



## Chatham County - Savannah Metropolitan Planning Commission

Arthur Mendonsa Hearing Room  
February 8, 2022 ~ 1:30 PM  
Minutes

### FEBRUARY 8, 2022 REGULAR MPC MEETING, 1:30 P.M.

**Members Present:** Joseph Welch, Chairman  
Karen Jarrett, Vice-Chair  
Travis H. Coles, Secretary  
Laureen Boles  
Elizabeth Epstein  
Joseph Ervin  
Jay Melder  
Wayne Noha  
Jeff Notrica  
Lee Smith  
Dwayne Stephens  
Tom Woiwode

**Members Absent:** Malik Watkins

**Staff Present:** Melanie Wilson, Executive Director  
Marcus Lotson, Director of Development Services  
Melissa Paul-Leto, Planner  
Nirav Gandhi, Planner  
Sally Helm, 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](#)

##### **Motion**

Approval of Agenda

##### **Vote Results ( Approved )**

Motion: Wayne Noha

Second: Travis Coles

|              |       |
|--------------|-------|
| Joseph Ervin | - Aye |
| W. Lee Smith | - Aye |
| Tom Woiwode  | - Aye |
| Travis Coles | - Aye |

|                   |               |
|-------------------|---------------|
| Joseph Welch      | - Aye         |
| Karen Jarrett     | - Aye         |
| Dwayne Stephens   | - Aye         |
| Wayne Noha        | - Aye         |
| Jeff Notrica      | - Aye         |
| Laureen Boles     | - Aye         |
| Elizabeth Epstein | - Aye         |
| Malik Watkins     | - Not Present |
| Jay Melder        | - Aye         |

**IV. Notices, Proclamations and Acknowledgements**

[2. March 22, 2022 Regular MPC Meeting, 1:30 P.M., Planning Commission, GO-TO- WEBINAR \(VIRTUAL\) to access go to: www.thempc.org or Arthur Mendonsa Hearing Room, 112 East State Street.](#)

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

[3. SPECIAL USE APPROVAL REQUEST | 2110 West Gwinett Street | File no. 21-006747-ZA](#)

**Motion**

Item Postponed to the next regularly scheduled Planning Commission Meeting, Tuesday, March 1, 2022.

**Vote Results ( Approved )**

Motion: Wayne Noha

Second: Travis Coles

|                   |               |
|-------------------|---------------|
| Joseph Ervin      | - Aye         |
| W. Lee Smith      | - Aye         |
| Tom Woiwode       | - Aye         |
| Travis Coles      | - Aye         |
| Joseph Welch      | - Aye         |
| Karen Jarrett     | - Aye         |
| Dwayne Stephens   | - Aye         |
| Wayne Noha        | - Aye         |
| Jeff Notrica      | - Aye         |
| Laureen Boles     | - Aye         |
| Elizabeth Epstein | - Aye         |
| Malik Watkins     | - Not Present |
| Jay Melder        | - 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

### 4. Approval of the January 18, 2022 Briefing and Regular Meeting Minutes.

📎 [01.18.2022 Meeting Minutes.pdf](#)

📎 [1-18-2022 MPC BRIEFING MINUTES.pdf](#)

#### **Motion**

Approval of the Briefing and Regular Meeting Minutes.

#### **Vote Results ( Approved )**

Motion: Wayne Noha

Second: Travis Coles

|                   |               |
|-------------------|---------------|
| Joseph Ervin      | - Aye         |
| W. Lee Smith      | - Aye         |
| Tom Woiwode       | - Aye         |
| Travis Coles      | - Aye         |
| Joseph Welch      | - Aye         |
| Karen Jarrett     | - Aye         |
| Dwayne Stephens   | - Aye         |
| Wayne Noha        | - Aye         |
| Jeff Notrica      | - Aye         |
| Laureen Boles     | - Aye         |
| Elizabeth Epstein | - Aye         |
| Malik Watkins     | - Not Present |
| Jay Melder        | - Aye         |

## VIII. Old Business

## IX. Regular Business

### 5. REZONING REQUEST | 5659 Ogeechee Rd | File No. Z-1221-000211

📎 [ZONING MAP Z-1221-000211.pdf](#)

📎 [AERIAL MAP Z-1221-000211.pdf](#)

📎 [TAX MAP Z-1221-000211.pdf](#)

📎 [VICINITY MAP Z-1221-000211.pdf](#)

📎 [Pics.pdf](#)

📎 [Staff Report Z-1221-000211 5659 Ogeechee Rd Final.pdf](#)

**Mr. Nirav Gandhi, Planner**, stated the petitioner is requesting to rezone three properties at 5659 Ogeechee Rd from A-T (Agricultural Tourist) and R-A (Residential Agriculture) to B (Business) for use as a truck terminal.

The property has previously been used as a used car sales lot. There is a small, paved parking lot on it as well as an office building and a large metal building. There is one access point, which leads directly

into the small parking lot.

The intended use of the property is to use the area in the back to create a gravel lot to allow trucks come to enter. Noted, there is an existing traffic issue in the corridor on Ogeechee Rd. There is a median with two narrow lanes. There are concerns with an 18 wheeler coming in and out of the property. The tight turn would cause the trucks to block the road. Other uses for B zoning, this property could potentially be used for, a restaurant, gas station, motel, auto service stations, and retail.

Staff is recommending denial for this rezoning request. The traffic issues, small access point in/out of the property and the effects that other uses in the B zoning could have even greater impact.

**Rashmikant Patel, Petitioner**, stated he is unprepared to speak regarding the request for denial. He will speak to his attorney for advice regarding what to do.

**Mr. Travis Coles, Board member**, asked the petitioner if he understands the request is to make a decision, today, on the rezoning. If he has not spoken to his attorney, would he like to have the time to speak to his attorney and postpone this item until the next meeting?

**Mr. Patel** said yes, he would like to have an opportunity to speak to his attorney.

**Motion**

Item postponed to the next regular scheduled Planning Commission Meeting March 1, 2022.

**Vote Results ( Approved )**

Motion: Karen Jarrett

Second: Travis Coles

|                   |               |
|-------------------|---------------|
| Joseph Ervin      | - Aye         |
| W. Lee Smith      | - Aye         |
| Tom Woiwode       | - Aye         |
| Travis Coles      | - Aye         |
| Joseph Welch      | - Aye         |
| Karen Jarrett     | - Aye         |
| Dwayne Stephens   | - Aye         |
| Wayne Noha        | - Aye         |
| Jeff Notrica      | - Aye         |
| Laureen Boles     | - Aye         |
| Elizabeth Epstein | - Aye         |
| Malik Watkins     | - Not Present |
| Jay Melder        | - Aye         |

[6. REZONING MAP AMENDMENT | Sweetwater Station and Clubhouse Drive | Rezone from R-A to RSF-5 | 21-003991-ZA](#)

📎 [RSF-5 Exhibit.pdf](#)

📎 [Maps Combined.pdf](#)

📎 [Abercorn at Sweetwater Station Intersection Review July 13 2021.pdf](#)

📎 [Previous Proposal.pdf](#)

📎 [Staff Report 3991.pdf](#)

**Mr. Marcus Lotson, Director of Development Services**, stated the petitioner is requesting to rezone the subject property from R-A / CO to RSF-5 (Single family residential – 5,000 square foot minimum lot size). In September 2021, the applicant requested to rezone the subject property to RSF-4 (4,000 square foot minimum lot size) which would have allowed smaller lots than any that exists within the subdivision. Staff recommended denial and the petition was withdrawn.

The property is a part of the Sweetwater Station subdivision, a single family detached residential subdivision. The Sweetwater Station Subdivision is being built out in phases consistent with a Master Plan originally approved in 2005. The majority of the master planned area is zoned RSF-6, and two smaller portions are zoned RSF-5. As these lots were existing at the point the current zoning ordinance was adopted, these districts were applied to accommodate the lots and ensure that they are conforming.

The subject property is within a single-family neighborhood with a homogenous development pattern. The pattern would be continued on the subject property with the development standards of the RSF-5 zoning classification. Should the RSF-5 classification be established here, the development standards allowed by that class would allow compatible development. The proposed district is appropriate at this location.

**Mr. Neil McKenzie, Petitioner**, stated this parcel was annexed earlier this year from the County. We originally asked for RSF-4, we worked with staff and pulled back the application, and resubmitted with RSF-5. This is in line with the current Master Plan. In October, we had the Western portion of the Master Plan rezoned to RSF-5. Those plans are currently approved and ready to start construction.

This parcel was land locked. There is no other entrance other than through Sweetwater. It is bounded on the South by rail, then lots on all sides that butt up to the boundary. Currently the access would be from planned roads inside of Sweetwater.

**Mr. Wayne Noha, Board member**, asked if the petitioner has met with the current neighborhood association and if so, what was the input?

**Mr. McKenzie** said they have met and there is a planned meeting tomorrow night as well.

**Mr. Brian Wardlaw, Sweetwater Developers**, stated there was a meeting with the HOA when this was previously planned for the RSF-4. The community did not express any concerns with the 40ft lots. Upon the staff recommendations for RSF-4, we worked with the staff to bring down the lot sizes to RSF-5.

## PUBLIC COMMENTS

**Mr. Bill McMillan, member of the public**, stated he is concerned with the traffic. He lives at 1 Club House Dr., that is the corner of Club House and Sweetwater Station. They did a traffic study, before the proposed plans, and there are approximately 1500 trips a day. That is another 2.7 trips through this intersection every minute for the rush hour. The traffic is heavy now at this time. Is there anything that governs stop sign intersections in housing developments?

**Mr. Lotson** said the applicants did complete a traffic study. The findings were specific primarily to the intersection of the entrance road to the Sweetwater subdivision and Highway 204, which is a signalized intersection. As to internal stop signs, these are public roads internally. This would be something for the City's Traffic Engineering Dept. to address.

### Motion

Approval of the request to rezone the subject property from R-A / CO to RSF-5.

### Vote Results ( Approved )

Motion: Jay Melder

Second: Travis Coles

Joseph Ervin - Aye

W. Lee Smith - Aye

|                   |               |
|-------------------|---------------|
| Tom Woiwode       | - Aye         |
| Travis Coles      | - Aye         |
| Joseph Welch      | - Aye         |
| Karen Jarrett     | - Aye         |
| Dwayne Stephens   | - Aye         |
| Wayne Noha        | - Aye         |
| Jeff Notrica      | - Aye         |
| Laureen Boles     | - Aye         |
| Elizabeth Epstein | - Aye         |
| Malik Watkins     | - Not Present |
| Jay Melder        | - Aye         |

[7. AMENDED GENERAL DEVELOPMENT PLAN | 2113, 2115 & 2201 Bull Street | 21-006844-PLAN](#)

- [☞ Starland Village Approved GDP 2018.pdf](#)
- [☞ Previous Elevation.pdf](#)
- [☞ Proposed Elevation.pdf](#)
- [☞ 27044.0000 - GDP 12.2021.pdf](#)
- [☞ Design Narrative.pdf](#)
- [☞ Project Birds Eye.pdf](#)
- [☞ Project Street Level.pdf](#)
- [☞ Overall Site.pdf](#)
- [☞ Staff Report -6844.pdf](#)
- [☞ Statement to the Metropolitan Planning Commission.pdf](#)
- [☞ 2201 Bull St\\_21-005440-ZCL\\_REVISED.pdf](#)

**Mr. Marcus Lotson, Director of Development Services**, stated the petitioner is requesting approval of an Amended General Development Plan in order to revise a previously approved plan (file no. 18-002948-ZA) for properties at 2201, 2113 and 2115 Bull Street, a project known as Starland Village.

This item was presented to the Planning Commission and eventually a General Development Plan was approved by this body. An amendment to the text of the Zoning Ordinance was also approved by the City of Savannah and Mayor and Alderman in conjunction with this project. The proposal that is before you today is a proposal to amend the General Development Plan that was previously approved. This was initially submitted in 2018.

The development site includes five parcels bounded generally by Bull Street, Whitaker Street, south of East 37th and West 39th Street. The overall site includes the former Epworth Church and educational building on Bull Street between West 38th Street and West 39th Street and an existing surface parking lot at the intersection of Whitaker Street and West 38th Street. In addition, parcels north of West 38th Street between Bull Street and DeSoto Avenue, formerly owned by the City of Savannah are within the project boundaries.

Prior to filing this application, the applicant, in October of 2021, requested an updated zoning confirmation letter from the City of Savannah's Planning and Urban Design Department. Some of the things outlined in the letter was information about the Site Permit, which was issued on January 15, 2021 for the site plan before you as well as the infrastructure, not for vertical construction. It was also determined in the letter that the review process would include, this development, having been under the previous ordinance when it was originally approved, will continue to be reviewed under that ordinance. That goes into the text amendment mentioned earlier. At the time of this approval, there was an amendment to Article K of the former zoning ordinance specific to this development. There were a number of pieces of language in that amendment including the

former Epworth Church. At that particular parcel, the principal uses permitted in the CIV district, under the old ordinance would apply with a few exceptions, all TC-1 zoning district principal uses, ground and upper floor uses are permitted in addition with the CIV principal uses. The uses permitted in both districts would be permitted on that property. The street and rear yard setbacks may be consistent with the street and rear yard setbacks established for the existing building and the side yard setback be a minimum of 5 feet.

The proposed General Development Plan is not materially different in content from the approved General Development Plan. The primary differences are the proposed uses and the demolition of the former education building and replacing it with this proposed South building, which is multi family, and the removal of what was going to be structured parking adjacent to the corner of Whitaker Street and 38th Street. That is now proposed to be a surface lot. The proposed elevation shows now a separation between the new multi family building, the demolition of the existing educational building, keeping the former church, and the proposed multi family building at the North structure.

The number of disturbed acreage does not change. The number of proposed buildings is decreased by one. The project square feet is reduced slightly by approximately 4000 square feet. The building footprint is decreased, primarily due to the redesign of the multi family building and the elimination of the structured parking on Whitaker and 38th Street. Street frontage remains the same. The number of dwelling units increase by 25. The height of the proposed buildings remains the same and the total parking is different in total number, but still meets the required number allowed.

The amended plan would also eliminate the restaurant and retail uses and add 25 dwelling units. Based on the plan provided, and in consideration of the entire review process, the applicant appears to have exhibited that the standards can be met in conjunction with Specific Development Plan review. The property has received a Certificate of Appropriateness from the City of Savannah, and any amendments to the COA will have to be approved to allow changes to the current design. Under the previous ordinance, new construction, even something at this significant scale, would not have been reviewed by a board or within a public realm. It would have been reviewed by staff and approved by the City Manager. That was the case with the previous COA. MPC's understanding is that process will remain and any amendments to a COA will be done by staff and approved by the City Manager.

Based on information provided to date, staff recommends that the amended General Development Plan be accepted based on findings above and that the proposed changes do not impair the intent of the previous approval.

**Mr. Michael Roche, Civil Engineer, Thomas & Hutton**, stated the project (the general development plan) was first brought before this Board and approved back in 2018. Since then the project has been changed, it has seen changes in market conditions, and had feedback from the neighborhood. We have tried to reduce the overall scope of the project. Overall, we feel the General Development Plan provides minimal changes to what was previously approved. We feel the GDP stays consistent with the previous one and meets all requirements of the project. We are excited to see this project move forward. We are not requesting any variance, or special exceptions on this project. We ask for approval of the GDP.

**Ms. Karen Jarrett, Board member**, said you increased the square footage of the fifth story, even though the fifth story was very controversial to begin with. You have taken out one of the buildings and increased the square footage of the fifth story. You took away the garage spaces, the area that was going to be the art area.

**Mr. Mike Nixon, Architect**, said he did not know what was approved last time for the art area. We are planning on providing art displays in areas on the building itself. As far as the fifth story, I do not know what the fifth story was previously. The new design sits back on the fifth floor, creating much more reduced scale than the massive building that was there before.

**Mr. Travis Stringer, Property Owner and Petitioner**, stated the parking garage was 32-33 feet that had jewel boxes along it. We have removed that entire building, that was a big concern of the neighborhood. There were 98 parking spaces coming out of that entry and exit. The fifth story scale, the way this building is shaped, we are not producing a major increase in that fifth story square footage. The interior middle section is set back approximately 40 feet from Bull Street. It breaks up and appears as two separate buildings visually from the street. We looked at the North building setbacks and built the same ones into this building, due to the recommendations of this Committee as well as the public, so we can bring the mass of that building down.

**Ms. Jarrett** said, you are eliminating the event space and you have also eliminated all of the garage areas below the residential for artists to rent and use as studios, correct? You are adding 25 apartments correct?

**Mr. Stringer** said yes. What we are looking to do is a part of the church building, add some of those components there. We are adding 25 apartments and as a part of that, we removed approximately 37,000 square feet of office space that was previously part of the project.

**Mr. Jay Melder, City Manager**, asked the petitioner, because of the significant changes in the request you are making to amend the COA with the City, it would be appropriate for the petitioner to go back to the community to listen to their concerns and make a presentation. Will you be willing to do that before this gets to the City Manager's office for approval, if it moves past MPC?

**Mr. Stringer** said yes, that is something we obviously did multiple times before. We have already met with the neighborhood board. By their direction, we made multiple posts on the facebook neighborhood chat, which has approximately 1000 people. We have answered questions on there. We are still working on visual renderings. We are open to have another meeting with the neighborhood and taking in their comments.

**Mr. Dwayne Stephens, Board member**, stated this may be appropriate to allow the neighborhood meeting to happen before we make a determination on this petition. If the community comes back with major concerns and we have already given a green light on this, it could be problematic.

**Mr. Joseph Welch, Chairman**, said he agrees and would like to ask for this item to be tabled.

**Mr. Robert McCorkle, Attorney for petitioner**, said he has been working on this project from the beginning. As far as public input is concerned, from the very beginning of this process, back from 2017, we have had numerous public meetings. We have sent copies of everything we are doing to the community in advance of what we are doing. My client has agreed to do the same. For this purpose today, I know there is discussion about height, mass, uses, and what uses are being taken away. None of that, neither height nor mass nor uses are the subject of what we are here for today. What we are here for today is an amendment to the General Development Plan which is a singular piece of paper. That singular piece of paper shows where our buildings are on the site and what the layout is. The height, the setbacks, the building coverage, all of those things are in a site specific zoning that applies this piece of property. Everything that is on this General Development Plan meets all of the standards that are applicable to this site. The COA does have materials, design, the look of the building, are going to be done in a way so that they match essentially the other building that already has a COA. We are committed as you heard my client say, to having a public meeting to make sure everyone has a chance to look at the buildings and what they are going to look like before we move forward with the COA through the City Manager's office. Today, as far as tabling or having a public hearings, this GDP was put out on facebook, it was put out on the MPC's process, neighbors were notified; in addition, we sent copies of the materials and anything that was requested from the neighborhood association, to the neighborhood association in advance of this meeting. All of those things have already happened. All we are talking about today is an amendment to a General Development Plan, we are not talking about elevations or design or materials. We are having a vote today only on this GDP with the understanding we are going to have to move forward on those other items in the fashion we agreed to.

**Mr. Welch** said he agrees with that.

### Public Comments

**Mr. Jonathan Morgan**, said he has residential property at 38th Street and Whitaker Street. This is right across the parking lot that was originally planned to be a multi story parking garage. He has been a part of this process the whole way, through the silly lawsuits back and forth. This project, at this point, I am in favor of. The reason being, the group has made the considerations for the neighborhood, they got rid of the parking garage, which did not fit. As a neighbor, I am in favor. Of course, this will make things very different. It will affect parking and other things but we have bigger problems in the neighborhood as far as traffic running through at high speed and other things. Before, I was very much opposed to it, but now I think they have made the considerations. I feel positive about it and I hope it goes through. If not, I'm afraid of what could go there if another person came along years later after the buildings have fallen into more disrepair.

**Ms. Melissa Memory**, said she owns and resides at the property on 204 East 40th Street. I have a lot of concerns about this project, as well as the process that got us to this point. First, as incorrectly stated in the staff report, there was not the required notice of this meeting posted on the building. The only posting on the site was for a COA for a mural that was from a previous petition, but no notice of this meeting. There was no mention that the previous COA, signed by former City Manager, Roberto Hernandez, was only for alterations and additions, not demolition. It stated on the COA that the decision was only valid until October 5, 2019. If the COA is active as stated by the petitioner, it has not been posted, as required, by conditions stated in the permit. I further disagree with the staffs report conclusion, that there are no material changes in the content of



the previous approved General Development Plan. I have enclosed a map which shows that the former Epworth Church building, including the 1949 and 1960 additions, is listed as a contributing building by the MPC. The Secretary of Interior Standard states, "changes to a property that have acquired significance in their own right, will be retained and preserved". Usually such additions are considered contributing over 50 years old, by MPC Preservation staff. Since it is over 50 years old, and shows the development of the Epworth Church, when and how was it determined not to be contributing since it is listed as contributing? By whom, and if it is not contributing, why is it still showing as such on the MPC map? Why was the very capable MPC Historic Preservation staff included in the review as usually happens?

An excerpt from Mr. Stringer's original outreach to the community; "Again, we are so excited to see this unique project come to life and are dedicated to incorporating inspirational and community oriented values into the heart of what we are trying to build. Including Arts, home for creative artist and diverse cultural events, entrepreneurial spirit, resources for free lancers and small businesses, collaboration, thriving and affordable co-working environments, networking, social and business networking hub, community leader, and strong community partnerships". He also said there would be shaded and plant line roof top, free Wifi and daily community access from 9-5. A commitment was made, that while the building was no longer a church, it will serve as a prominent role in the community. The original submittal had design teams that had experience in rehabilitating historic structures and new construction that is sympathetic to the Savannah Historic Districts. As of last week, Mr. Stringer told the neighborhood that elevations and renderings had not been completed and the use of the building was not yet determined. Mr. Stringer articulated that he has brought in a new development partner. They appear to have no experience in historic rehabilitation projects or designing buildings that are of the quality or design standards that we normally expect in Savannah's historic neighborhoods.

**Mr. Travis Coles, Board member**, asked about the contributing building being on the contributing structure map.

**Mr. Lotson** said, the addition to the church building is on the same parcel as the church. On the current map, the contributing buildings are identified by parcel. Because those structures are on the same parcel, it is identified, but only the church is contributing.

**Ms. Leah Michalak, Director of Historic Preservation**, said that is correct. Usually the whole footprint of a building will either show as contributing or non contributing. If something comes up, we determine which portions are historic and which are not. Early in this process, the last time we evaluated it, we found it was built in 1949, which is outside the period of significance. Under the old ordinance, it has to be considered non contributing.

**Mr. Jarrett** asked if had any historic significance in 1949.

**Ms. Michalak** said it was not evaluated for such because it was outside the period of significance. Which again, under the old ordinance, we do not have the ability to evaluate it. (unlike the new ordinance with the exceptional importance clause)

## **PUBLIC COMMENTS**

**Ms. Rebecca Fenwick** said new construction in local historic districts are reviewed by local Historic Preservation Commissions. This project is in a local Historic District. No matter what the law was then vs now, this is what local historic designation is for. A review of this projects re-design by the Savannah HPC, is the right thing to do. I ask that you please require that this project go back through HPC review to ensure that the design is visibly compatible with the local Historic District.

**Mr. Ryan Arvay** said it is disappointing to learn that this project is going to be evaluated, henceforth, under the old ordinance. I do believe that it should be re-evaluated under the existing ordinance, which would include review by the HPC. This project deserves to go through the COA process, not just with staff, but through a public input process, whereby, organizations like HSF and others would have opportunities to comment on the architecture. There is an opportunity still to do that if you see fit.

**Mr. Steve Argue** said the building is too tall. It is almost 60ft tall. With the massing that has been shown, we will loose all the live oaks. When you walk down Bull Street, that will change the neighborhood's character for the worse.

**Ms. Michelle Stevens** said she was on the Thomas Square Neighborhood Association when this first started. If something was approved back in 2018, how long will you grandfather things in? We have had NewZo and

things have changed. The whole idea of what the community was going to be, the Plaza, the green space on the roof, those are things I liked and that are not here any more. This was going to be a performance venue, co-working space, and community center. Now, it is residential that will probably be sold to SCAD in a couple of years.

**Ms. Jarrett** said she is concerned that the project has been changed considerably and the public has not had an opportunity to weigh in on the changes. There needs to be more public involvement.

**Mr. Dwayne Stephens, Board member**, said he agrees with Ms. Jarrett.

**Mr. Jay Melder, City Manager**, said he agrees there needs to be more public engagement on the changes. I do not feel this project was grandfathered in, it is actively permitted under the old ordinance. I question this Board's ability to change that process if that is something that is being sought. I understand the sentiments of Historic Preservation review and a COA. I want to make sure we are doing this under the ordinance, right now the ordinance states that this property can continue to move forward because it has an active permit. The City will review an amended COA. The petitioner has agreed to a public process for the changes, and City staff will review those amended changes and work with the community and developer to sign off on something that is suitable. We all applaud NewZo and the Historic Preservation Commission.

**Mr. Robert McCorkle**, stated he agrees with the City Manager's sentiments. He is ultimately getting an idea of invested rights. The reason the COA continues, the reason all these things continue is because we do have active permitting on the site, including a site demolition permit that would have included tearing down the building. There have been changes that have occurred over the process from when this was originally done. At the end of the day, what we are here to talk about today, there is no plan we could present before you today, that would not have some public comment and some people who do not like our project. Some of the same individuals that are making comments today, also sued us, as well as some on the Board, as were members of the City Council, including the City Manager, and the County. We went through the process. That lawsuit was thrown out for being completely invalid and was dismissed. In addition to that, the people that brought the lawsuit, were forced to pay, my and my clients, attorney fees.

Everything being proposed is codified in the Zoning Ordinance on a site specific zoning for this site. They can't be changed by this General Development Plan. They can't be changed by the people that are sitting on the MPC commission, unless there is a rezoning of the site which is not what we are here for today. We are also not here for a COA, to ask if our materials or building looks right. All we are here for today is, building footprints, where the exits and entrances are, and a General Development Plan. The primary criteria of a General Development Plan is, does it meet the design criteria of the Zoning Ordinance. This one does, staff has recommended approval. Again, we are not seeking a variance or asking you to shrink our setbacks or give us more height. We meet the zoning that applies to this site. We are simply asking to amend the General Development Plan so we can move forward with our project and get it built.

### **Motion**

Approval of the amended General Development Plan based on findings in the report and that the proposed changes do not impair the intent of the previous approval.

The original vote was for denial. A new vote was then made for approval.

### **Vote Results ( Approved )**

Motion: Joseph Ervin

Second: Wayne Noha

|               |       |
|---------------|-------|
| Joseph Ervin  | - Aye |
| W. Lee Smith  | - Aye |
| Tom Woiwode   | - Aye |
| Travis Coles  | - Aye |
| Joseph Welch  | - Aye |
| Karen Jarrett | - Nay |

|                   |               |
|-------------------|---------------|
| Dwayne Stephens   | - Nay         |
| Wayne Noha        | - Aye         |
| Jeff Notrica      | - Aye         |
| Laureen Boles     | - Nay         |
| Elizabeth Epstein | - Aye         |
| Malik Watkins     | - Not Present |
| Jay Melder        | - Aye         |

[8. SPECIAL USE PERMIT | 527 East 39th Street | Restaurant with Onsite Alcohol Consumption | File No. 22-000150-ZA](#)

- 📎 [SITE VISIT\\_2\\_1\\_2022.pdf](#)
- 📎 [MAPS COMBINED.pdf](#)
- 📎 [APPLICATION.pdf](#)
- 📎 [TRASH AGREEMENT.pdf](#)
- 📎 [STAFF REPORT.pdf](#)
- 📎 [LETTERS OF SUPPORT COMBINED.pdf](#)

**Ms. Melissa Leto, Planner**, said the petitioner is requesting approval of a Special Use pursuant to Section 3.10 of the Savannah Zoning Ordinance to establish a restaurant with onsite consumption of alcohol. 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 property is located at 527 East 39th Street on the south side of 39th Street between Price Street and East Broad Street. The parcel is 2,760 square feet in size and was developed with a single-family residence built in 1920. Prior to the update of the Zoning Ordinance in 2019, the property was zoned BN (Neighborhood – Business). However, the subject building was always used as a residence.

The parcel is now part of a Planned Development called East Broad Market PD. The original planned development included nine separate parcels comprising approximately 1.60 acres. The Mayor and Alderman rezoned the subject parcels from B-N (Neighborhood Business) and R-4 (Four Family Residential) to the East Broad Market PD in 2010. In 2019, the petitioner amended the PD to allow for a microbrewery as a permitted use. On June 8, 2021, the petitioner requested and was approved to include the subject parcel, 527 East 39th Street as part of the East Broad Market PD. At the time the City Council approved the inclusion of 527 East 39th Street into the PD, they included a condition within the ordinance. The condition states, "Whereas, the parcel identified as 527 East 39th Street (PIN 20075 05010) must secure a Special Use Permit as provided in Sec. 3.10 for all uses permitted in the MU (Mixed Use) district. The Special Use Permit shall not be transferrable. Residential shall be exempt from this requirement."

Hours of operation have been revised to comply with the Baldwin Park Neighborhood Association's recommendation, which are the following:

- Sunday - Thursday: 7:00 a.m.to 9:00 p.m
- Friday - Saturday: 7:00 a.m. to 10:30 p.m
- 

Trash Pickup- Trash will be picked up three times a week. The proposed establishment at 527 East 39th Street will be sharing a rolling trash bin with the adjacent establishment, "Hop Atomic".

Parking - The interior space of the subject building is 1,300 sq ft. of any nonresidential use, there shall be no minimum off-street parking space requirement. For square footage exceeding 3,000 square feet, the parking requirement shall be calculated using Table 9.3-5 Victorian and Streetcar Parking Reductions.

**Mr. Josh Yellin, Attorney for the Petitioner**, said they have done an incredible amount of due diligence of neighborhood outreach in terms of this Special Use. This petition was here before you last year when it was

brought into the PD. When it went to City Council, the condition was placed. Any new commercial use, specifically a restaurant use, would follow the same Special Use approval as you have in the Mid City District. We are going through that process. Attached to the application, you will see there were 25 - 30 letters of support in favor of this application. We met with the neighborhood association again last night. Everyone was in favor of this petition. It will be for, what we are calling, an all day Cafe, a bakery by day, and a limited restaurant by night. It is approximately 800 square feet on the inside, not too big of a structure, not too intrusive. It is trying to create something community oriented for Baldwin Park. We have the full support of the community. They are all excited to have this come.

We would like to clarify, the current owner of the property might sell the property to the restaurant operators. We want to make sure we are all working together right now making sure that is not the intent of the ban on the transferability. We understand the concern if it was a future owner and we immediately flipped it to some restaurant you have never encountered before. That is not the intent here. Other than that condition, the applicant is willing and able to abide by conditions as recommended by staff.

**Mr. Tom Woiwode, Board member**, the transfer of the owner to the new owner creates an issue. We need to put something in there stating it is transferable to the current pending contract owner. If it is stated that it is nontransferable and we approve it today, then it is nontransferable.

**Mr. Lotson, Director of Development services**, said staff is willing to work with City staff as we develop the language that will be heard by the Council. We can either, with the Manager's permission, eliminate that requirement, or place a 90 day timeframe, post adoption, should this be approved by Council, to give them the opportunity to transfer the license to the operator within that timeframe. There is a number of ways to go about it. There are no issues with coming up with a way to transfer from the current owner to the future owner/operator.

**Mr. Jay Melder, City Manager**, said he has a concern about the non transfer here and the sale price. The ownership of this parcel was a big reason why City Council put this into the PD. I see no issue with the staff recommendation here. There is no issue with the use and commend the developers and the petitioners for working with the community in bringing something that the community wants. The MPC will have to work out the non transfer issue before this goes to City Council. The language would have to name the potential new owner and nontransferable from that ownership group. We would need some commitment from the community that they are fine with that as well.

**Mr. Lotson** said they will take care of that prior to the Council meeting.

#### **Motion**

Approval of the Special Use request with conditions.

The Special Use permit shall be nontransferable.

The Special Use permit shall be on-premises alcohol only.

Hours of operation shall be the following:

Sunday - Thursday: 7:00 a.m.to 9:00 p.m. and Friday - Saturday: 7:00 a.m. to 10:30 p.m.

#### **Vote Results ( Approved )**

Motion: Travis Coles

Second: Wayne Noha

|                 |       |
|-----------------|-------|
| Joseph Ervin    | - Aye |
| W. Lee Smith    | - Aye |
| Tom Woiwode     | - Aye |
| Travis Coles    | - Aye |
| Joseph Welch    | - Aye |
| Karen Jarrett   | - Aye |
| Dwayne Stephens | - Aye |

|                   |               |
|-------------------|---------------|
| Wayne Noha        | - Aye         |
| Jeff Notrica      | - Aye         |
| Laureen Boles     | - Aye         |
| Elizabeth Epstein | - Aye         |
| Malik Watkins     | - Not Present |
| Jay Melder        | - Aye         |

9. TEXT AMENDMENT | Victorian Historic District, Section 7.9 | File No. 22-000389-ZA

- 🔗 [2022 Victorian Map Proposed Update.pdf](#)
- 🔗 [2022 Victorian Supplement Proposed Update.pdf](#)
- 🔗 [Map No. 19 - 805 Whitaker Street.pdf](#)
- 🔗 [Map No. 125 - 124 West Park Avenue.pdf](#)
- 🔗 [Map No. 127 - 1001 Whitaker Street.pdf](#)
- 🔗 [Map No. 128 - 1015 Whitaker Street.pdf](#)
- 🔗 [Map No. 211 - 6 West Duffy Street.pdf](#)
- 🔗 [Map No. 212 - 1111 Bull Street.pdf](#)
- 🔗 [Map No. 247 - 1201 Bull Street.pdf](#)
- 🔗 [Map No. 317 - 1315 Bull Street.pdf](#)
- 🔗 [Map No. 392 - 906 Drayton Street.pdf](#)
- 🔗 [Map No. 558 - 17 East Park Avenue.pdf](#)
- 🔗 [Map No. 661 - 3 East Henry Street.pdf](#)
- 🔗 [Staff Report - 22-000389-ZA.pdf](#)
- 🔗 [Andree Patterson - Public Comment.pdf](#)
- 🔗 [Letter to MPC Regarding Historic Resources in the Victorian District.pdf](#)
- 🔗 [2022 Victorian Proposed Update\\_11 Buildings of Exceptional Importance.pdf](#)

The Metropolitan Planning Commission recommends moving this item to the next regularly scheduled planning meeting.

**Public Comments**

**Mr. Tommy Danos** asked if the property owners would have notification by the next meeting.

**Mr. Joseph Welch, Chairman**, said yes.

**Mr. Gary Guthry** said the period of significance in the neighborhood is sometime in the late 1800's to the late 1920's. Approximately seven to eight years ago, the Historic Planner brought a National Historic Preservation group to review the Victorian District. Structures on the lane were not included in the original Historic designation. They were also asked about extending the period of significance in the District. The National group recommended keeping the current period of significance or possibly extending a couple of years. There were two structures that were just outside of that, that were actually appropriate. Approximately two years ago, a local group approached the Victorian Neighborhood regarding adding additional structures to the protected list. They presented a list that included those that are being talked about today. There were only two on that list that received majority support from the neighborhood, they are the same two that were just barely outside the period of significance, 805 Whitaker Street and 1111 Bull Street. Despite being rejected by the National Preservation Group and the neighborhood, the Historic Planning Commission is still trying to add these Mid Century structures on the protected list. I do not think this should be allowed to go this way. There is potential where these properties exist, for something more architecturally appropriate, to be built in the future.

**Mr. Lee Smith, County Manager**, said he appreciates the motion, 3.16.7 of the NewZo amendments to contributing resource map, these things do have to go to the Historic Preservation Commission. There needs to be further public involvement.

**Mr. John Brown**, said he agrees with Mr. Guthry. We have spent quit a bit of time reviewing these buildings. We only approved of two to be put on a protective list. We feel the neighborhood should be notified about this if we want to change anything.

**Mr. Ryan Arvay, Historic Savannah Foundation**, said their architectural review committee has looked over the list of potential properties within this text amendment and are in favor of it. We will advocate for the inclusion of these buildings. The Victorian era ended around the turn of the 20th Century and yet the period of significance extends beyond that. We feel this is appropriate. We feel it is appropriate to include Mid Century Architecture. In the middle of the 20th Century, Victorian Buildings were seen as disposable, not significant, not worthy of preservation. We lost a lot of great architecture in this country.

**Mr. Cody Jones, Governmental Affairs Director for Savannah Area Realtors**, stated our association has received a couple of calls from property owners and some of our members in regards to wanting more notice and more time given. Our association is in support of the Commission tabling this item at this time.

**Mr. Travis Coles, Board member**, asked if it was appropriate to be voting on all of these as a collective? There is a lot of disagreement over which of these properties should, and which of these properties should not be considered.

**Ms. Leah Michalak, Director of Historic Preservation**, said the Board can do whatever they feel is best.

**Ms. Karen Jarrett, Vice Chair**, said we should be aware that exceptional importance is what we are looking for and not whether we like that building or we do not like that building.

**Mr. Wayne Noha, Board member**, said his concern is we are in essence, picking and choosing. Not a person or group is choosing. It was stated in the pre-meeting, this is just a small percentage of what might come before this Board. I'm not suggesting but am questioning, whether or not they should be done as a whole, after the entire survey is complete, or if we pick them at every ten or pick them in a block section. There has to be a reason for the choices, otherwise the concern is it could feel like discrimination toward a property owner.

**Mr. Joseph Ervin, Board member**, said he agrees with Mr. Noha. We do not stand in a position to determine what is of exceptional importance. If we are going to do something, let it be comprehensive based on whatever criteria determines exceptional importance. This should all be done at one time. I was not in favor of tabling this for additional notice of the homeowners but if we are going to do this, we need to notify all parties, not just a few.

**Mr. Dwayne Stephens, Board member**, said he agrees we should not pick and choose; however, we just recently lost a church that very much should have been deemed historic. That loss could have been prevented. Moving forward, language should state, after "x" number of resources have been surveyed, then make a motion or text amendment. To do a comprehensive, where is the stopping point. Having been an intern at the MPC years ago, I myself, surveyed a district. It is a cumbersome task and takes a great deal of time. I urge everyone to consider what that language looks like to make sure we do not lose historic resources, historic assets due to our desire to have a comprehensive, when a comprehensive may never really be achieved if we are regularly surveying.

**Ms. Jarrett** said it sounds like these were chosen because they are close to Forsyth Park, which is one of the most desired locations of Savannahians. Looking at the buildings in the vicinity of the Park as well as along Bull Street, which is actively being developed, is an important place to look. In addition to that, if we want to wait and bring them all together at once, do we want a moratorium to keep people from tearing down the ones that exist?

**Mr. Noha** said if you look at the map, it appeared to me that it was picking and choosing when we could do the entire district.

**Mr. Woiwode, Board member**, said several years ago, the Commission was brought a text amendment that would have effected 15,000 property owners. There was no notice mechanism for anyone to know they changes would take place. That text amendment, fortunately did not pass. This was brought up during NewZo, we have notice requirements for individual properties and property owners, but, when there is a text

amendment that will effect a lot of people, there is no statutory notification that I am aware of. You confirmed, there was no real notice. Certainly, there are notices that we can post. It seems to me when we have a text amendment that effects a multitude of property owners with no real notification requirement, maybe we need to look at that notification requirement so there can be more involvement in the process. It seems to me, as a realtor, and someone who advocates for property rights and individual property rights, that notice is something required in this situation that we are not getting.

**Mr. Jay Melder, City Manager**, said the City of Savannah recently (just last week), changed it's policy for demolition and is requesting the same information that MPC would for any building that is being requested to demo in the Historic District. We are trying to put more protections in place, not to lose our historic assets to demolition.

**Ms. Melanie Wilson, Executive Director MPC**, said we survey based on the funds that we have. We will come up with a more specific process that have funds attached to it in order to have a more comprehensive survey.

**Mr. Marcus Lotson, Director of Development Services**, said we will be asking the Board for direction on the advertising part of this. Regarding notices of a text amendment, whenever you change the language of the ordinance, it could affect some properties more than others. It has an affect City wide. If a section in the ordinance is changed, that affects anyone who owns property or wants to do business in Savannah. Who gets notified? In the case of this petition, we are discussing today, you have thousands of properties in the Victorian District. Fewer that are specifically part of this amendment, we are talking about 11 properties in particular regarding a change. There are other historic properties that at some point, depending on the outcome of the comments Ms. Wilson just made, we will be continuing to review within this district, and it a process. Without a huge staff and a huge budget, there is no way to do it quickly. When we reviewed these districts in the past, we have done it in phases like we are doing now.

**Ms. Wilson** said the City Clerk and staff are the ones that generally send the notices and advertise. There is a budget to do some notification, but it is a small budget. If we have to start noticing everybody, that budget is going to triple.

**Mr. Stephens** said there were issues when he sat as Chairman on the HDBR Board in regards to notices. Working with realtors across the area to have them work as a partner informing clients/ purchaser of properties in areas that have historic significance and/ or are in the Historic District, the ramifications and things they may encounter once they are the owners of these properties.

**Mr. Woiwode** said there are several different ways notices go out in real estate. There are multiple ways of sending mass notices beyond sending individual envelopes to every property owner.

#### **Motion**

Item postponed to the next regularly scheduled Planning Commission Meeting, March 1, 2022.

#### **Vote Results ( Approved )**

Motion: Jay Melder

Second: Travis Coles

|                 |       |
|-----------------|-------|
| Joseph Ervin    | - Aye |
| W. Lee Smith    | - Aye |
| Tom Woiwode     | - Aye |
| Travis Coles    | - Aye |
| Joseph Welch    | - Aye |
| Karen Jarrett   | - Aye |
| Dwayne Stephens | - Aye |
| Wayne Noha      | - Aye |
| Jeff Notrica    | - Aye |

|                   |               |
|-------------------|---------------|
| Laureen Boles     | - Aye         |
| Elizabeth Epstein | - Aye         |
| Malik Watkins     | - Not Present |
| Jay Melder        | - Aye         |

**X. Presentations**

**XI. Other Business**

**XII. Adjournment**

10. Adjourn

There being no further business to present before the Board, the February 8, 2022 Regular Metropolitan Planning Commission Meeting adjourned.

Respectfully submitted,

Melanie Wilson  
Executive Director

MW/sh

*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.*

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