

Chatham County - Savannah Metropolitan Planning Commission

Arthur Mendonsa Hearing Room December 15, 2020 ~ 1:30 PM Minutes

December 15, 2020 Regular MPC Meeting, 1:30 P.M.

Members Present: Ellis Cook, Chairman

Joseph Welch, Vice-Chairman

Karen Jarrett, Secretary

Michael Brown Travis H. Coles Joseph Ervin Tanya Milton Wayne Noha Linder S. Suthers Tom Woiwode

Members Not Present: Eula Parker, Treasurer

Lee Smith Lacy Manigault

Staff Present: Melanie Wilson, Executive Director

Pamela Everett, Assistant Executive Director Marcus Lotson, Director of Development Services Jordan Holloway, Development Services Planner

Kiakala Ntemo, Contract Planner

Jessica Hagan, Administrative Assistant

Julie Yawn, Systems Analyst

Ryan Jarles, Cultural Resources Planner

Advisory Staff: Michael Kaigler

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: Tanya Milton	
Ellis Cook	- Aye
Joseph Ervin	- Aye
Linder Suthers	- Aye
Tom Woiwode	- Aye
Travis Coles	- Aye
Joseph Welch	- Aye
Tanya Milton	- Aye
Karen Jarrett	- Aye
Wayne Noha	- Aye
Michael Brown	- Aye

IV. Notices, Proclamations and Acknowledgements

Notice(s)

2. December 15, 2020 Finance Committee Meeting, 11:30 A.M., GO-TO- WEBINAR (VIRTUAL) to access go to: www.thempc.org.

Mr. Ellis Cook, Chairman, stated there were some budget recommendations that were approved my the Finance Committee.

3. January 12, 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

- 4. Development Plans Submitted for Review
 - MPC Case Update 12-10-2020.pdf

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

5. ZONING MAP AMENDMENT | 135 Hampstead Avenue | Rezone from RMF-2 -30 to PD (Planned Development)

Motion

The petitioner has requested that this item be postponed to the January 12, 2021 Planning Commission Meeting.

Vote Results (Approved)

Motion: Wayne Noha		
Second: Linder Suthers		
Ellis Cook	- Aye	
Joseph Ervin	- Aye	
Linder Suthers	- Aye	
Tom Woiwode	- Aye	
Travis Coles	- Aye	
Joseph Welch	- Aye	
Tanya Milton	- Aye	
Karen Jarrett	- Aye	
Wayne Noha	- Aye	
Michael Brown	- Aye	

6. ZONING MAP AMENDMENT | 1902 & 1920 Waters Avenue & 1111 E 36th Street | Rezone from TC-1 & TR-3 to PD Planned Development | 20-003664-ZA

Motion

The petitioner has requested that this item be postponed to the January 12, 2021 Planning Commission Meeting.

Vote Results (Approved)

Motion: Wayne Noha Second: Linder Suthers

Ellis Cook - Aye Joseph Ervin - Aye **Linder Suthers** - Aye Tom Woiwode - Aye **Travis Coles** - Aye Joseph Welch - Aye Tanya Milton - Aye Karen Jarrett - Aye Wayne Noha - Aye Michael Brown - Aye

7. REZONING MAP AMENDMENT | 8020 Waters Avenue | Rezone from RSF-10 to O-I | File No. 20-004502

- Maps Combined.pdf
- Street View.pdf

Motion

The petitioner has requested that this item be postponed to the January 12, 2021 Planning Commission Meeting.

Vote Results (Approved)	
Motion: Wayne Noha	
Second: Linder Suthers	
Ellis Cook	- Aye
Joseph Ervin	- Aye
Linder Suthers	- Aye
Tom Woiwode	- Aye
Travis Coles	- Aye
Joseph Welch	- Aye
Tanya Milton	- Aye
Karen Jarrett	- Aye
Wayne Noha	- Aye
Michael Brown	- Aye

8. REZONING PLANNED DEVELOPMENT | Little Neck Road | Rezone from R-A to P-D | File No. 20-005235

	on

The petitioner has requested that this item be postponed to the January 12, 2021 Planning Commission Meeting.

Vote Results (Approved)

Motion: Wayne Noha Second: Linder Suthers

Ellis Cook - Aye Joseph Ervin - Aye **Linder Suthers** - Aye Tom Woiwode - Aye **Travis Coles** - Aye Joseph Welch - Aye Tanya Milton - Aye Karen Jarrett - Aye Wayne Noha - Aye Michael Brown - Aye

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

- 9. Approval of the November 24, 2020 Briefing and Regular Meeting Minutes.
 - @11-24-2020 MPC BRIEFING MINUTES.pdf
 - **∅** 11.24.20 MEETING MINUTES.pdf

The minutes were approved as submitted.

Approve the November 24, 2020 Briefing and Regular Meeting Minutes.

Vote Results (Approved)

Motion: Tanya Milton Second: Joseph Welch

Ellis Cook - Aye Joseph Ervin - Aye **Linder Suthers** - Aye Tom Woiwode - Aye **Travis Coles** - Aye Joseph Welch - Aye Tanya Milton - Aye Karen Jarrett - Aye Wayne Noha - Aye Michael Brown - Aye

VIII. Old Business

10. ZONING MAP AMENDMENT LYNES AVENUE (Multiple Addresses) REZONE FROM I-L TO I-H - 20-005170-ZA

- @ AERIAL MAP 20-005170-ZA.pdf
- VICINITY MAP 20-005170-ZA.pdf
- Attachment 2 (Development Standards of I-L Zoning District).pdf
- List of Uses for I-H.pdf
- List of Uses for I-L.pdf
- Wetland Map.pdf
- Street View Images.pdf
- Lynes Avenue Rezoning Opposition Letter to MPC.pdf
- Staff Report-20-005170-ZA-MAP.pdf
- FW_ [Caution External Email] Opposition to Ly....pdf
- Letter from Mr. Abbott.pdf

Mr. Jordan Holloway, Development Services Planner, stated the petitioner is requesting to rezone the eight (8) subject parcels from the I-L (Light Industrial) Zoning District to the I-H (Heavy Industrial) Zoning

District.

This item was continued at the November 24, 2020 MPC meeting in order to receive feedback from the City Attorney.

The subject properties located along Lynes Avenue are in the I-L Zoning District, currently undeveloped and, according to the National Wetland Inventory, are all considered wetlands. These properties were rezoned during the adoption of NewZO from I-H to I-L. Due to the existing development pattern of the industrial park, the most compatible Zoning District was determined to be Light Industrial. The north end of Lynes Avenue consists of fifteen (15) developed parcels that are industrial in nature. The subject properties are bounded by I-516 and I-16 to the east and south respectively, and bounded by railroad tracks and a lake to the west. The subject properties total approximately 18.22 acres within the Lynes Parkway Center.

"The I-L district is established to provide for a wide range of research and development, light manufacturing and assembly, warehousing, and wholesaling activities as well as some support services. These uses are subject to standards intended to ensure such development is compatible with adjacent and nearby non-industrial areas. Development must be operated in a clean and quiet manner, with most activities occurring indoors, and should not be a nuisance to nearby non-industrial uses."

"The I-H district is established to provide sites for activities which involve large-scale warehousing, processing, manufacturing facilities, major transportation terminals and waste-related facilities that have a greater impact on the surrounding area than industries found in the IL-T and I-L districts. It is the intent of this district to provide an environment for industries that is unencumbered by nearby non-industrial development."

The Petitioner has indicated proposed uses of warehouse, container storage, outdoor storage, and lay down yard. All the previously mentioned uses are permitted in the current I-L Zoning District. It is not clear to staff why the petitioner is requesting a rezoning given this information. Being that the surrounding parcels are all Light Industrial and the Future Land Use Map calls for the area to be Light Industrial, the character of the area should remain strongly linked to Light Industrial uses.

The zoning proposal will not adversely affect the existing use on the subject properties, as they are undeveloped. However, the zoning proposal would adversely affect the existing surrounding parcels that are developed as Light Industrial.

The zoning proposal is not compatible with the present zoning pattern and the conforming uses of nearby property and character of the surrounding area. I-H Zoning District specifically states its intention has a greater impact on surrounding properties. While the Petitioner indicates that the surrounding areas are all zoned I-H, staff is of the opinion that I-16 and the train tracks to the west of the parcels create natural barriers from the I-H Zoning District and, thus, put a defining boundary on the area. East of I-516 is also zoned I-L and rezoning the property to I-H would not be in keeping with the character of the area and nearby uses.

The Comprehensive Plan and Future Land Use Map call for this area to remain Light Industrial. Approving the proposed zoning change to I-H would significantly alter this area and would be in blatant disregard for the Comprehensive Plan and Future Land Use Map.

The subject property has a reasonable use and potential uses as it is currently zoned. All of the uses the petitioner proposed for the I-H Zoning District can be accommodated in the current I-L Zoning District.

The current regulations and intent as laid forth for the I-L Zoning District is to allow a wide range of research and development, light manufacturing, warehousing, and wholesaling activities in a clean and quiet manner as to not be a nuisance to nearby non-industrial uses. The Petitioner has listed proposed land-uses that are already permitted in the I-L Zoning District that are compatible with the intent of the Zoning Ordinance. It is, therefore, incomprehensible to understand the intent of the rezoning application for the I-H Zoning District. The I-H Zoning District is not in keeping with the Comprehensive Plan or the Future Land Use Map and, thus, treating these parcels differently than the surrounding properties would be considered spot zoning.

Staff also must consider the range of all possible uses within the requested Zoning District of I-H. Several uses including "solid waste and industrial landfill facility" and "waste incinerator" are permitted in the I-H Zoning District and would be detrimental to this area and not in keeping with the surrounding character of the area.

Staff received a letter from an attorney's office representing eight (8) neighboring property owners that are in opposition to the rezoning. We also received a letter from the president of the Historic Carver Village Neighborhood Association stating they are also in opposition of the rezoning.

Mr. Bates Lovett, City Attorney, stated we complied with all Georgia laws regarding the rezoning of the property. Mr. Abbott and I have a disagreement about that, so I asked that he come before the MPC Board to seek rezoning of the property if necessary. He is before this Board to seek rezoning and this Board should make a decision based on what they think is best for the property. We will handle any problems associated with the notice and the rezoning of the property from Heavy Industrial to Light Industrial at a later time. That's not a decision or element this Board should be concerned with when it's making a decision.

Mr. Tony Abbott, petitioner, stated all the property owners that are in opposition to the rezoning bought their properties as heavy industrial. This property is buffered by other I-H properties, there are not any residential properties close by.

Mr. Abbott read a letter he submitted for the record.

Ms. Karen Jarrett, Board Member, stated from what she is looking at on the map, the nine acres Mr. Abbott was referring too that was still zoned heavy industrial looks like it is actually zoned light industrial.

Mr. Holloway, stated that is correct.

Mr. Michael Brown, Interim City Manager, Board Member, asked staff why was this property down zoned?

Mr. Marcus Lotson, Director of Development Services, replied that the City and MPC staff took in account the existing development patterns. In this case, it would be my impression at the time this property would have been looked at it was built out as Light Industrial flex warehouse park. The light industrial zoning classification was appended to these properties, as well as others. The undeveloped properties that are under consideration today were part of the I-H zoning that was out here, but were deemed part of this park, so they were given the I-L zoning classification.

Mr. Brown, asked if there was any record of that?

Mr. Lotson, stated no.

Mr. Brown, asked if there is a recombination and the petitioner/owner comes forward given there is I-H across the street, and it abuts undeveloped land. Would that change given that most of the light industrial are fronting on closer to Gwinnett? What would that mean for this petition? Should there be any heavy industrial considered since there is heavy industrial there now?

Mr. Lotson, replied we would not change what we are recommending because the properties we are talking about now we believe this entire area and the area across the interstate are more of an I-L development pattern. The property that is across the track that is heavy industrial is a much larger scale industrial project, which is why the I-H classification stayed with that property. In addition, these properties would still take their access from Lynes Avenue.

Public Comments

Mr. Parker Morgan, attorney for the eight property owners in opposition stated he believes the main reason these property owners are opposed to this rezoning is they all have existing businesses that have been in this industrial park for a number of years. These properties were rezoned to fit the development pattern of this area. The only uses that are not permitted in light industrial that are permitted in heavy industrial are intensive industry manufacturing and processing, solid waste and industrial landfill facility,

class 3, 4, 5 mulch or compost processing facility and waste concentrator. We are asking the Board to uphold the staff recommendation.

Motion

Deny the petitioner's request to change the zoning at multiple parcels on Lynes Avenue from the I-L Zoning District to the I-H Zoning District.

Vote Results (Approved)

Motion: Karen Jarrett Second: Joseph Ervin

Ellis Cook - Aye Joseph Ervin - Aye Linder Suthers - Aye Tom Woiwode - Aye **Travis Coles** - Aye Joseph Welch - Aye Tanya Milton - Aye Karen Jarrett - Aye Wayne Noha - Aye Michael Brown - Aye

11. ZONING MAP AMENDMENT 504 AND 506 E. MONTGOMERY CROSS ROAD - REZONE FROM RSF-6 TO OI-T - 20-004503-ZA

- @ AERIAL MAP 20-004503-ZA.pdf
- **ZONING MAP 20-004503-ZA.pdf**
- VICINITY MAP 20-004503-ZA.pdf
- FLU MAP 20-004503-ZA.pdf
- Street View.pdf
- Staff Report-20-004503-ZA.pdf

Mr. Jordan Holloway, Development Services Planner, stated the petitioner is requesting to rezone .25 acres at 504 E. Montgomery Cross Road and .21 acres at 506 E. Montgomery Cross Road from the RSF-6 (Single Family Residential) zoning classification to a OI -T (Office Institutional - Transition) zoning classification.

The subject properties are residentially zoned parcels located on E. Montgomery Cross Road, just west of Weiner Drive. Both 504 and 506 have existing, single-family residential homes on their respective lots. A recent rezoning request for 24 Weiner Drive (RSF-6 to OI-T) was approved by the MPC at the October 13, 2020 meeting.

The Skyland Terrace subdivision was developed as a single family detached residential subdivision, where parcels are generally between 7,000 and 9,000 square feet in size. Nonresidential uses in the area include two contractor offices, adjacent to the west of 504 E Montgomery Cross Road, which were rezoned to B-N during the Zoning Ordinance update. Also, professional offices, commercial service, and a childcare center are present in the area.

The development pattern in the vicinity of the subject property is similar to other southside Savannah neighborhoods that abut arterial streets. It includes, in this case, a single-family neighborhood that is

accessed via an arterial roadway. While many of the nearby uses are nonresidential because of the proximity to Montgomery Crossroads, the Skyland Terrace subdivision has stable housing stock and is largely protected from the impacts of commercial uses. In addition, due to the road network, the neighborhood suffers from little cut through traffic and trips not related to the residences within the subdivision.

The Comprehensive Plan Future Land Use Map designates the subject property as Commercial Neighborhood. The proposed district is consistent with this classification. Adjacent properties on the north side of E. Montgomery Cross Road were also given this designation. Likely, in consideration of the fact these homes abutted an arterial street and properties would eventually be combined to create parcels of adequate size for nonresidential use.

The subject properties are accessed from existing driveways that abut E. Montgomery Cross Road. E. Montgomery Cross Road is classified as an arterial roadway. It was widened over 30 years ago to a four-lane divided roadway with an approximate right-of-way width of 90 feet.

Based on observation, there does not appear to be a shortage of opportunities to develop small scale nonresidential space within the City of Savannah. However, the circumstance along Montgomery Cross Road as it relates to development pressure is unique. Staff will be undertaking a corridor study for the Montgomery Cross Road area to further define this area and set development goals and performance standards.

Per the Zoning Ordinance, the proposed zoning district is created to:

"facilitate the orderly transition of properties originally developed for residential use to limited nonresidential uses. These properties are located in areas where increased automobile traffic, road widening or other factors have diminished residential viability, resulting in the need for a transitional area to buffer surrounding residential properties."

The preceding definition fits the scenario for the subject property. Staff finds that a rezoning to OI-T would not likely lead to negative impacts on the existing single-family residential neighborhood due to the limited range of uses permitted in the district.

Ms. Karen Jarrett, Board Member, asked if it was possible to do a Development Site Plan approval process for rezoning?

Mr. Marcus Lotson, Director of Development Services, stated I think what you are referring to is what we used to call 83031 under the former Ordinance, where a site plan can be attached to a rezoning. We have replaced that with a Planned Development criteria under the current Ordinance.

Mr. Michael Brown, Interim City Manager, wants to have a Planned Development Criteria attached to the rezoning.

Mr. Lotson, stated he believes the petitioner would need to withdraw this application and resubmit a proposed Planned Development.

Mr. Brown, stated the new Ordinance allows a threshold size for a Planned Unit Development, and he believes we should take advantage of it. You can go ahead and deal with buffers, traffic, access, the visual appearance, landscaping, the way the trash will be handled. All of those things can be determined ahead of time and put into the site plan that's part of the zoning.

Mr. Lotson, stated that two other options for the Board to consider would be to address any site issues by requiring the site plan to come back to the Planning Commission or request the applicant to withdraw this application and refile under the Planned Development provisions.

Mr. Lotson, stated we could look at what the options would be in terms of establishing buffer criteria and things of that nature for circumstances like this one. Under any redevelopment, the current site standards will be applicable. We can consider additional requirements that are not part of the current Ordinance for these types of circumstances.

Mr. Brown, stated he thinks there should be something in the site plan that states the allowable uses in an OI-T.

Ms. Melanie Wilson, Executive Director of MPC, suggested to do a Text amendment to add more development and site plan criteria that is submitted at the time of rezoning.

Mr. Brown, stated that was a good idea.

Mr. Ed Garvin, petitioner, stated he would like to continue this petition until the January 12, 2021 MPC meeting.

No Public Comments

Motion

Continue to the January 12, 2021 MPC meeting in order for staff to work with the petitioner regarding site plan criteria

Vote Results (Approved)

Motion: Karen Jarrett Second: Joseph Welch

Ellis Cook - Aye Joseph Ervin - Aye **Linder Suthers** - Aye Tom Woiwode - Aye **Travis Coles** - Aye Joseph Welch - Aye Tanya Milton - Aye Karen Jarrett - Aye Wayne Noha - Aye Michael Brown - Aye

IX. Regular Business

12. SPECIAL USE APPROVAL REQUEST | 122 East 37th Street | Restaurant w/ Alcohol Sales | File No. 20-005549

- Application.pdf
- Maps.pdf
- ## 122 E 37th Street Photo.pdf
- Staff Report 5549.pdf

Mr. Marcus Loston, 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 restaurant with alcohol sales. The Special Use process includes review by the Planning Commission and the Savannah City Council. Should the uses 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 property is located at 122 East 37th Street, on the northwest corner of the intersection of East 37th Street and Abercorn Street. The parcel is developed with a 3,800 square foot building constructed in 1890 as a residence. It has operated previously as a gallery and antique store, and has recently

undergone renovation. The property is within the TC-1 zoning district. Per Section 8.7.24 (b) (ii), the proposed use requires Special Use approval when located in the TC-1 zoning district.

The General Provisions for Special Use identify the purpose of the process and are as follows:

- -Special uses within each zoning district are uses that would not be appropriate generally or without restriction but which, if controlled as to number, area, location or relation to other uses may be appropriate in a particular zoning district.
- -A <u>special use</u> permit shall be required for all special uses (identified with an "S" designation) as set forth in the permitted <u>use</u> table in <u>Sec. 5.4, Principal Use Table</u> or as part of a use condition in <u>Article 8.0, Use Standards</u>.
- -Specific use standards may be applicable to the approved special use.
- -Any use or activity on the property not specifically permitted by <u>Article 5.0</u>, <u>Base Zoning Districts</u>, or the special use permit as modified, shall be deemed unlawful and subject to <u>Article 12.0</u>.?????

The subject property is in a TC-1 (Traditional Commercial) zoning classification, as well as a Traditional Commercial Land Use designation in the Comprehensive Plan. The requested use is consistent with this designation at this location, on an arterial roadway within a mixed-use neighborhood.

Per Section 8.4.32, the proposed use shall be located on a collector or arterial roadway. It meets that requirement.

As to whether the proposed special use could be a detriment to the public interest based on the identified criteria, it is unlikely to cause a detriment to the neighborhood.

The building underwent renovation to accommodate the proposed use. It appears to be adequate to serve the proposed use.

There will be no loss, destruction, or damage to any item of historic importance. The renovation of this historic property met the requirements of the Historic Preservation Ordinance.

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 Streetcar District is developed with a mix of uses. These include retail, restaurants, residential and institutional. The existing building has operated in a nonresidential capacity for many years without creating negative impacts. A similar facility exists on the south side of East 37th Street and is an example of what is being proposed by the applicant.

Mr. Patrick Connell, petitioner, stated the type of establishment will be a food-forward family style that serves alcohol. This restaurant will be very similar to its sister restaurant Farm in Bluffton, South Carolina. Mr. Williams, my client, contacted the neighbors when this project started about 2 years ago and they are fully aware of what was going into this space. But, based on the concerns expressed in the pre-meeting, I have asked Mr. Williams to reach back out to Mr. Steve Dantin who runs The Whitefield Center next door and he expressed no concerns. He also offered to let Mr. Williams use their parking lot on the corner of 37th Street and Drayton Street. The Whitefield Center is not a church.

No Public Comments

Motion

Approve the Special Use request for a restaurant with alcohol sales.

Vote Results (Approved)

Motion: Travis Coles	
Second: Joseph Ervin	
Ellis Cook	- Aye
Joseph Ervin	- Aye
Linder Suthers	- Aye
Tom Woiwode	- Aye
Travis Coles	- Aye
Joseph Welch	- Aye
Tanya Milton	- Aye
Karen Jarrett	- Aye
Wayne Noha	- Aye
Michael Brown	- Aye

X. Presentations

XI. Other Business

13. Presentation of the 2021 HP Department Calendar - Ryan Jarles, Cultural Resources Planner

Ø 2021 Historic Preservation Calendar 12142020.pdf

Mr. Ryan Jarles, Cultural Resources Planner, presented the 2021 Historic Preservation Department calendar.

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

14. Adjourn

There being no further business to present before the Board, the December 15, 2020 Regular Metropolitan Planning Commission Meeting adjourned at 3:35 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.