.

One of the conditions attached to the approval is that the final location of the proposed access shall be approved by the Executive Director of the Metropolitan Planning Commission, prior to adoption of a rezoning by the Mayor and Alderman.

**Ms. Karen Jarrett, Board Member**, asked has anyone explored connecting this property to Logistics Way rather than to Technology Circle?

Mr. Jon Pannell, agent for petitioner, stated we have explored all options on how to access this property from other points of entrance. There are significant wetlands on the south end of that parcel. Coming off Logistics Way you would have to cross a large wetland area and to do that would be cost-prohibitive. We also looked at several other entrance points farther towards I-95 and, likewise, there were no good access points and all were cost-prohibitive. Prior to NewZO, all of this property around Technology Circle was zoned Heavy Industrial, which is consistent with the rest of the development around Technology Circle. We were not aware this was rezoned to OI-E until January 2021, when we were working with the adjacent land owner on this access easement. That parcel is under contact to be sold for another use. That sale is contingent on this access and that's why we have this petition before you today. We are in agreement with Staff's recommendation, including the conditions and we think in the next few days to a week we can have a final location for that access point that the Executive Director can approve then submit to City Council.

**Ms. Jarrett, Board Member,** asked what's the feature on the map that looks like a road crossing Technology Circle to Logistics Way?

Mr. Pannell, stated he thinks that's an old timber road. That is not a current road or access point.

#### **Public Comments:**

**Mr. Jim Gerard, agent for Southern Metals,** stated the timber road is actually the boundary line between the Southern Metals property and SEDA's property to the south. We have surveys of this property, as recent as two years ago. We did not reflect in any titles of the property or by survey that a road existed there nor did we find anything in public records that would give anybody the right to use that road.

#### **Motion**

Deny the petitioner's original request and approve an alternative to rezone only the portion of the parcel required to establish an 80-foot-wide access point between the subject parcel at the adjacent parcel at Godley Road from the OI-E (Office Institutional; Extended) classification to the I-L (Light - Industrial) classification with the following conditions: The final dimensions of the portion recommended to be rezoned will be approved by the Executive Director prior to the City Council hearing.

#### Conditions:

Any site development plan submitted for the subject property shall be reviewed and approved by the Planning Commission prior to the issuance of a Site Development Permit.

Vehicular access to the Godley Road property (PINs 20980 03002 and -03004) shall be right turn in from Technology Circle and left turn out onto Technology Circle only. Access to Engineering Drive shall be prohibited.

The existing vegetative buffer along the eastern boundary of the subject property shall be disturbed only to the extent necessary to establish the proposed access, as determined by the Planning Commission.

The final dimensions and location of the proposed access shall be approved by the Executive Director of the Metropolitan Planning Commission prior to adoption of a rezoning by the Mayor and Aldermen.

## Vote Results (Approved)

Motion: Wayne Noha Second: W. Lee Smith

Joseph Ervin - Not Present

W. Lee Smith - Aye Tom Woiwode - Aye **Travis Coles** - Aye Joseph Welch - Abstain Karen Jarrett - Nay **Dwayne Stephens** - Aye **Eula Parker** - Aye Wayne Noha - Aye Michael Brown - Aye Laureen Boles - Nay Elizabeth Epstein - Aye Malik Watkins - Nay

## 10. REZONING MAP AMENDMENT | 0 Godley Road | Rezone from OI-E to I-L | File No. 21-000863

- Maps Combined.pdf
- @ 17-742 Site Plan 4-13-21.pdf
- PictometryExport.pdf
- @ Easement.pdf
- Application.pdf
- Staff Report- 00863.pdf

Mr. Marcus Lotson, Director of Development Services, stated the petitioner is requesting to rezone approximately 22 acres on the north side of Jimmy Deloach Parkway from the OI-E (Office Institutional -

Extended) zoning classification to the I-L (Light-Industrial) zoning classification.

The subject properties are two vacant parcels north of Jimmy Deloach Parkway between Crossroads Parkway and Logistics Way. The Property is bounded on the eastern and western sides by rail lines and does not have access to either Jimmy Deloach Parkway to the south or Interstate-95 to the north. The eastern property line abuts the Port Wentworth municipal boundary. Access to the parcel is from an existing easement with the adjacent property to the west.

The current property owner, Southern Metals Properties LLC, has owned the properties since May 2019. Prior to the adoption of the current zoning ordinance in September 2019, the properties were zoned I-H (Heavy Industrial). As a vacant parcel and considering the development of the property around Technology Circle, the current zoning classification was recommended during the ordinance adoption process and adopted by the Mayor and Aldermen. Southern Metals Properties, LLC is in the process of selling the property to a warehouse operator. To facilitate the sale, they are requesting the I-L zoning classification which allows warehouses. Warehouses are not permitted under the current zoning.

The subject properties exhibit very unusual features, primarily related to access and the adjacent property to the west. The subject property has legal access via a platted easement along Engineering Drive and Technology Circle. Because it is bounded on both sides by rail lines, this is the only potential access to the site. The adjacent property owner is seeking a rezoning of a portion of a parcel to facilitate connectivity to the subject parcel because a more intense zoning classification is being requested. The existing easement is proposed to be relocated further south, away from Engineering Drive, to minimize truck traffic around potentially incompatible uses. The exact location of the future connection is unknown, due to ongoing study of wetlands and discussions with the rail operator regarding the crossing of the active rail line.

The most likely, and most appropriate, use of the subject property is as the applicant has proposed, warehousing / logistics. However, staff finds that mitigating circumstances require that conditions be applied to the requested zoning change. Because the exact location of the crossing will not be determined until City Council acts on the requested rezoning, the Planning Commission should have the opportunity to review the site plan prior to development of the subject parcel. This would also allow the Planning Commission to ensure compliance with Ordinance regulations related to buffers, stormwater and other development issues that are not yet fully vetted by the applicant.

**Mr. Jim Gerard, agent for the petitioner,** stated we did have a wetlands study performed and it shows that the parcels to the north and south of this parcel are wetlands. At the time we purchased the property, we did get an easement extending to our property from Engineering Drive over the parcel that was just discussed in the previous petition. We explored all options and that was the best. We also got an easement to go over the railroad track. When construction was about to get started on the recycling center we discovered that the property had been rezoned to OI-E. We have a buyer that wants to put a warehouse on the property, but that is not permitted in the OI-E. That's why we are asking for the property to be rezoned to I-L.

## **No Public Comments**

#### **Motion**

Approve the petitioner's request to change the zoning at 0 Godley Road (PINs: 20980 03002 & 20989 03004) from the OI-E (Office Institutional; Extended) classification to the I-L (Light - Industrial) classification with the following conditions:

Any site development plan submitted for the subject property shall be reviewed and approved by the Planning Commission prior to the issuance of a Site Development Permit.

Vehicular access to the Godley Road property (PINs 20980 03002 and -03004) shall be right turn in from Technology Circle and left turn out onto Technology Circle only. Access to Engineering Drive shall be

prohibited.

The final dimensions and location of the proposed access shall be approved by the Executive Director of the Metropolitan Planning Commission prior to adoption of a rezoning by the Mayor and Aldermen.

## Vote Results (Approved)

Motion: W. Lee Smith Second: Wayne Noha

Joseph Ervin - Not Present

W. Lee Smith - Aye Tom Woiwode - Aye **Travis Coles** - Ave Joseph Welch - Abstain Karen Jarrett - Aye **Dwayne Stephens** - Aye Eula Parker - Aye Wayne Noha - Aye Michael Brown - Aye Laureen Boles - Aye Elizabeth Epstein - Aye Malik Watkins - Aye

#### X. Presentations

- 11. Cuyler-Brownville Contributing Resources Map Update Add Contributing Buildings: Leah G. Michalak
  - @617 West 31st Street Owner Objection.pdf
  - **© CB Public Outreach Mailer (ORIGINAL).pdf**
  - Cuyler-Brownville Contributing Resources Map 2-8-2021 (ORIGINAL).pdf
  - © Cuyler-Brownville Contributing Resources Map Supplement 2-8-2021 (ORIGINAL).pdf

  - Commercial Buildings Survey Reports and Photos.pdf
  - Institutional Buildings Survey Reports and Photos.pdf
  - Multi-Family Residential Buildings Survey Reports and Photos.pdf
  - Outbuildings Survey Reports and Photos.pdf

**Ms. Leah Michalak, Director of Historic Preservation**, stated that between 2018 and 2021, an in-depth survey of the Cuyler-Brownville neighborhood was performed to identify buildings that were built between 1867and 1937 and that contribute to the historic character of the area. There were 90 new buildings proposed to be added as historic, also known as contributing. She reviewed COA process for Historic and Non-Historic properties. There was one person that stated they did not want their property added as historic. A text amendment will come back at a later date for the MPC Board to vote on to add these identified properties as historic.

#### XI. Other Business

**Recess to Executive Session - motion required** 

#### XII. Executive Session

The Planning Commission may adjourn to Executive Session for the purposes that may include litigation, personnel, or any other matter allowed by the Georgia Open Meetings Act.

#### Motion to recess to Executive Session.

## XIII. Adjournment

## 12. Adjourn

There being no further business to present before the Board, the April 27, 2021 Regular Metropolitan Planning Commission Meeting adjourned at 3:31 p.m.

Respectfully submitted,

Melanie Wilson Executive Director

MW/jh

The Chatham County - Savannah Metropolitan Planning Commission provides meeting minutes which are adopted by the respective Board. Verbatim transcripts of minutes are the responsibility of the interested party.