

CHATHAM COUNTY-SAVANNAH METROPOLITAN PLANNING COMMISSION

MPC MINUTES

**ARTHUR A. MENDONSA HEARING ROOM
110 EAST STATE STREET**

October 21, 2008

1:30 PM

Members Present: Jon Todd, Chairman
Shedrick Coleman, Vice-Chairman
Adam Ragsdale, Secretary
Susan Myers, Treasurer
Douglas Bean
Michael Brown
Ben Farmer
David Hoover
Stephen Lufburrow
Timothy S. Mackey
Lacy Manigault

Members Not Present: Russ Abolt
Robert Ray

Staff Present: Thomas Thomson, AICP, Executive Director
James Hansen, AICP, Director, Development Services
Gary Plumbley, Development Services Planner
Marcus Lotson, Development Services Planner
Marilyn Gignilliat, Executive Assistant
Constance Morgan, Administrative Assistant
Sabrina Thomas, Administrative Assistant

Advisory Staff Present: Randolph Scott, City Zoning Administrator
Robert Sebek, County Zoning Administrator

I. CALL TO ORDER AND WELCOME

Chairman Todd called the October 21, 2008 Regular MPC Meeting to order at 1:37 PM. He asked everyone to stand for the Invocation and the Pledge of Allegiance. He explained the agenda and asked all in attendance to be sure to record their attendance on the sign-in sheet. All who wanted to speak on a petition before the Board were encouraged to fill out the blue speaker cards provided.

II. NOTICES, PROCLAMATIONS AND ACKNOWLEDGMENTS

A. Notice(s)

1. The next Regular MPC Meeting will be Monday, November 3, 2008. This change is an attempt to reduce scheduling conflicts for all citizens due to the regularly scheduled meeting date of Tuesday, November 4, 2008 (Election Day). The meeting will held in the Arthur Mendonsa Hearing Room at 1:30 PM.
2. The Public Information Center will be renamed on November 18, 2008 in honor of the late Lee Meyer, architect and former MPC Commissioner.

B. Acknowledgements(s)

1. Chairman Todd acknowledged the attendance of Aldermen Mary Ellen Sprague and Tony Thomas.
2. Joanna Bounds, Resource Protection Commission Planner, was introduced to the Board by Ellen Harris.

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

None.

IV. CONSENT AGENDA

Approval of October 7, 2008 MPC Planning Meeting Minutes and Briefing Minutes

Ms. Myers **moved** to approve the October 7, 2008 MPC Planning Meeting Minutes and Briefing Minutes as submitted. Mr. Coleman seconded the motion.

MPC Action: The motion carried with none opposed. The motion was to approve the October 7, 2008 MPC Meeting Minutes and Briefing Minutes as submitted. Voting were: Mr. Todd, Mr. Coleman, Mr. Ragsdale Ms. Myers, Mr. Bean, Mr. Brown, Mr. Farmer, Mr. Hoover, Mr. Lufburrow, and Mr. Manigault. Mr. Mackey was not present for the vote.

V. OLD BUSINESS

None.

VI. REGULAR BUSINESS

A. Rezoning Petition – Map Amendment

Nicholas C. Hale, Owner
5419 LaRoche Avenue
Aldermanic District 4
County Commission District 3
Zoning District R-6 to P-RM-12
Acres 1.95
PIN: 2-0138-01-044
Phillip McCorkle, Attorney
MPC File No. Z-080826-28558-2
Gary Plumbley, MPC Project Planner

AND

General Development Plan

The Residences on LaRoche Avenue
5419 LaRoche Avenue
Aldermanic District 4
County Commission District 3
Zoning District P-RM-12 (Proposed)
Acres 1.95
PIN: 2-0138-01-044
Phillip McCorkle, Attorney
MPC File No. P-080918-55791-2

Gary Plumbley, MPC Project Planner

ISSUES: Consideration of Tricentennial Comprehensive Plan Amendment relating to Zoning Request, and rezoning of a 1.95-acre site from an R-6 (Single Family Residential – 6 Units per Net Acre) classification to a P-RM-12 (Planned Residential Multi-Family (Residential – 12 units per Net Acre) classification.

POLICY ANALYSIS: The proposed P-RM-12 classification would rezone the site to a zoning district that permits multi-family residential uses at a density that would not be detrimental to the residential development within the general area. The proposed P-RM-12 classification would also serve as a transition-zoning district between the residential and non-residential uses in this area. The proposed P-RM-12 classification is not consistent with the Tri-centennial Comprehensive Plan Future Land Use Map, which calls for Residential – Suburban Single Family. However, both the existing and proposed land use classifications are residential. The only reason the proposed use will require a change in the Future Land Use Map is to accommodate a semi-attached single-family residential structure. Changing the Future Land Use Map to Residential – General and rezoning the site to the requested P-RM-12 zoning classification would provide alternative low to medium density single-family residential housing that would provide greater housing opportunities in this area.

Staff recommends approval of the request to rezone the subject property from an R-6 classification to a P-R-M-12 classification in conjunction with a General Development Plan in accordance with Section 8-3031(D)(1)(a).

Speaking on the petition:

Philip McCorkle, agent for the petitioner, acknowledged the concerns of the current residents regarding rental property and assured them they would extend every possible effort to work with the residents.

Mr. Farmer encouraged Mr. McCorkle to consider the implications of requiring these units to be owner-occupied. This would be difficult to enforce.

Mr. Lufburrow agreed.

Mr. Manigault stated the only way this could be enforced is by making it a part of the contract when the property is bought.

Mr. Farmer suggested a deed restriction because a contract is only good for the first two parties.

Mr. McCorkle stated a covenant would be best.

Mr. Mackey stated it was inappropriate to for anyone to say they do not want renters next to them and it is not the purview of the Board to enforce such a request. He stated he did not want to be a part of that kind of decision.

Speaking on the petition:

Mr. Joe Barnard expressed his opposition to the petition. The Jasmine Court residents oppose the petition as well due to traffic and drainage concerns.

Mr. Todd stated proposed developments could not move forward without proper approval from the various city departments.

Speaking on the petition:

Ms. Elizabeth Scott, director of the Bacon Park Neighborhood Association, expressed her opposition to the petition. The Bacon Park Association has generated their own petition in 100% opposition to the rezoning and development.

Kathleen Ritzert Files expressed her opposition to the petition. She reiterated the drainage and traffic problems. She also noted that there are graves in the property.

Alderman Mary Ellen Sprague requested the Board respect the wishes of the residents in the area. She believes their concerns regarding crime are well founded.

Mr. Brown **moved** to delay the petition for one month to give staff opportunity to obtain specific information regarding threshold retention and adequate water and drainage sewage, an immediate danger to the community. He recommended determining if the neighboring properties need to rezoning, and have another neighborhood meeting to inform of findings. Also, provide opportunity for petitioner and current residents to try to work together. Mr. Farmer seconded the motion.

Mr. Brown **amended** his motion to delay to the December 2, 2008 meeting in order to accommodate the developer. Mr. Farmer seconded the motion.

MPC Action: The vote was 4 in favor; 6 opposed. The amended motion was **defeated** due to opposition by: Mr. Todd, Mr. Coleman, Mr. Ragsdale, Ms. Myers, Mr. Bean, and Mr. Lufburrow. Mr. Mackey was not in the room when this vote was taken.

MPC Action: Mr. Brown's original motion to delay for 30 days returned to the floor. The motion was **defeated** due to unanimous opposition. Voting were: Mr. Todd, Mr. Coleman, Mr. Ragsdale, Ms. Myers, Mr. Bean, Mr. Brown, Mr. Farmer, Mr. Hoover, Mr. Lufburrow, and Mr. Manigault. Mr. Mackey was not in the room when this vote was taken.

Mr. McCorkle requested a continuance to December 2, 2008 to research and provide additional information for the Board to consider before providing a rezoning decision.

Mr. Farmer **moved** to approve petitioner's request to delay to the December 2, 2008 meeting. Mr. Lufburrow seconded the motion.

MPC Action: The motion to delay to December 2, 2008 per petitioner's request carried with none opposed. Voting were: Mr. Todd, Mr. Coleman, Mr. Ragsdale Ms. Myers, Mr. Bean, Mr. Brown, Mr. Farmer, Mr. Hoover, Mr. Lufburrow, and Mr. Manigault. Mr. Mackey was not in the room when this vote was taken.

B. Zoning Petitions- Text Amendments

Text Amendment to the City of Savannah Zoning Ordinance

Re: Amend Article K, Section 5.8.2. (Principal Uses in the TC Districts) and

Establish a New Section 6.3.17 (Tattoo Studios)

Harold Yellin, Attorney

MPC File No. Z-081002-29796-2

Jim Hansen, MPC Project Planner

ISSUE: It is proposed that an amendment to the use section of the TC-1 (Traditional Commercial) and TC-2 (Traditional Commercial) districts be made that will expressly allow the establishment of tattoo studios within said districts subject to use standards established in a new section 6.3.17.

POLICY ANALYSIS: Most ordinances, and in particular the Zoning Ordinance, are not static documents. They need, from time to time, to be amended to reflect changing community values, changing land use trends, or to remove or clarify provisions which are ambiguous, unclear, or confusing.

The amendment proposed by the petitioner, designed to reflect changing community values and to be responsive to previously allowed uses in the mid-city area, is intended to allow tattoo studios within both the TC-1 and TC-2 zoning classifications by right. Given the scattered nature of the TC-1 classification and the previous uses allowed in the similar zoning districts, staff does not feel that allowing tattoo studios in the TC-1 classification is prudent. However, given its limited applicability, tattoo studios can, subject to spacing standards, be an acceptable use in the TC-2 district.

Staff recommends **denial** of the petitioner's request to amend Article K, Section 5.8.2 (Principal Uses in the TC Districts) and Section 6.3 (Commercial Use Standards) as filed and **approval** of an amendment to Article K, Section 5.8.2 and Section 6.3.17 as follows:

ENACT

Section 5.8.2 Principal Uses

TC Districts	TC-1	TC-2	Standards
Tattoo Studio	X		6.3.17

6.3.17 Tattoo Studios

- a. Such use shall be located a minimum of 500 feet from any existing tattoo studio. Such measurement shall be the horizontal distance between the nearest property lines of the proposed and existing tattoo studios.**

Speaking on the petition: **Harold Yellin**, agent for the petitioner, presented information supporting the petition he is representing.

Mr. Scott asked for consideration of the church that would face the parlor.

Speaking on the petition: **Ronald Coleman**, property owner near the area, is pleased with staff recommendation to keep TC-1 zoning out of the area.

Virginia Mobley, an area resident, stated the other area residents are in total opposition to this petition.

Mr. Farmer **moved** to approve staff recommendation. Mr. Hoover seconded the motion.

MPC Action: The motion to approve staff recommendation carried with none opposed. Voting were: Mr. Todd, Mr. Coleman, Mr. Ragsdale, Mr. Bean, Mr. Brown, Mr. Farmer, Mr. Hoover, Mr. Lufburrow, and Mr. Manigault. Mr. Mackey and Ms. Myers were not in the room when this vote was taken.

C. Specific Development Plan / Signage Replacement

Savannah Mall
 14045 Abercorn Street
 Aldermanic District 6
 County Commission District 6
 Zoning District PUD-BR
 Acres 47.53
 PINs: 2-0863-01-002, 003, and 004
 SSF Savannah Properties, LLC, Owner
 Harold Yellin, Attorney
 MPC File No. P-080716-50315-2

 Gary Plumbley, MPC Project Planner

Nature of Request: The petitioner is requesting approval of a Specific Development Plan (amended sign plan) for the Savannah Mall, an existing retail mall bounded by Abercorn Street, Shawnee Street, Rio Road, and Apache Avenue within a PUD-BR (Planned Unit Development Business – Regional) zoning district. The petitioner is also requesting approval of the following variances: 1) a 269 square foot variance (from the maximum size of 275 feet) for each of the three directory signs along Abercorn Street; 2) a variance to allow a freestanding principal use sign along Abercorn Street for each of the three existing businesses that are presently and will continue to be served by the Savannah Mall directory signage; and, 4) a 148 square foot variance (from the maximum area of 125 square feet) for each of the three proposed freestanding principal use signs.

Findings: The purpose of the Specific Development Plan is to update the existing signage for the Savannah Mall. The proposed improvements will include the following: 1) replace 7 existing directory signs; 2) replace 6 existing vehicle directional signs; 3) erect 2 new vehicle directional signs; and, 4) erect 3 new freestanding principal use signs.

Staff recommends **denial** of a 269 square foot variance (from the maximum size of 275 feet) for each of three directory signs along Abercorn Street; a variance to allow a freestanding principal use sign for each of three existing businesses that are presently and will continue to be served by the Savannah Mall directory signage; and, a 148 square foot variance (from the maximum area of 125 square feet) for each of three proposed freestanding principal use signs based on the previously stated findings. Staff further recommends **approval** of a 125 square foot variance (from the maximum size of 275 feet) for each of three directory signs along Abercorn Street and the proposed signage plan for the Savannah Mall subject to the following condition: obtain approval by the City of Savannah review departments including the City Engineer.

Mr. Yellin requested a continuance to the November 3, 2008 meeting.

Mr. Lufburrow **moved** to approve the petitioner's request. Mr. Bean seconded the motion.

MPC Action: The motion to approve the petitioner's request to continue the petition until November 3, 2008 carried with none opposed. Voting were: Mr. Todd, Mr. Coleman, Mr. Ragsdale, Mr. Bean, Mr. Brown, Mr. Farmer, Mr. Hoover, Mr. Lufburrow, and Mr. Manigault. Mr. Mackey and Ms. Myers were not in the room when the vote was taken.

D. General Development Plan / Group Development Plan

Second Harvest Food Bank
2501 East President Street
Aldermanic District 3
County Commission District 3
Zoning District I-L
Acres 4.17
PIN: 2-0007-02-008
Tanya Mandel, Kennedy Ragsdale, Agent
MPC File No. P-081002-41608-2

Marcus Lotson, MPC Project Planner

Nature of Request: The petitioner is requesting approval of a General Development Plan / Group Development in order to construct a single story commercial kitchen of approximately 5,200 square feet within an I-L zoning district. No variances were requested.

Staff recommends **approval** of the General Development Plan / Group Development subject to the following conditions: obtain approval from all appropriate City Site Plan Review departments.

Mr. Ragsdale had to recuse himself from this petition. This resulted in a loss of a quorum. He abstained from voting and discussion on item.

Ms. Tanya Mandel, agent for the petitioner, requested hearing of the petition today without decision, and to be ratified in future presence of full quorum.

Mr. Lufburrow **moved** to approve staff recommendation. Mr. Bean seconded the motion.

MPC Action: The motion to approve staff recommendation. Ratification of the decision will be in the presence of full quorum at the November 3, 2008 regular meeting. Voting were: Mr. Todd, Mr. Coleman, Mr. Bean, Mr. Farmer, Mr. Hoover, Mr. Lufburrow, and Mr. Manigault. Mr. Brown, Mr. Mackey, and Ms. Myers were not in the room for this vote. Mr. Todd stated that this item would be placed on the November 3, 2008 agenda for ratification.

VII. OTHER BUSINESS

None.

VIII. ADJOURNMENT

Being no further business to come before the Commission, the October 21, 2008 Regular Meeting adjourned at 4:55 PM.

Respectfully Submitted,

Thomas L. Thomson
Executive Director

Note: Minutes not official until signed

/sf