



Arthur A. Mendonsa Hearing Room
April 23, 2013 1:30 P.M.
MINUTES

April 23, 2013 Regular MPC Meeting

Members Present: J. Adam Ragsdale, Chairman
Ellis Cook, Secretary
Tanya Milton, Treasurer
Ben Farmer
Timothy Mackey
Lacy Manigault
Murray Marshall
Susan Myers
Joseph Welch

Members Not Present: W. Shedrick Coleman
Russ Abolt
Stephanie Cutter
Stephen Lufburrow

Staff Present: Thomas Thomson, P.E. AICP, Executive Director
Melony West, CPA, Director, Finance & Systems
Gary Plumbley, Acting Development Director
Marcus Lotson, Development Services Planner
Christy Adams, Director, Administration
Bri Finau, Administrative Assistant
Amanda Bunce, Development Services Planner

Advisory Staff Present: Robert Sebek, County Zoning Administrator
Geoff Goins, City Zoning Administrator

I. CALL TO ORDER AND WELCOME

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

IV. NOTICES, PROCLAMATIONS and ACKNOWLEDGEMENTS

Notice(s)

1. [April 23, 2013 MPC ByLaws Committee Meeting at 11:30 AM in the West Conference Room, 110 East State Street.](#)
2. [April 23, 2013 10:00 AM to 12:30 PM Archaeology Site Visit](#)
Attachment: [Abercorn Archaeology Site Visit Invitation.pdf](#)
3. [May 1, 2013 10:00 AM to 12:30 PM Archaeology Site Visit](#)
Attachment: [Abercorn Archaeology Site Visit Invitation.pdf](#)
4. [May 7, 2013 MPC Planning Meeting at 1:00 PM in the Arthur A. Mendonsa Room, 110 East State Street](#)
5. [May 9, 2013 2:30 PM to 5:00 PM Archaeology Site Visit](#)
Attachment: [Abercorn Archaeology Site Visit Invitation.pdf](#)
6. [May 14, 2013 MPC Finance Committee Meeting at 11:30 AM in the West Conference Room, 110 East State Street.](#)
7. [May 14, 2013 Regular MPC Meeting at 1:30 P.M. in the Arthur A. Mendonsa Hearing Room, 112 E. State Street.](#)

Information Item(s) for Board Members

8. [Reading of Development Plans Submitted for Review](#)
Attachment: [Development Review Case Log April 23 \(2\).pdf](#)

V. PRESENTATIONS

9. [Legislative Update - Lee Hughes](#)
10. [Urban Beekeeping- Greg Stewart, Coastal Empire Beekeepers Association](#)

Mr. Greg Stewart gave a brief introduction and overview bee keeping activities and education in the area. He stated that in the proposed revisions to the Animal Control Ordinance bee hives will be registered with the County. He stated the ordinance states fly away paths have to directed from neighbors. His website is www.cebeekeeping.com. It will be updated within the next 30 days. One can call 311 for problems with bees.

VI. ITEM(S) REQUESTED TO BE REMOVED FROM THE FINAL AGENDA

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

Approval of MPC Meeting Minutes and Briefing Minutes

11. [April 3, 2013 MPC Meeting and Briefing Minutes](#)

Attachment: [04.03.13 MPC BRIEFING MINUTES.pdf](#)

Attachment: [04.03.13 MEETING MINUTES.pdf](#)

Board Action:

APPROVAL of the MPC Meeting and Briefing Minutes as submitted. - PASS

Vote Results

Motion: Susan Myers

Second: Ellis Cook

Russ Abolt - Not Present

James Blackburn - Aye

Shedrick Coleman - Not Present

Ellis Cook - Aye

Stephanie Cutter - Not Present

Ben Farmer - Aye

Stephen Lufburrow - Not Present

Timothy Mackey - Aye

Lacy Manigault - Aye

Murray Marshall - Aye

Tanya Milton - Aye

Susan Myers - Aye

Adam Ragsdale - Aye

Joseph Welch - Aye

VIII. ITEMS MOVED FROM CONSENT AGENDA

IX. OLD BUSINESS

X. REGULAR BUSINESS

General Development Plan / Group Development Plan

12. [Liberty City Plaza - 1940 Mills B. Lane Boulevard](#)

Attachment: [Maps.pdf](#)
Attachment: [Amended Staff Report 04-23-13.pdf](#)
Attachment: [Amended General Dev Plan 04-23-13.pdf](#)

Liberty City Plaza
1940 Mills B. Lane Boulevard
PIN 2-0706-02-003 and 003A
Agent: Jay Maupin
Engineer: Maupin Engineering
Owner: Mr. Nirav Sheth, LLC
Aldermanic District: 5
County Commission District: 5
Zoning District: I-L and P-B-G-2
MPC File Number: 13-001541-PLAN

Mr. Gary Plumbley, MPC Project Planner, presented the petitioner's request for consideration of a General Development Plan/Group Development for a proposed retail shopping center located between Mills B. Lane Boulevard and Ogeechee Road on the west side of the Mills B. Lane Connector Road. The proposed shopping center will include two buildings with a combined floor area of 15,982 square feet. The proposed center will also include a fuel station and a freestanding ATM.

The MPC staff recommends **approval** of the requested General Development Plan/Group Development subject to conditions listed in the staff report.

Board Action:

Approval of the requested General Development Plan/Group Development subject to conditions listed in the staff report. - PASS

Vote Results

Motion: Timothy Mackey
Second: Ben Farmer

Russ Abolt	- Not Present
James Blackburn	- Aye
Shedrick Coleman	- Not Present
Ellis Cook	- Aye
Stephanie Cutter	- Not Present
Ben Farmer	- Aye
Stephen Lufburrow	- Not Present
Timothy Mackey	- Aye
Lacy Manigault	- Aye
Murray Marshall	- Aye
Tanya Milton	- Aye

Susan Myers	- Aye
Adam Ragsdale	- Aye
Joseph Welch	- Aye

XI. UNIFIED ZONING ORDINANCE (UZO)

13. UZO Review: Sec. 5.4 (Principal Use Table) and (Article 8.0 Use Standards)

Attachment: [5.4 Principal Use Table.pdf](#)

Attachment: [Article 8.0 Use Standards.pdf](#)

Mr. Mackey requested to UZO staff to remember to address the half-way houses in residential areas or in close proximity to. The Carver Heights area has close proximity to two of them. He stated he thinks that is a bit much for any neighborhood.

Mr. Farmer stated that Ms. Bunce and Mr. Thomson met with the representatives of the Savannah Board of Realtors. The meeting was well attended and presented.

Ms. Bunce presented **All Detention and Correctional Facilities**. This use would be permitted with a proposed a use condition that it shall not be located within a quarter mile of any residential or mixed-use zoning district or adjacent to a residential use. It is proposed to be permitted in three zoning districts: A-1 as a special use, I-L-T and I-L.

Mr. Plumbley asked if this use condition is non-variable.

Ms. Bunce stated it is a measurable standard; it would variable, but it would go through public hearing.

Mr. Blackburn stated unless there are plans for private detention facilities, the county or city builds them. He asked why bother with this because they are not subject to the ordinance.

Ms. Bunce stated the purpose of the ordinance is to provide guidance should the city and county want to follow what we think is best from a zoning perspective. Right now it is allowed as a public use, which is pretty much allowed in any zoning district.

Mr. Thomson asked how small or large is a detention center.

Ms. Bunce replied the size is not regulated.

Ms. Myers asked if that is the half-way house.

Ms. Bunce replied no.

Mr. Blackburn asked if there was a classification for a half-way house.

Ms. Bunce replied yes; that will be discussed next. **Correctional Transition Facility**: a facility where individuals who have been placed on probation, released on parole, or admitted for correctional purposes reside on a semi-permanent basis under full-time on-

site supervision; may also be referred to as a half-way house. It is allowed similar to where they are permitted today. The state has mandates: a special notice and public hearing must be held with an extended period of time. A condition has been added: after the effective date of this ordinance, such use shall not be located within a quarter mile of any residential or mixed use zoning district or adjacent to a residential use in any other zoning district.

Mr. Farmer stated that a half-way house is a house; would it be in a residential district.

Ms. Bunce stated it is proposed to be allowed as a special use in the TC-1, TC-2, Downtown Central Business District, the B-C zoning district, and the I-L zoning district. We will have to review why it is proposed to be allowed in TC-1 and -2 because those are mixed use zoning districts; there may be an existing facility that we were trying to preserve conformity.

Mr. Farmer asked if the full-time supervision is done by correction officers or just anyone.

Ms. Bunce replied she does not know.

Mr. Cook asked which board will they have to come before for approval for special use.

Ms. Bunce replied MPC for recommendation to City Council or County Commission for final approval.

Mr. Marshall asked about the distance.

Ms. Bunce replied it reads that in **Article IV** in the measurement section *Distance Between Uses*: when measuring the required distance between two uses, the measurement shall be the shortest distance between the property lines of each use, unless otherwise specified in this ordinance. The ordinance would have to specify for it to be front door to front door or along pedestrian pathway as the remote parking standard is measured. This one is shortest distance, point to point from property line.

Mr. Marshall stated he doesn't want a condition where the facility could be a half mile away but property line to property line or across a creek, and create an obstacle for enforcement. There could be things between it that could prevent any pedestrian traffic. Why have a distance requirement for that use. He also stated this is more restrictive than having alcohol near schools.

Mr. Manigault asked regarding the Federal government and half way houses, does that mean there are no guidelines for them establishing in a neighborhood.

Ms. Bunce stated she cannot answer that.

Mr. Manigault stated the halfway house that Mr. Mackey is concerned about in the neighborhood is a federal agency. The community should have some input about what goes into their community.

Mr. Blackburn stated the federal government is not subject to the whims of the local

government. The sovereign doesn't have to pay attention to the laws passed by its underlings. He asked if the reason these are special uses that require planning commission and council approval because of your interpretation that any sort of action requires that, or would it easily fit with other reviews, such as ZBA.

Ms. Bunce replied that question was submitted a few months ago to county and city attorneys; no response received as of yet.

Mr. Plumbley stated the government can go in a privately owned facility.

Mr. Blackburn stated the state takes proposals for leasing buildings.

Ms. Bunce continued with **Hospice**: This use does not currently exist as a stand-alone use. It falls under hospitals and care homes. It is proposed separately to allow them in different zoning districts: mixed-use, OI-E, B-N, and B-C. The Ronald McDonald House, since it is on the Memorial campus, would be considered as accessory to the hospital.

Hospital Use: the city currently allows in the R-M district. It is proposed to be allowed by-right in the D-C, D-X, OI-E, and B-C districts.

Intermediate Care Facility: it is proposed to be allowed in similar zoning districts as hospitals.

Nursing Home Use: it is currently grouped with hospital, sanatorium (state licensed facility offering care to chronically mentally or handicapped ill persons), or mental care home. It is being proposed in more districts than hospitals; it has been determined appropriate for RMF-3, Mixed-use and Office districts, B-N, and B-C. It is proposed to be allowed by-right with no use conditions. This is not for personal care homes.

Mr. Marshall stated some forms of mental illness need greater protection and stricter access to the general public.

Ms. Bunce stated the facilities are equipped to provided constant medical supervision with policies and standards to protect patients.

Mr. Farmer stated the public needs protection.

Mr. Marshall stated the use of distance requirements needs more thought than what has been put into it.

Mr. Farmer stated there is a difference between nursing homes for the infirm or elderly, than a mental health facility. He stated in his opinion, it is different than the home for the elderly.

Ms. Bunce continued with the **Substance Recovery Facility**: a state-licensed facility where treatment or therapy is provided for rehabilitation for drug and/or alcohol dependency. The special use permit does not include facilities that are solely for alcohol treatment; it is protected under the Fair Housing Act. There are separation requirements of a half mile from another substance recovery facility or correctional transition facility, or a quarter mile of a residential zoning district. They are proposed to be allowed in some of

the mixed use districts ,OI-E, B-C, and IL- T.

Mr. Blackburn stated he believes this needs more review.

Ms. Bunce stated it currently allowed as Home for Chemically Dependent Persons, in the city's ordinance in the R-B, R-B-1, B-C-1, B-G, B-G-1 and -2 classifications. There is a precedent for the downtown district as well as the R-B, which is mixed use. The B-C and IL-T proposed districts are similar to the B-G district in the current city ordinance. There are currently no separation requirements.

Mr. Blackburn asked if outpatient and inpatient is distinguished.

Ms. Bunce replied that is being reviewed. The intent of the current ordinance indicates an inpatient facility; outpatient would be more like a doctor's office.

Mr. Blackburn stated it should be clearly stated that outpatient facilities are not governed by this.

Mr. Farmer stated he does not understand how the Fair Housing Act is involved in this.

Ms. Bunce stated she is not familiar; Ms. Moore has researched. They will follow up on this question.

Ms. Bunce continued with **Office General**: Any office use unless it is specifically listed elsewhere in the category. The districts recommended are similar to current zoning districts that allow offices.

XII. OTHER BUSINESS

XIII. ADJOURNMENT

14. [Adjournment of April 23, 2013 Regular MPC Meeting](#)

There being no further business to come before the Board, Chairman Ragsdale entertained a motion to adjourn the April 23, 2013 MPC Meeting at 3:05 p.m.

Respectfully submitted,

Thomas L. Thomson
Executive Director

TLT/bf

Note: Minutes not official until signed.

XIV. DEVELOPMENT PLANS SUBMITTED FOR REVIEW

Arthur A. Mendonsa Hearing Room
April 23, 2013 1:30 P.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.