



Arthur A. Mendonsa Hearing Room
March 20, 2012 9:00 A.M.
MINUTES

March 20, 2012 MPC Planning Meeting

This Agenda and supporting material will be available after 5:00 p.m. on the Friday prior to the meeting date at <http://www.thempc.org/administrative/Archive/2012agenda.htm>

All persons in attendance are requested to sign-in on the "Sign-In Sheet" located on the table outside the entrance of the meeting room. Persons wishing to speak on an agenda item should indicate their intent on a blue speaker card, noting the agenda item by number. Please give speaker cards to a MPC staff member.

It is the intent of the Planning Commission to allow all interested parties to comment on a particular item. To ensure that those present have the opportunity to comment, the Chairman shall reserve the right to set time limits on the debate as per the *MPC Procedure Manual and By-Laws*. Both sides of the issue shall be afforded a total of at least ten [10] minutes but not more than thirty [30] minutes for testimony. Groups are encouraged to designate a spokesperson who should identify him/herself on the speaker card and when coming to the podium. Regardless, the Chairman has the discretion to limit or extend time limits.

The *Georgia Conflict of Interest in Zoning Actions Statute* (OCGA Title 36 Chapter 67A) requires disclosure of certain campaign contributions (totaling \$250.00 or more) made by applicants or opponents for rezoning actions. Failure to comply is a misdemeanor. More information is available on the internet at www.lexis-nexis.com/hottopics/gacode/default.asp. Forms are available from MPC staff for individuals subject to this disclosure.

I. Call to Order and Welcome

II. Notices, Proclamations and Acknowledgements

Notice(s)

1. [April 3, 2012 Regular MPC Meeting at 1:30 P.M. in the Arthur A. Mendonsa Hearing Room, 112 E. State Street.](#)
2. [April 10, 2012 Metropolitan Planning Commission Planning Meeting at 1:30 P.M. in the Arthur A. Mendonsa Hearing Room, 112 E. State Street.](#)

III. Regular Business

3. [Unified Zoning Ordinance Workshop](#)

Attachment: [UZO Workshop Agenda_120320.pdf](#)

Attachment: [UZO History Documents.pdf](#)
Attachment: [Zoning Assessment Report.pdf](#)

Mr. Adam Ragsdale, Chairman, expressed thanks and appreciation for the Commissioners that made time to attend the workshop. He requested all to have an open mind and to stay focused on the agenda as best possible.

Mr. Thomas Thomson, Executive Director, thanked those for attending in a timely manner. He stated the attendance was typical of the UZO meetings, that over the last four years with Board members. He expressed regret that the audience for some of the content were not present. Minutes from the previous meetings generated the workshops and planning meetings. The agenda was constructed to respond to three major themes: 1) the charge and history of the UZO. Ms. Stone was responsible for the genesis of this project; 2) the purpose is to give a broad overview to keep every one current on the progress so far, not to get into the details of the draft ordinance, but for all members to have the same understanding and background; and 3) to compare the current and proposed ordinances.

Ms. Helen Stone expressed her reasoning for her suggestion to combine and modify the Zoning Ordinance in 2002. She stated she saw a need when members of the community found contradictions, which yielded to postponements. Changes in the community made some guidelines obsolete while others needed to be folded in. So many variances to make something fit yielded to complications and lack of predictability. The intent is to make the ordinance user friendly for the citizens and developers.

Mr. Murray Marshall stated as a developer he is a citizen. They are not two different entities.

Ms. Stone stated she is stating both.

Mr. Marshall stated developers are citizens; we have the same citizens rights whether one is a developer or not. He stated he does not like being categorized as if he is not a citizen.

Ms. Stone stated it is not intended that way, but there were developers that came into this community that were not citizens.

Mr. Marshall stated they are citizens of this country and they have a constitutional right to be recognized as such.

Ms. Stone stated she is not disagreeing but there have been developers to come in from other areas and could not understand the ordinance.

Mr. Marshall maintained that they too are citizens.

Ms. Stone explained she was referring to the citizens of Chatham County and the surrounding areas. It was difficult to see the frustration of those in the audience - from both aspects. After talking with numerous ones of varying occupations and they all said yes, these ordinances need to be cleaned up and revised because there are problems. The number of zoning districts were tremendous. The process needed to be simplified. Eight years later, we're trying to get there. The Board on which she served saw the same need. The intent is to make it easier for everyone involved.

Ms. Stone then provided contradictory examples found in the ordinance. Format improvements to benefit all, including existing and new Board members. It would be difficult for one to make decisions for another's property without proper understanding. The intent is to help the community to grow and flourish by utilizing the highest use for one's property.

Ms. Stone stated she attended as many of the update meetings as possible. The goal is to have a document all can be proud of and use and benefit from.

Mr. Ben Farmer stated that one of the reasons for the update is to make it simpler so attorneys would not have to be hired. He stated it is not simpler yet. Mr. McCorkle and Mr. Yellin are representing various organizations around town because it is not simpler. He stated he was aware of the intentions and believes all are on the right track, but it is not simpler. The Homebuilders Association is not for it and the attorneys still have to be hired. He stated the County Engineer stated it makes his job more difficult.

Mr. Ragsdale stated opportunity has not yet been given to staff to present anything. He stated there are certain things he does not agree with but the Commission has not allowed the process to proceed in order to modify as necessary.

Mr. Farmer stated he has been through the document in detail and he has not seen anything yet that accomplishes the objectives she presented.

Ms. Stone stated it is still a draft and the final product is anticipated to be better. She expressed the concern of the constituents that time is money and continuances affect productivity.

Mr. Farmer stated the variances causing postponements will now have to be held at Council level because of special uses. If it has an 'S' beside it, Council will hear it instead of the MPC. He cautioned to be careful of what is being asked for.

Mr. Ragsdale stated he disagreed and that is not true. He stated this will be addressed as a diplomatic and fair process for all concerned, but we will go through the process. All concerns will be addressed.

Mr. Farmer stated if someone makes a statement he disagrees with, he will address it. If he's wrong, he's happy to hear it.

Ms. Rochelle Small-Toney asked what was the purpose of the schedule from 9 to 3. She stated she was under the impression this was the opportunity for the Commission to go section by section.

Mr. Ragsdale responded yes, that is what is to happen.

Ms. Small-Toney stated she understands the history and with all due respect, this is a very lengthy, detailed, and complex document. She expressed concern if 9 to 3 would be enough time to give everyone an opportunity to voice their opinions about it. She stated certain things she's suggested that she is anticipating discussion or implemented in the

document. If the purpose is to go through the document systematically, she supports the meeting. However, conversations that are not conducive to that are a disservice to time.

Mr. Russ Abolt stated he wanted to commend the Chairman for his statement. He stated the purpose is not to attack Ms. Stone; she is trying to present the history and need as to why we are here. It is not Tom Thomson and staff and us against them; it is 'we'. We have to take ownership of this document. It is our responsibility to the City Council and County Commission to go through the process.

Mr. Ragsdale stated there are a series of things to discuss and we will not be completed at 3 o'clock today. We have a series of meetings to complete this.

Mr. Farmer stated he believed Ms. Small did not hear you say we were not going to go through the details of the document. He asked if that was correct.

Mr. Ragsdale stated we are going to go through the process.

Mr. Farmer stated Mr. Ragsdale said we were not going into the document.

Mr. Thomson stated the purpose of today is to set the stage to bring the new members to the same level as those who have been here for many years.

Ms. Small-Toney stated with all due respect, she believes we've been there on that. We understand the history, meaning, and intent. She expressed her frustration is not getting to the details to have a document that we can all embrace. She stated she does not need to be convinced that this is a necessity; it is obvious that it is. She is here to see what can be done to get it moving because it is frustrating.

Mr. Ragsdale stated the reason the agenda is in the format that it is, is because of his (Ragsdale's) direction. So many public meetings have had so many sidebars in supposition as to why we are here. Therefore, he thought it important to make it clear as to why we are here; that is the direction of the morning schedule. The other direction the Commission gave to staff was to demonstrate how to compare the current ordinance to the proposed; that will be the afternoon schedule. This is to allow the Commission collectively to agree on how to direct staff.

Mr. Thomson stated it is his hope that all will understand that this is a draft, not the final document. The reaction of many is that this is the final document; this is not even close to a proposed final. This is the beginning document. He suggested listening through the history and the staff presentation to understand the major components. Discuss the formatting issues and get into the fine detail comments. Mr. Thomson expressed his regret that Mr. Farmer never called him to gain understanding regarding the draft document. He stated he understands it will not all be understood and completed in a group meeting; sometimes one-on-one conversations are needed.

Mr. Farmer stated if he did that, Mr. Thomson's job would be stalled.

Mr. Thomson stated he and staff have done just that with dozens of people.

Mr. Farmer stated he brings things up in these meetings and if Mr. Thomson desires him

to call him directly, he would be happy to do so, but he does not believe that is the way to do it. He believes when group discussions are had and he has a concern, it may be someone else's concern. He does not believe it to be his job nor does he believe Mr. Thomson wants him to call there is a question about an item. Mr. Farmer stated he does not believe Mr. Thomson has the answers to his questions.

Mr. Thomson stated it does not matter if he knows the answers or not, that the way to address numerous concerns is meeting to discuss them.

Mr. Ragsdale gave the floor to **Mr. Marshall**. **Mr. Marshall** stated several items have come up over the last few months that supports Ms. Stone's conversation regarding conflict that goes back several years. He stated he believes it is a waste to know of the conflicts from 7 or 8 years ago and nothing was done to correct it. We are waiting until some version of the ordinance is ready, then take action to correct. something is discovered, if it had been corrected, we would not have the voluminous problem in the draft document and it would not be overwhelming to people.

Mr. Marshall continued by stating he understood that citizens had the opportunity to speak on the draft until September 30, 2011, then it would be voted on. So, it has been presented to the community that 'this is it.' He acknowledged he is glad that this is no longer 'it'.

Mr. Thomson stated that is why a draft was presented for public comment after two and half years of work. We believed we had so much public input on it during that time, we thought a three-month review would be adequate. It was not a 'cram job' as some have termed it; it was just an estimate of the amount of time we thought would be adequate after two-and-a half years and involvement of hundreds of people. That was then; we now realize more time is needed and we are working through it with the needed detail. This meeting was to start that process.

Mr. Lufburrow stated he had the pleasure on serving at the MPC for eight years. He stated he is embarrassed at the situation we are currently in. For eight years we worked hard at team building; we are all on the same team. This sniping back and forth is embarrassing and unproductive. It does not matter if there is or who is right or wrong; we all have to work together and we all have a lot invested in this through time and money. It is important to the community. He implored all to stop bickering and move forward.

Mr. Ragsdale thanked Mr. Lufburrow for his comments.

Mr. Thomson introduced Charlotte Moore.

Ms. Moore thanked everyone for making time and encouraged questions. She stated that City and County have had difficulties with the ordinance since its inception in the 1960's. The concern of lack of comprehensive planning was addressed in the early 2000's and the process has been adopted and helpful. Many of the concerns of the ordinance addressed years ago still exist today and they are being addressed in the UZO draft.

There was zoning petition from 1997 in which five people filed a petition with the County to get the county ordinances and subdivisions updated. They asked that the text of the

ordinances be repealed completely and new ordinances be put in place. The County commission did approve though not certain of the funding, consequently forwarding the responsibility to the MPC for a comprehensive rewrite. The rewrite was approved in 1998. Ms. Moore joined the MPC in December of 1998 and a Comprehensive Planning Director was hired in 2000, Tom Wilson. Mr. Wilson started updating the Comprehensive Plan and City and County zoning ordinances. The Tri-Centennial Plan was initiated and approved in 2001, with City and County input.

The current zoning ordinances are half a century old and have never been updated; the accumulation of inconsistencies makes the process that much more difficult.

Ms. Susie Myers asked after approval of the document, will there be a method of updating with City and County approval?

Ms. Moore replied there should be and that will have to be discussed with the attorneys. She stated she believes it should be reviewed at least annually and address what is not working for the community.

Ms. Stone states the County Commission does try to do address concerns as they recognize shifts in usage.

Mr. Pannell asked if there is a mechanism in the new ordinance that prevents the MPC from creating two new ordinances. If changes need to be made in the future, the City and County must both adopt the changes. He asked how would adoptions in different directions be prevented in the future.

Mr. Thomson stated he has had conversations with the City and County attorneys regarding this issue. He asked to defer this topic because there is some angst in adopting a single document.

Mr. Farmer stated he thinks that would be a major issue before moving forward.

Mr. Ragsdale stated that is one issue among many other issues that can't be answered yet. He stated the City and County attorneys have been reached out to, but it can't be answered yet and we can't answer it yet. There is no one thing overriding another.

Ms. Moore stated it is helpful to write the document as one and where there are differences, they can be separated if necessary.

Mr. Abolt stated there are some mechanical things to take care of. Even in these quiet times of development, we are still getting issues that are issues tailored to one jurisdiction versus the other. He asked how many times has it been asked if a change goes into the City ordinance why is it not going into the County. One reason there were separate books because there was so much business. We now have a lull that we should use to the benefit of the future.

Ms. Moore continued with the history of the ordinance and highlighted the changes throughout the years. Examples of updates between the current ordinance and the proposed UZO were shown, including cell tower procedures and changes.

Mr. Farmer asked how would things that we have no concept of will be handled for the next decade.

Ms. Moore replied that we anticipate things.

Mr. Farmer stated the ordinance cannot be written from things anticipated ten years prior.

Ms. Moore replied not everything.

Mr. Ragsdale replied that is why it is called 'planning'.

Mr. Farmer stated he is just making a point. These are good examples of making adjustments as you go when a situation comes up, but you can never anticipate communication towers, electronic billboards, Savannah Riverfront Landing, etc.

Ms. Moore stated there will probably be changes as change occurs.

Mr. Thomson stated planning is organic in that as it is fed, it grows and is ever changing. Many of the changes mentioned were made by predominantly Ms. Moore, one of the most experienced people in this state.

Ms. Moore continued with the history from 2006, at which point she became involved in this project. In 2007 a zoning assessment report was made that included issues and comments from staff, as well as research from other communities. The themes from that report are included in the proposed UZO and discussed with the advisory committees. Much research was done in other areas. She stated she working with City and County attorneys with zoning related issues in the codes.

There was a technical committee built from public servants and private sector individuals that helped develop a framework for the zoning ordinance. Meetings were conducted from April 2007 to March 2010 almost monthly. The City and County attorneys were invited to participate; they declined at that time. All of that work was forwarded to an advisory committee for review. Neighborhood and business groups, as well as city and county staff, were invited and provided feedback for the varying stages of the draft. All of their questions were posted to the UZO website for public knowledge.

Community meetings were held to explain the MPC's role in the community and that of the UZO draft. Neighborhood meetings were held to explain current and proposed zonings. A presentation for the Commercial Realtors Association was given. Extensive outreach was provided, including to architects, city and county associations, the Planning Commission and other boards, the Housing Authority, etc. Elected officials were met with to inform them of proposed changes of their districts and addressed their concerns as best possible at that time. Environmental groups were also contacted and SEDA had a representative to attend for the technical committees.

The public release of the first draft was on June 28 to get more of the public involved. A hotline was setup and it is still in operation. There is also a blog for questions. Open house sessions were held here at the MPC but they were not well attended. Indication was given that the process needed to slow down. Meetings with business owners were very

helpful; some found the proposed document easy to use. We are continuing to meet with business and property owners. The Marina Operators were met with in December 2011 and the revisions they requested were sent to them after understanding their processes. She has not heard from them and will follow-up with them.

Ms. Small-Toney asked if Hampstead was contacted; they will have a great deal of impact from this.

Ms. Moore stated she will follow up with them as well.

Mr. Farmer asked if the Marina Association is happy with the proposed UZO.

Ms. Moore replied she believes so since she has not heard from them. They have the revisions. That was a learning process for us and we've worked through it.

Mr. Thomson stated there has be communication with them and other groups; we are awaiting a response from them.

Ms. Moore stated the Chamber of Commerce and SEDA have questioned particular sectors and asked staff to provide comparisons. That process is being worked out. Other sections are being worked on as well that have been questioned by other sectors such as the Board of Realtors, SCAD, the Auto Dealers, etc.

Staff is still identifying issues page by page and making internal revisions. We will continue to work with City and County staff as necessary. A Draft 2 release to the public is desired soon to show the progress made.

Ms. Small-Toney asked if it would be released in part or whole.

Ms. Moore stated in whole. Two sections are not out: the Open and Recreational Space and parts of the Downtown Expansion Area District.

Mr. Marshall suggested not releasing it until the Commission has approved the changes. That would eliminate the potential for anxiety in the community.

Ms. Small-Toney stated she agrees because it will result right back to where we are now. This is hindsight. This discussion should have been had prior to the first release and we would have been further along.

Mr. Farmer stated he believes there was a vote to stop and we did not stop. He stated he is concerned and as Vice President of the Board of Realtors and a member of other groups: stopping is not what is happening.

Mr. Ragsdale stated we did not agree to stop. We told and directed staff to continue dialog and outreach with the community.

Mr. Farmer stated he does not recall it that way.

Mr. Ragsdale stated we will have to go to the minutes. We agreed to continue to answer the questions of the community.

Mr. Farmer stated he does not remember it that way because the Board of Realtors have had a Washington law firm with state funds, along with Phillip McCorkle and Harold Yellin, and all were told to stop because we stopped. Since that time, they were contacted regarding appointing some kind of committee. He asked did we agree to stop with public hearings or not.

Mr. Ragsdale stated not in his opinion.

Mr. Thomson stated there was no Board action stop or recommend against that. He suggested Mr. Farmer may be remembering one of the discussions with SABOR's executive director to stop their efforts to bring a Washington attorney in.

Mr. Farmer stated that was before that discussion started.

Mr. Thomson continued that Mr. Marshall's idea to run the proposed amendments by the Board before making it public is probably a good idea. We did go through the draft of the ordinance with the Board before it was released and was available at various workshops. That was done then too as an opportunity for Board to look through it extensively with several groups. One may not be aware of that if one was not a member then.

Mr. Mackey stated he remembered the Board deciding to stop until this point was arrived at to determine how to proceed. He stated he does not remember the group Mr. Thomson referenced. We clearly stated we would stop. He doesn't think everyone would have it wrong, but that was his understanding.

Mr. Ragsdale stated his position was that because all efforts were becoming unproductive on the Commission level at the Commission meetings that the Commission was going to no longer have meetings until a process could be agreed upon for productivity. That is where we are today, though it took time to gather information to get to this process. Hopefully we can move forward now.

Mr. Cook stated he would like to see a second draft to review the revisions, especially since it is not a final. There will probably be a third and fourth draft as well.

Mr. Ragsdale stated he thinks all of the Commission would like to see it. We are not voting on anything today, but we can direct staff and Mr. Thomson that we need to see those changes before they are released.

Mr. Marshall stated Mr. Ragsdale is wrong. This body made - I thought it was a motion that was seconded and voted on, but if it wasn't a motion, I don't know why it wasn't a motion. It was clear - I don't know if anyone sitting up there said 'keep moving the way we are moving'.

Mr. Pannell stated he made the motion. He stated his motion was to have this retreat but this whole discussion is pointless. To sit hear and argue that the staff shouldn't have done anything in the past few months . . . we have to move on.

Mr. Marshall stated he agreed, we have to move on but he just made a suggestion that we

not release anything. It seemed to get a consensus around this table. But is it going to come back 30 days from now that it's been released? We didn't understand it that way. Adam, with all due respect to you as chairman, why are we here if you are going to just unilaterally say 'Well, I didn't agree with that'?

Mr. Ragsdale said he doesn't believe he's ever said anything unilaterally.

Mr. Marshall stated back in September, what you said was discussion along those lines. It was in December or January that you said to stop this.

Mr. Ragsdale stated if we have to get the minutes, then we will do that. There's no point in doing that. To your point, he has never -

Mr. Marshall asked are we going to stop.

Mr. Ragsdale replied to Mr. Marshall that he doesn't understand the anger he brings to this Commission.

Mr. Marshall stated it is frustration, not anger.

Mr. Ragsdale stated it comes across as anger. It's a high level of frustration for me to the point that it is embarrassing that as a Commission that we could not agree to discuss anything. That is when the process stopped.

Mr. Marshall replied we aren't discussing anything. We are being told certain things and we react to them and it keeps going the same way.

Mr. Ragsdale stated if you want to keep saying that, then we aren't going to get anywhere. The point is, let's move the ball forward. We're not able -

Mr. Marshall stated he believes everyone sitting around this table wants to move it forward.

Mr. Ragsdale state he does not agree.

Mr. Marshall asked Mr. Ragsdale if he wants to move it forward.

Mr. Ragsdale replied that he absolutely wants to move it forward. However, your comment is germane to moving the ball forward.

Mr. Marshall stated the level of money and time spent outside of this room by individuals and individual groups to try to make sense of it before we as body who have to bless something have even looked at it. The fear factor in the public; people are still hiring attorneys -

Mr. Ragsdale stated that is their choice; we can't stop them.

Mr. Marshall responded stated we can stop it because we don't have to present in a fashion that is so premature.

Ms. Small-Toney stated she believes part of the frustration, speaking of herself, is we have these discussions, we leave out with certain things understood to be done and find out later in the process it hasn't been adhered to. That's part of the frustration we all have to work with. And there has to be a certain amount of respect in the staff and leadership of this Board listening to the concerns of this Commission and incorporating that. We would like to see it being incorporated. Is that fair? That's important. She stated she felt the direction to staff was to stop this and give this Commission an opportunity to understand what is being proposed. She believes every commissioner has a responsibility to be an advocate for this. One cannot advocate for anything you don't know or understand.

Mr. Farmer stated you have to embrace it. Addressing Mr. Ragsdale, he stated he hated to bring this up: we had breakfast with several other Board members and had discussion that you would bring this up to Mr. Thomson and remind him to stop.

Mr. Ragsdale stated he remembers that.

Mr. Farmer stated now you are denying -

Mr. Ragsdale stated he is not denying anything; he remembers the conversation and having to go back to my own notes to figure out where we were with everything.

Mr. Farmer stated when you left the room that day, you were to go back to Mr. Thomson and remind him -

Mr. Ragsdale stated that is only one side of the story.

Mr. Farmer stated you never told us anything different.

Mr. Ragsdale stated you didn't talk with me.

Mr. Farmer said, Mr. Pannell - anything anybody in this room wants to bring up is open. Anything. Please understand that. We are giving our time and anything I want to say is pertinent. It may not be pertinent to some, but it's pertinent to me and I listen to a lot of people talking. What I told the Board was quit spending your money before we even know what we are dealing with.

Mr. Ragsdale stated that was good advice.

Mr. Farmer said it's not good advice if you're continuing to meet with them. Because we called them off.

Mr. Ragsdale agreed the four of us had a breakfast meeting but the point is he did not receive marching orders from anyone; we simply had a meeting.

Mr. Farmer stated you agreed to do something.

Mr. Ragsdale replied yes and he had to do research and see where we had come from. We never told staff to stop engaging people.

Mr. Farmer stated that is not what he heard.

Ms. Myers stated she believes some of the frustration is when you say you have changed things, we never see those changes and she doesn't want to get them page after page. It would be much easier if see them in each meeting as to what's been done.

Ms. Moore replied the changes happen on a daily basis. She asked if they are wanted daily.

Ms. Myers responded yes.

Mr. Ragsdale stated that's one of the difficulties. Everyone looks at him and asks how are we going to fix it and move forward. Being able to come back to you and recommending a process; developing that process takes us to where we are today.

Mr. Cook stated generally that is the meaning of a second draft so can see what revisions or changes have been made. We're sitting in the dark and don't know what changes have been made. We have to have draft 2 to look at to have drafts 3 and 4.

Mr. Ragsdale stated what we have said here today as a Commission to staff and Mr. Thomson is that we want to see this before it's release to the public. The way it was presented to the Commission last fall wasn't being productive; we are trying to figure out how to present it to us so we can be productive.

Mr. Farmer asked what has changed since then. Tell me what has changed as far as what we know. The mandate was to go back and see what we could do to look at the old and the new. Please tell me while we are sitting here again, riding this horse until it is dead, and we haven't seen a thing that is different.

Mr. Ragsdale asked Mr. Farmer if he wanted to be told that now.

Mr. Farmer replied he hasn't heard anything. All he's heard is a sales job. Everything that's been said is a sales job. Anyone that says anything about it, we're against you. He expressed the fact is he wants to embrace this thing. Give him something to embrace and he will be your best horse.

Mr. Ragsdale requested to let's get there. He stated he is trying to get us there; that is all he is trying to do. All we are doing is going back to revisit the past.

Mr. Farmer stated it does not help when you are disingenuous and tell some people you will do something and then you don't do it.

Mr. Ragsdale state he is not disingenuous and that is not fair.

Mr. Farmer stated he did not call the meeting, Mr. Ragsdale did.

Mr. Ragsdale stated yes and we went down that rabbit hole. You all didn't tell me before that meeting that's what you wanted to discuss. You brought that up at the meeting.

Mr. Pannell stated he is not trying to be argumentative with anyone. The whole point of this retreat today is to get together as a group and start talking through this and decide

if this is something we are going to try to make revisions to and embrace and get it passed. It seems we keep getting sidetracked as to what was happening in the fall or what was happening this morning. Everyone wants to play the blame game and what has staff done or not done - none of this is productive. We have to decide if we are going to start going through this document - and he agrees he wants to see a draft too - and talking through the problems of this and get educated on it and decide how we are going to proceed with it. Or we're just going to throw out all of the work that's been done over the last decade and live with what we have. This is not helpful. He stated he's suggested some case study comparisons. Until it is being used and understood, wheels are just being spent.

Mr. Mackey stated the two hurdles needed to be overcome are not hard, but must happen: after speaking with the secretary regarding the minutes, they are vague but his memory is clear as to what the intent was. Also, we need to agree we don't need the extra stuff piled onto the document when we've asked for the document to be halted so we can grasp it. If we can get staff to hold that process until we can decide how we're going to go. He doesn't think staff hears that the Board wants to slow the document down. We need to go forward. We have to stop to move forward, especially as we find out how complex the document is because it was written by legal personnel. It should be rewritten with legal personnel. Listen to what the Board members are saying. Many are saying stop it here, embrace what we can and move forward.

Mr. Ragsdale stated that as a Board, we are starting the process over again regarding reviewing and understanding the document.

Mr. Mackey stated nothing needs to move until it is cleared by this forum. No additions. This forum has to bless it. Without the blessing, it shouldn't move.

Mr. Ragsdale stated he agrees. Part of the challenge is we've had some recognized concerns come up from constituents in the community showing portions don't work for their operations. They've taken those concerns and addressed them in the draft to present to us. Is that not reasonable?

Mr. Cook stated that's what he thought we were doing.

Ms. Small-Toney stated that's part of it but, this Commission has to support it. It is necessary. She stated she could not take something to the governing board and say 'Here, I recommend you pass this,' if I don't understand all the nuances and implications and meanings behind it. That may be a tunneled way of looking at it, but that is the simple truth.

Mr. Ragsdale agreed.

Ms. Small-Toney reminded him that the same people complaining in the community are going to show up in the chambers with those same complaints. You don't want it to pass this body and get somewhere else and it gets stopped.

Mr. Farmer stated one of the other things we agreed to do is to start making real-life case studies in our pre-meetings. When someone brings a petition before the Board, show what it would be in the current ordinance and what it would be in the new. That has not been done yet. He stated his frustration is when someone tells him they are going to do something

and he believes they are going to do it and they don't and we start talking about then he's the one who seems to have a problem. He asked Mr. Ragsdale if he remembered agreeing to having case studies.

Mr. Ragsdale replied yes.

Mr. Farmer asked has it been done.

Mr. Ragsdale replied no, it has not. It is something that should have been done.

Mr. Thomson stated that has been considered and perhaps he did not communicate it back to the Board. It needs to be considered outside of the process and after a decision is made for that particular application. It subjects the process to something the applicant can't deal with. It's not a current standard so the challenge could be made to the Commission's decision that standards that have not be adopted have been considered because they have been presented in a manner. He recognized he failed to communicate this to the Board. It may be dangerous to do at this time. It is mentioned occasionally if this were UZO, it would be this or that.

Mr. Ragsdale stated he understands the legal ramifications but he does believe the case studies to be a good idea. He stated he would like to see a selection after already acting on the petition and discuss at a following meeting.

Mr. Thomson stated he believes that can be done.

Mr. Abolt stated he's glad that all that has come out in this setting than in an official meeting with the media. He also wants to respect the responsibility placed on staff. Any route taken we have to play fair with staff; part of the thing we expect staff to do is talk to the affected folk. If they are not doing that by our direction, then it is our responsibility to acknowledge that.

Mr. Farmer stated then we should vote against it then.

Mr. Abolt stated we can't have it both ways; we can't ask staff when they are presenting whatever to us 'what does the majority think about it?' Their response would be 'it beats the heck out of me because you told us not to talk to anyone about it.' Be aware of that. Also, be careful of using case study applications because it will confuse the heck out of everybody. It needs to be separate because of our quasi-judicial setting.

Mr. Farmer asked if we bring something and vote on it as a Commission, for the Director to do or do not do something and he goes out and feels it is not a good idea, that is fine but he needs to bring it back to us and say 'we have a problem with this.' However, he just chose not to do it - that's not his call. He should have brought it back to us. That's a good point you made, but it was never discussed before nor brought up since. It was just acted on without the Board knowing about so we didn't get anywhere. When to use live case studies - he stated he is open for discussion, it doesn't have to be before. He does not want someone to pick and chose case studies to make a point. The best way to chose one is randomly as it comes up.

Ms. Myers stated communication is obviously the main problem here. If we direct staff to

present a report regarding concerns and staff recommendations, we will then be a part of the process. She stated she feels as if she is being stuffed with things she does not have opportunity to digest. Breaking it down makes it all easier to understand.

Mr. Marshall asked for the slide showing all that had been accomplished.

Mr. Coleman stated as a Commission approving this document and the processes: it appears we are trying to separate our approval from the overall review by the community itself. He stated he does not believe he would ever be comfortable presenting any approval of the document without it going through the public review and vetting process. That allows us to take a step back and understand what the concerns are and respond appropriately. Pulling in special groups and persons does not represent the public who may have a different viewpoint of what is important to them or not. It was his understanding we were at the point now of looking for all of that and take it and work with it as a Commission with the staff to see how to implement work towards an approval document. Use this time to have a dialog with the public. We can't work with staff, say everything is fine, present to the public and not expect an uproar.

Mr. Marshall stated he is convinced getting the document as a whole approved will not happen. Break it up into pieces and put into the existing document.

Ms. Moore disagreed. There is a format issue.

Mr. Ragsdale stated he appreciated Mr. Marshall's thoughts and concerns. That is the reason we are here to today, to get something we can adopt.

Mr. Marshall stated that Ms. Moore's comment that it won't fit into the existing ordinance is one of the problems with the whole presentation of this. If you can't work with the document on the table now . . . take that one as an example and figure out why won't it work with the existing document.

Mr. Ragsdale replied we were mandated to re-write the ordinance.

Mr. Marshall stated to re-write it. It is a matter of adoption; don't wait until the end.

Ms. Small-Toney stated she would be comfortable with taking it section by section and review with case studies to vet whatever needs to be.

Mr. Thomson stated the process has been outlined by the City Manager that staff wants to follow has been interrupted by good discussion and angst. Information is not being withheld from the draft; we are just accumulating it until we get the opportunity to make those presentations. Today's process will be background. The minutes state the motion was to continue for 60 days and have a workshop and discuss how to move forward. He stated he would continue to refer to Ms. Small-Toney's outline to go section by section. Once completed, we can discuss strategies for adoption. He stated he believes we need to continue discussion with interested parties to get their input as we go along and bring their suggestions to the Board for consideration.

Mr. Lufburrow stated he agreed with Ms. Myers of the need of clear communication to

staff. He believes staff needs to ask for clarification if not clearly understood. He continued that he feels there is a need to get beyond this regardless of position taking on the process; some form of a new document would somehow be the end result. If there is a need to discuss section by section, do so. We need to decide as a body today that we are going to accept this format and figure some way to go through, digest it and approve it in one way or another. It may go through some changes before completion, but he believes if we are hung up on the old format, we may as well leave now.

Mr. Farmer listed the accomplishments Ms. Moore referred to earlier. They were all done with the old ordinance. A lot was accomplished with the old ordinance. He doesn't think it to be a bad idea to modify an existing document no more than it would be to start over. He just doesn't believe it to be an all or nothing situation. But we do need to decide which way we need to go.

Mr. Ragsdale thanked Mr. Farmer for listing those accomplishments because they were accomplished because there were no existing vehicles to accommodate them in the existing ordinance; they had to be created.

Mr. Marshall asked how did they get done if they didn't work with the current ordinances.

Mr. Ragsdale rephrased his statement they were all add-ons to the ordinance -

Mr. Marshall stated there will be add-ons in 30 days to the new one.

Mr. Thomson stated there will be amendment to any new ordinance. We can't go into this thinking things won't change as a result of the new document. We will discover things we never thought of during the process. Hopefully the amendment process will be improved. This is a perfect time to work on this.

A brief recess was held.

Ms. Amanda Bunce shared big picture themes and showed case studies to indicate what needs to be fixed and how to resolve. Research from the zoning assessment reports set the foundation as to how to move forward. Many standards are so inter-related that they can't be looked at individually as segments. Few can be viewed one sub-section at a time.

One of the key goals was to link the zoning to the Comprehensive Plan and implement the vision adopted by City Council and the County Commission. The format is another key issue. More graphics are proposed with a little less text to help making it user-friendly. The use table is to be improved; with all use conditions one section.

Mr. Marshall stated he is not convinced this is better.

Ms. Bunce stated that was the recommendation to put all use standards in one place. The Mid-City ordinance did that exact thing. That ordinance was presented as the model going forward.

Mr. Marshall asked if any of the descriptive language will be deleted from the use table.

Ms. Bunce replied only if staff deemed the use standard as inappropriate.

Mr. Marshall stated he does not believe that to be their prerogative. That is the right of the Board.

Mr. Ragsdale agreed.

Ms. Bunce offered examples of use conditions proposed to be removed.

Mr. Marshall stated he is not interested in examples; he is focusing on the procedure. Had he not brought it up, the process would continue and we would not know it until it reached City Council and impacted someone.

Ms. Bunce stated where they've been dropped has made it less restrictive.

Mr. Marshall stated it is still the prerogative of this body to say 'okay'. You should come to us to for permission.

Ms. Bunce stated it is simply a recommendation that will be presented in page by page manner. The definitions will also be located in one place, along with definitions added. Explanation of how things are measured and some modifications as to how some standards are measured. Design standards are also addressed, giving some authority to the Commission to vary them.

Mr. Farmer asked about special uses and variances. They will have to go to City Council. He inquired of Mr. Thomson about special uses in the draft UZO because additional burden is being transferred to Council from MPC. Also, giving the MPC the right to review design standards when it wasn't there before.

Ms. Bunce clarified that the MPC would not be required to review the design of every building. She then addressed administration regarding streamlining the process. This was discussed in depth, outlining the players and processes.

Ms. Small-Toney stated she will have comments on this because City Council will stop processes if public notice has not been given and if the public does not have an opportunity to weigh in.

Ms. Bunce continued that some boards will be merged. There will be an increase of the public notice radius. It will propose City or Council staff post signage or use a fee-based contractor.

Lunch recess.

Mr. Geoff Goins discussed zoning proposals of the draft ordinance. All parcel zonings were reviewed and brought all to conforming zoning for the area.

Mr. Coleman stated it needs to be clearly conveyed to the public what they are gaining or losing so they may make an informed decision regarding fairness of their property.

Mr. Thomson informed that the legal requirement is notice in the newspaper. Additional notifications will require additional funding.

Mr. Thomson stated nothing is being taken away from anyone; their use is being modified. Less than 40 properties have been deemed non-conforming. The use may change but they are not having anything taken away. He requested the Board to be careful of terminology used.

The notice process and marina conformity were discussed.

Mr. Farmer stated he strongly recommends attorney representation. He stated he believes Mr. Hart, the county attorney, made it clear to him that we cannot rezone someone's property without sending them notice of it by mail and making sure they've received it. The owner may not live here. He stated he will not approve the draft ordinance if the process does not allow property owners to acknowledge and approve the change.

Ms. Small-Toney stated legal representation needs to be involved. If we are not handling things legally, then we are going the wrong way.

Ms. Myers asked if Mr. Blackburn could be in attendance and advise.

Mr. Thomson stated Mr. Blackburn stated he was not going to spend energy on this right now.

Mr. Marshall recommended removing the change of zoning lines until later.

Mr. Ragsdale suggested to build in that each parcel owner that has a particular right at this time, be granted an automatic appeal to the current property owner if they discover they have a reduction in their rights, to their current rights.

Ms. Myers stated we don't want to make it too hard to make changes.

Mr. Farmer asked about protecting the marinas.

Ms. Moore stated the marinas will be in a better place with the proposed use conditions.

Mr. Goins stated 560 variance requests from 2005, 421 have been approved. It is hopeful the variances will decrease.

Ms. Bunce highlighted principle uses, special uses (which require local governing body approval by Council, not MPC or ZBA) and conditions processes to be in compliance with State law. It's pretty much the same process as required previously.

Mr. Ragsdale requested a recommendation of review a zoning, site/general development planning case, and a variance comparing existing zoning versus UZO, for each following agenda from Mr. Thomson and staff.

Mr. Marshall stated we need to spend time with it and review in an unbiased manner.

Mr. Coleman stated he believes time also needs to be spent on defining uses, special uses,

and by-right uses in districts. Case studies today do not accurately represent what is to come.

Mr. Thomson and the UZO team stressed all of these topics will be discussed in detail in the future. Addressing it at this meeting was to inform proposals for future discussion. Study examples were randomly picked, not in a biased manner.

Mr. Farmer requested bringing cases that did not work; he cannot trust presentation if both sides are not shown.

Mr. Cook suggested the property on MLK: how would it spell out on UZO.

Mr. Farmer stated that is a good case to look at.

Ms. Myers asked if the questions posed can be listed and posted, then checked off after being addressed.

Mr. Thomson reminded that it was requested for the board members to submit their questions in writing, to which they would be answered in writing and presented to all commissioners. And, any issues would be listed as an agenda item.

Mr. Farmer stated he does not have the time to read all of the UZO manual. That does not work for us. So, we take a day out of our work and come here and talk about these things; that is the most effective way of doing it. The real- case studies will be a big help. The other concern is that all the players are not here. Legal and enforcement representation is needed to be here.

Mr. Ragsdale asked how do we compel the legals to attend.

Mr. Farmer stated he has spoken with the city and county attorneys. He stated what he hears from them and what he hears in this forum is not the same thing. And, nothing is worthwhile without enforcement. He would like to hear what they have to say in this forum, be it that they are not interested, don't want to come to any of the meetings or have any concerns because that is not what he is hearing. Otherwise, we are going in circles.

Ms. Stone stated she would do what she could to get the attorney here. She suggested to keep in mind that the manpower to enforce as needed is not had; most is complaint-driven.

Mr. Pannell asked that the map be put on hold and focus on the structure now. He recommended that we get draft two that has be tweaked by the appropriate parties and determine if the tweaks are working. He then asked if they would be in conjunction with the meetings or separately.

Ms. Small-Toney stated the appropriate starting point would be with draft two, but we don't have draft two. She asked when will that be received. Regarding enforcement, she stated she has issues regarding governance, structure, authority, and how it gets connected. We cannot pass off to a governing body any unfunded mandates. These things take resources; that needs to be considered as well.

Mr. Marshall stated the attorneys may be unwilling because of their workload. However, they have assistants that may be effective in being legal representation. He also asked if the document regarding Montgomery Street in 1962 has been upheld; is what it is today what it was proposed to be from then.

Mr. Ragsdale stated he would like to see at the next meeting a UZO comparison at the top of the next MPC meeting; first item of regular business.

Mr. Marshall stated he hope it does not get contentious as previously. He stated the more that can be done in the planning meetings, the better the public perception of the process will be.

Mr. Ragsdale stated he recommends limiting it to two case studies at the regular MPC meeting, from 2006 as an on-going meeting. This will help structure the planning meetings.

Mr. Thomson stated the next workshop process is clear, based on the recommendations presented by the attending board members. At the next meeting, a recommendation of the order could be addressed.

Ms. Bunce summarized the goals to incorporate: eliminate redundancy, streamline and clarify, improve notification, improve site standards, and reduce variance requests where possible. The original presentation from the zoning consultant ten years ago stated it should ensure simplicity, predictability, accountability, consistency, and adequacy.

Mr. Farmer asked for a copy of the presentation; it has good information in it for reference.

Mr. Thomson stated an e-mail link will be provided for downloading.

Mr. Pannell repeated that the next meeting there will be discussion presentations where questions can be asked of staff to explain current processes versus proposed. Between meeting, there will more in depth of the actual UZO review.

Mr. Farmer added with everyone to be in attendance.

Mr. Cook asked if the Board will have a copy of the second draft before the next meeting.

Mr. Thomson replied there will be an update of the sections addressed for the next workshop planned for April 10th or before.

Mr. Marshall stated if everyone could meet at 12 sharp for the pre-meeting, presentation of the case studies could start then and eat lunch during.

Ms. Small-Toney that is not always possible.

Mr. Farmer stated if at least one attorney could not be present, he questions the reason for attending.

IV. Adjournment

Arthur A. Mendonsa Hearing Room
March 20, 2012 9:00 A.M.
MINUTES

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