

MEETING MINUTES

Unified Zoning Ordinance-Technical Committee Meeting
Metropolitan Planning Commission
Arthur Mendonsa Hearing Room
May 20, 2009
3:00-5:00 PM

Members Present: Gregori Anderson, Beth Blalock, Rob Brannen, Daniel Carey, Bill Dawers, Ellen Wyatt (for Martin Fretty), Lee Grimes Tiras Petrea (for Randolph Scott), Robert Sebek, Pete Shonka, Commissioner Helen Stone, Brian White

Members Absent: Suzanne Cooler, Downer Davis, Bill Dempsey, Alderman Jeff Felser, Harvey Gilbert, Robin Haddock, Bridgit Lidy, MarRonde Lotson, Joe Marshall, Lise Sundrla, Ryan Thompson, Jon Todd, Malik Watkins

Staff Present: Amanda Bunce, Geoff Goins, Charlotte Moore

I. Approval of April 2009 Minutes

Bill Dawers made a motion to approve the April minutes. Brian White seconded the motion.

II. Update of Work Status

- **Community Meetings:** Charlotte Moore mentioned that staff held five community meetings in April and May to inform the public about zoning and the Unified Zoning Ordinance. She expressed concern with low overall attendance (approximately 40 people) and encouraged Technical Committee members to notify others of future meetings.
- **UZO Website:** Amanda Bunce provided an overview of the new Unified Zoning Ordinance website.
- **Land Use Survey of the Victorian District:** Ms. Moore said that staff will be working with a graduate class at Savannah State University on a land use survey of the Victorian Historic District. This information will help staff determine the most appropriate zoning for this neighborhood. She asked Daniel Carey of the Historic Savannah Foundation if there was anything that his organization would like to have included on the survey. Mr. Carey responded that he would discuss this with the HSF Preservation Coordinator.

- **Open Space Ordinance:** Ms. Moore mentioned that it is the intent to discuss the open space ordinance at the June meeting. She noted that an extensive amount of work, including meetings with City Development Services and County Engineering, has been put into this ordinance.
- **Other Items:** Ms. Moore noted that other sections of the Unified Zoning Ordinance are in the drafting process. They include: Off-street Parking and Loading; Drive-Thru Facilities; Access Management; and Nonconformities.

Ms. Moore mentioned that staff recently conducted a field visit of the Martin Luther King, Jr.-Montgomery corridors to determine how to address the portion of this area that is not within a local historic district. Staff has discussed the possibility of extending the Mid-City Overlay District to the eastern boundary of Cuyler-Brownsville. South of Victory, a design overlay district rather than a historic district may be more appropriate because of the limited number of historic resources. This district could extend beyond the boundaries of the MLK-Montgomery Redevelopment Area.

III. **Review of Article 1.0 (General Provisions)**

Ms. Moore introduced the General Provisions section and explained what it was intended to do.

The first area to be reviewed was Sec. 1.1.4 (Purpose of this Ordinance). Ms. Moore asked if there were any additions or changes needed. Daniel Carey requested that the word “architectural” be inserted before character in section (n). Ms. Moore indicated that character can have a variety of meanings not just architectural” for example, land use within an area can affect character.

Mr. Carey asked for a clarification on the statement of certain neighborhoods in letter (k). Ms. Moore stated that only certain neighborhoods will have design overlays, for example the Landmark District and Martin Luther King, Jr. Boulevard.

Bill Dawers asked if the term “Smart Growth” in letter (v) is a general enough term if practices and principles will change over time. Ms. Moore stated that she believes it is and that the Unified Zoning Ordinance addresses some of those practices and principles.

Ms. Moore continued to Section 1.2 (Zoning Map and Zoning Districts) and asked where the official zoning map should be located. She stated that it currently resides with the Clerk of Council for the City of Savannah.

Ms. Moore confirmed with Mr. Sebek that the County's official zoning map is located at the MPC.

Lee Grimes asked how are the appropriate people notified when a zoning map amendment is made. Ms. Moore asked her to define "appropriate". Ms. Grimes answered with economic development and real estate organizations. Ms. Moore stated that a notice is placed in the Savannah Morning News and that the official zoning map can be viewed at the MPC or on www.SAGIS.org. Ms. Moore stated that only property owners within 200 feet of the subject property and Neighborhood Associations are notified of the proposed zoning map amendment. She added current zoning could also be verified with a zoning letter from the applicable zoning administrator.

Commissioner Stone asked if SAGIS is always up to date. Ms. Bunce stated that there is lag time for internal processing and updating maps. Commissioner Stone stated that the accuracy of the information has caused problems in the past for citizens.

Mr. White asked if there should be mention of a copy to be held with the Governing Body. Ms. Moore stated that there may be a concern with updating and accuracy of copies held outside of the MPC.

Ms. Moore moved to Section 1.3 Transitional Provisions and stated that this section deals with what happens to previous submittals and approvals once the UZO is adopted. She stated that building permits will have a time limitation of one year. Mr. Petrea indicated a discrepancy in the text of section 1.3.4 (d) relating to the time limitation for building permits. Mrs. Bunce made the correction to reflect a one year time limitation. Mr. Petrea stated that a building permit is void if not picked up with 6 months. Mr. Carey asked how the 2 year time limitation was established for construction plans. Mrs. Bunce stated that vertical construction should be one year. Peter Shonka indicated that site plans are void after 1 year if no activity has occurred.

Mr. Brannen asked how future undeveloped phases will be handled and whether or not they will be able to match the phases that have been constructed under the previous ordinance. Ms. Moore stated that staff has researched that and will have to verify with legal counsel. Ms. Moore asked about what is the appropriate mechanism for relief, if property owner/developer is not able to complete project. Mr. Brannen posed the option of including a hardship provision and standards/criteria. Mr. Shonka stated that there is some flexibility if the developer is close to completion. Gregori Anderson indicated that the Building Code provides leeway to the building official. Ms. Moore asked

if Mr. Anderson would send her that section of the Building Code. Mr. Anderson stated that he would.

Mr. Anderson questioned the 2 year window for vertical and horizontal construction. He stated that currently it is 6 months and that increasing it to 2 years may be problematic from an administrative perspective. He felt that the section should just reference the building code.

IV. Review of Airport, Airfield Overlay District (Sec. 7.2)

Ms. Bunce presented the draft of the Airport, Airfield Overlay District (AOD) which includes use standards and restrictions as well as height limitations that vary by subzones within the district. She also presented maps showing the location of the noise and height limiting zones. She stated the area east of Hunter Army Airfield is built-out with retail/residential uses and is not likely to change. It is recommended that no increase in residential density occur in this area. She indicated that the area surrounding the airfield is predominantly industrial with very few incompatible uses.

Mr. Brannen asked if there are any avigation easements surrounding Hunter. Mrs. Bunce stated that she had not found any in her research, but that they would still apply if they do exist. Hunter has reviewed this ordinance and the Federal Aviation Administration (FAA) has submitted comments.

Mr. Carey asked for a tangible example of the noise levels discussed and that education would be helpful.

Ms. Grimes asked if the noise contours would restrict uses in industrial areas. Ms. Bunce said they did not.

Mr. Petrea stated he had a sign that was approved by FAA that was taller than what was allowed in the I-L zoning classification at Savannah-Hilton Head International. He asked if the ordinance will address other this situation [Editor's Note: "Other situations" means approvals from other agencies without considering the zoning ordinance]. Ms. Bunce stated no. Ms. Moore indicated that she will look into the legality of this. Ms. Bunce stated that the FAA and the Airport Commission do not have the legal authority to grant variances from local ordinances. She stated that the section regarding the process to obtain a variance from the height limits will be removed, because the FAA says it is not allowed.

Mr. Anderson expressed concern regarding the Noise Level Reduction standards proposed for certain uses located in high noise areas within the AOD. He stated that people need to know what construction methods and/or materials are needed to comply with this requirement.

Mr. Brannen stated that it was more of a Building Code issue. Mr. Shonka added that it would be necessary to map the areas to show where this provision would apply. Ms. Bunce stated that she had received information from Hunter Army Airfield regarding this subject and that she would work with the Building Officials to create a policy document to apply these standards.

Mr. Dawers questioned whether or not these regulations should be retroactive. He stated that the purpose of the overlay (protecting the Airport/Airfield and people in close proximity) may legitimize making the standards retroactive. Ms. Bunce stated that staff wanted to avoid making too many properties nonconforming as a result of these new standards.

V. Zoning Map Areas

Three map areas were presented for review. The areas included: Skidaway Road/Victory Drive/LaRoche Avenue (#9); Stephenson Avenue/Waters Avenue (#8); and, Sandfly/Whitefield (#4).

a. Skidaway Road / Victory Drive / LaRoche Avenue (#9)

To avoid introducing a commercial use within a residential area, Bonna Bella Yacht Club and the Italian Club are not proposed to have a commercial zoning designation. These uses are nonconforming now and would remain nonconforming under the proposed zoning.

Mr. White asked for a list of permitted uses within the B-L zoning classification. Mrs. Bunce stated that the uses range from all residential types to office and limited retail.

Mr. Dawers asked if there could be a potential backlash from changing someone's zoning from an R (RIP) designation to a B (B-L) classification. Mrs. Bunce stated that she did not believe it be problematic given that the uses of RIP and B-L are virtually the same. Mr. Brannen inquired into the zoning of Bonna Bella marina. Ms. Moore stated the zoning is RSF-6 and that the marina is currently non-conforming. She said that rezoning to make it conforming is not proposed as it includes a restaurant. A commercial designation for the property could allow commercial uses that would not be appropriate for the residential character of the area.

b. Stephenson Avenue / Waters Avenue (#8)

Ms. Moore indicated that the area between White Bluff and Abercorn, which is currently with the RIP zoning classification, will change to B-C. She stated that most of the residential uses in this area are no longer in

existence and given the intense commercial uses, the B-C is an appropriate designation. She stated that Kensington Park will be changed from an R-6 to RSF-10 to reflect the larger lots that currently exist. She moved to the Stephenson Avenue Corridor and indicated that the majority of the corridor is PUD-IS-B and that the property can convert to an O-I (Office-Institutional) except for the movie theater. The movie theater will become non-conforming within the O-I zoning classification. Mr. Dawers stated that he thinks O-I is an appropriate classification for a movie theater. Mrs. Bunce stated that staff is split on how to address the movie theater, in regards to the O-I zoning classification. Mr. Brannen indicated that the south side of Stephenson could function under a B-N zoning classification. Ms. Moore stated that was worth considering and that staff would revisit this area. Ms. Moore moved to the Benedictine school and stated that there was interest in the undeveloped portion of the site for potential office uses, so the site could be changed from R-6 to O-I.

c. Sandfly / Whitefield Avenue (#4)

Ms. Moore stated that there was not much deviation in this map from what currently exists. She explained that the Wal-Mart property will convert from PUD-B-C to a base zone of B-C and that the gun club will become A-1, which is the equivalent to the current R-A. She moved onto the commercial section of Sandfly at the intersection of Skidaway and Ferguson Roads. She addressed the B-C zoning that exists along Ferguson and stated that B-N is more appropriate. Commissioner Stone requested to see the proposed zoning for the alloy metal business along Whitefield Avenue. The zoning was verified to be residential, which will keep the alloy metal business as non-conforming.