



Arthur A. Mendonsa Hearing Room
July 31, 2012 1:30 P.M.
MINUTES

July 31, 2012 MPC Planning Meeting

TR>

Members Present: Jon Pannell, Vice-Chairman
Ellis Cook, Secretary
Shedrick Coleman
Ben Farmer
Timothy Mackey
Murray Marshall
Susan Myers
Rochelle Small-Toney
Joseph Welch

Members Not Present: J. Adam Ragsdale, Chairman
Tanya Milton, Treasurer
Russ Abolt
Stephen Lufburrow
Lacy Manigault

Staff Present: Thomas Thomson, P.E. AICP, Executive Director
Charlotte Moore, Director, Special Projects
Amanda Bunce, Development Services Planner
Christy Adams, Director, Administration
Bri Finau, Administrative Assistant

Advisory Staff Present: Tiras Petrea, City Zoning Inspector

I. Call to Order and Welcome

II. Notices, Proclamations and Acknowledgements

Notice(s)

1. [August 7, 2012 Regular MPC Meeting at 1:30 P.M. in the Arthur A. Mendonsa Hearing Room, 112 E. State Street.](#)

Mr. Pannell chaired the meeting in Mr. Ragsdale's absence.

2. [August 14, 2012 Metropolitan Planning Commission Planning Meeting at 1:30 P.M. in the Arthur A. Mendonsa Hearing Room, 112 E. State Street.](#)

III. Consent Agenda

3. [July 10, 2012 MPC Planning Meeting Minutes](#)

Attachment: [07.10.12 PLANNING MEETING MINUTES.pdf](#)

Board Action:

Recommend **APPROVAL** of the MPC Planning Meeting Minutes as submitted. - PASS

Vote Results

Motion: Shedrick Coleman

Second: Ellis Cook

Russ Abolt	- Not Present
Shedrick Coleman	- Aye
Ellis Cook	- Aye
Ben Farmer	- Aye
Stephen Lufburrow	- Not Present
Timothy Mackey	- Not Present
Lacy Manigault	- Not Present
Murray Marshall	- Aye
Tanya Milton	- Not Present
Susan Myers	- Aye
Jon Pannell	- Aye
Adam Ragsdale	- Not Present
Rochelle Small-Toney	- Aye
Joseph Welch	- Aye

IV. Regular Business

4. [Continue Review of UZO Draft 2 - See attached memo](#)

Attachment: [Memo_PlanningCommission_Thomson_UZODraft2Review_120720.pdf](#)

The meeting started at 1:45 p.m.

5. [Article 1 \(starting with Section 1.2\)](#)

Attachment: [Article 1 0 General Provisions.pdf](#)

Ms. Charlotte Moore began the meeting with *Article 1, General Provisions*, which was continued from the July 10 meeting. She began with *Section 1.2, Rules for Construction of Language*. She gave a brief explanation regarding the computation of time.

Mr. Marshall asked for clarification regarding the exclusion of the first day of notice and the last day of notice [*Editor's Note: Referring to the second sentence of Sec. 1.2.2*]. That sentence seemed to contradict the first sentence of the paragraph. He asked why it was not consistent.

Mr. Farmer asked for clarification of when the notice actually starts. This has always been an issue.

Mr. Marshall stated that was his question; some count the day the notice was sent, some does not. He asked why it was not the same.

Mr. Pannell agreed with Mr. Marshall; it should be consistent if the computation of time will be specified.

Mr. Farmer asked about *Section 1.1.10, Effect of Conditions*; he stated he was curious as to why the word 'stipulations' was removed and the word 'conditions' added in its place.

Ms. Moore replied 'stipulations' was used previously, but it is not being elsewhere in the ordinance. It was therefore changed to 'conditions' for consistency with the rest of the ordinance.

Mr. Pannell stated unless anyone has any specific questions on anything, 'Rules for Construction of Language', is what it is.

Ms. Small-Toney asked what is going to happen to *Section 1.2.2, Computation of Time*.

Ms. Moore stated that a note has been made of the issue and that how it will be corrected will be placed on the question and answer matrix. All questions presented at the last planning meeting and responses will be included on it as well. All Board members will receive a copy of the matrix.

Mr. Thomson asked Ms. Moore about Section 1.2.2: with regard to "time which an action is to be done" and a "time for public hearing notice" - are those the two different things in the paragraph? He agreed it would be helpful to have it defined the same way; he is not sure which way is meant.

Mr. Farmer asked about *Section 1.1.6, Relationship to the Comprehensive Plan and Other Adopted Plans*: "This ordinance is intended to implement the Comprehensive Plan and all other adopted plans where applicable." He asked what does that mean.

Ms. Moore replied that plans—like the MLK Redevelopment Plan—may contain some land use aspects that can be implemented through zoning. There may be other plans that have no relationship to the zoning ordinance, thus the use of the phrase "where applicable."

Mr. Marshall asked about *Section 1.2.10, Word Usage*: "Lots include plots, parcels, tract or property." He stated 'land' should be added to the list. He asked what makes the

difference in those words; he believes 'land' is an all-encompassing thing.

Ms. Moore stated these are the words that most commonly come up in the ordinance, so we identified them so there is no mistake at all when talking about lot or parcel.

Mr. Marshall stated the next sentence in 'e', "applies to any land". He stated that is he "picking", because we are trying to address something that will not come back with a lawyer highlighting ambiguities.

Ms. Moore took note of Mr. Marshall's comment. She then moved on to *Section 1.3, Zoning Maps and Zoning Districts*. She verified that the official zoning maps are kept at the City Clerk's and the County Clerk's offices although the maps are updated by the Planning Commission. The language will be revised to reflect that the maps are located within the offices of the respective clerks. It is possible, however, that the official maps may become a digital map rather than paper copy. If that's the case, this language may need to be revised again. Staff will need to discuss this with the City and County attorneys who will make the decision.

Sec. 1.3.2, Omitted Land has been included. It states that if a zoning designation has not been provided for any of the 93,000+ parcels of land, the default zoning designation would be a Conservation district. That is the least intensive district and will provide an opportunity for proper rezoning for that property.

Any height map, overlay district or resource inventory maps are identified as part of the official zoning map. By state law, any historic overlay district has to be included on the zoning map.

Mr. Pannell asked why *1.3.4, Zoning of Vacated Rights of Way*, was stricken.

Ms. Moore replied that rights-of-way are already zoning...there was no reason to have it. She continued to *Sec. 1.3.4, Rules and Interpretation of the Ordinance*. This identifies the governing body building official as being responsible for that authority. In previous discussion, the building official can designate the zoning administrator as being responsible for interpreting anything relating to the ordinance, including the zoning map boundaries. That exists currently in the County and City ordinances.

Ms. Small-Toney stated to her understanding, it is the building official that can designate that responsibility to the zoning administrator.

Mr. Pannell stated the "governing body official" does not look as if it is defined in *Section 13, Abbreviations and Definitions*.

Ms. Moore replied it is defined in *Article 2, Development Review Bodies and Administrators*.

Mr. Farmer asked if there is a definition of "building official".

Ms. Moore replied yes. In the city it would Director of Development Services and for the county it would be Director of Building Safety and Regulatory Services.

She continued with *Sec. 1.4, Transitional Provisions*. Staff wants to be sure that people who have submitted an application or have something in the process of being reviewed can continue to follow through on it after the ordinance has been adopted. Some limitations have been identified, that an approval is good only for a certain period of time. This is to protect the city and the county. Some have held on to approvals for years without taking any action on them; years later they want to use the same approval although ordinances have changed since the approval. The idea is to not have open-ended approvals; they would have to meet the new standards of the ordinance.

Mr. Marshall asked if that is applicable currently.

Ms. Moore it is not currently identified in the zoning ordinances. Typically, the county or city attorneys would have to get involved to determine if a vested right exists with regard to the zoning ordinance for some matters. For Zoning Board of Appeals, for example, there is a provision that the approval is valid for a year from the date of approval. Other approvals may not include a time limitation.

Ms. Small-Toney asked if anything will address time limits on rehabilitation property projects.

Ms. Moore stated that may be only for Certificates of Appropriateness, which does expire. If so, the applicant would have to come back to the process again to be reapproved. Otherwise, it would be through the building permit process, and there may be some time lines established by the city.

Mr. Tiras Petrea, City Zoning Inspector, stated that from the time a building permit application is submitted, it is six months to obtain the permit. When the permit is issued, there are six months to have inspections. Currently, if one calls for an inspection within the allotted six months, another six months is allowed from the review because the inspection was had before the original six-month deadline.

Mr. Coleman stated there is nothing anyone can do to demand a person to complete a project. A mandate of going through the permit process can be implemented if they walk away from the project and re-initiate it later. The permit office can order the structure to be demolished if it is a danger. Even if the project takes a long time, the continuous construction keeps the permits active.

6. [Article 5 Base Zoning Districts](#)

Attachment: [Article 5 0 Base Zoning Districts.pdf](#)

Ms. Moore continued to *Article 5, Base Zoning Districts*. Approximately 41 base districts have been identified as needed for both the city and the county. These base districts identify what the intent of that district is, the character to maintain, protect or create. There will be dimensional standards: how big a lot has to be; the maximum building height that's permitted; and, yard setbacks (also called Bulk and Height Standards). The format will be easier for readers. The districts will also identify what the permitted uses are.

Ms. Myer asked if, in *Section 5.1, Zoning District Categories*, if the meaning of the acronym "RSF" and "RTF" could be written out next to it so the applicant can understand.

Ms. Moore said that would be done. She stated that the zoning districts are proposed to be placed into four different categories: Conservation, Residential, Nonresidential and Mixed-Use. Residential districts are all of these districts you see here under residential district. Right now, neither the City nor County zoning ordinance identifies that, so it is often left up to interpretation. For example, and R-I-P district, Residential-Institutional-Professional, is often referred to as a residential district, but it's really a mixed use district. So that's why we've included that into the zoning ordinance.

Mr. Marshall asked where is a retirement facility allowed.

Ms. Moore stated well, what we will do first is get into the specifics of these districts for you. And then we're going to get into what uses are permitted in each district. We're talking very broadly right now.

Mr. Marshall asked if this would be considered residential/multi-family.

Ms. Moore stated they may be allowed in some multi-family districts and may be allowed in some mixed-use districts.

Mr. Marshall asked if this is a broad definition of what residential districts are, what is a residential multi-family. He asked where would he find it. He stated he may be misreading this.

Ms. Moore replied we will actually get into that in a little bit. We're just talking about the districts. For instance, if something is permitted in a non-residential district, this tells you which of those districts of the 41 would be a non-residential district. Ms. Moore stated okay, we'll come back to this because she see's why she's confusing them. We will come back to it.

Mr. Thomson stated there are 41 districts and all 41 of those districts are represented on that page. And they are broken down into four categories. This page is saying that when you have, one of the three Conservation districts and in the ordinance, perhaps we refer to Conservation districts, it's referring to one of the three of those districts. Similarly, Residential districts. So, later, we will be going through each individual district and talking about what it is and what uses are allowed in it.

Ms. Moore agreed by saying right.

Ms. Moore continued by explaining the use of GIS and the varying layers indicate the current land usage to parcel information. All of that information helps to identify the appropriate zoning. She shared some visual examples. The Comprehensive Plan is the blueprint with regard to land use. It is relied upon to get a sense of what is appropriate for the base zoning districts. Staff is striving for consistency. The UZO will provide a color-coded zoning map. There are currently approximately 125 zoning districts that cannot be distinguished with colors on a map. Consolidation of districts will clean up the map considerably. She explained every effort is being made to not make any property become non-conforming; there are fewer non-conforming uses with UZO than with the current ordinances.

Mr. Farmer expressed concern of streamlining it too far that there is a conglomeration of

things that look similar, but in reality is not similar at all.

Ms. Moore stated the 41 districts capture all of the variety within the city and the county.

Mr. Thomson stated this is a later discussion, but the variety is handled in two different things. One is a by-right and limited and a special use for the permitted uses. And, second by special conditions. So, when the variety of things and how they interact within, say, B-C, might be regulated at the next level down by what type of use it is and what kind of conditions are attached to it. We'll be getting into that level of detail a little bit later.

Mr. Marshall stated he has concerns that a reduction is being built that will last for a few months, before someone will make a pitch to do something and we deny because it does not fit. Then we end up creating district number 42. Though it makes sense in the book, in practical application he is not convinced that reducing from 125 districts to 41 is going in the right direction. One person's idea may not fit what everyone has thought of before...then a district has to be created. Perhaps 125 districts to 100 would be more practical.

Mr. Thomson stated in such a case, a special use within a district would be created, not a new district. A text amendment may be required but that does not add another zoning district.

Mr. Pannell stated he and Mr. Coleman had to leave, and he is aware this causes the break of the quorum. He is turning it over to Mr. Cook. He knows this body talked about having at least a quorum to discuss this, so . . .

Mr. Farmer stated he would like to stay for a few minutes because he has a couple of questions that he'd like to get answered, but we can always take them up next time.

Mr. Pannell stated he would let Mr. Cook handle that issue.

Mr. Thomson addressed Mr. Farmer stating that answering questions, he knows that's what we're doing, but given that the Board has directed that we not have further discussion at this time.

Mr. Marshall stated right.

Mr. Farmer asked if they could just answer some questions. Regarding the reduction of the zoning districts: if someone wants to come in and put a restaurant downtown right now, in a downtown historic district, in a residential area of the historic district, would that be a special use request or would that be something in that historic district zoning or how would that work right now.

Ms. Moore replied it would depend on the location. There are some areas of the historic district where a restaurant is not currently permitted, where under the UZO there are some areas where it is allowed as a matter of right, there are some areas where it might be permitted as a special use.

Mr. Farmer stated that would scare him. It would be like a block-by-block analysis.

Ms. Myers stated that's the way it is. That's also what gives you the urban texture.

Mr. Farmer asked if we are opening a crack in the door where somebody comes in and all of a sudden you've got a lot of different people asking for the same thing and it's hard to apply the same consistent standards there. It's the way it is, but who ultimately is going to decide if that restaurant on this block is approved and on the next block doesn't get

approved? How would you apply that to the public fairly?

Ms. Myers stated under the new zoning, it would have to be on a corner.

Ms. Moore added it would depend on the zoning district.

Mr. Farmer asked would it have to be on a corner.

Ms. Moore stated in certain zoning districts, it would be in the D-R, which is equivalent to an RIP-A.

Mr. Farmer stated Ms. Moore was saying that it does not necessarily have to be on a corner.

Mr. Thomson stated in different districts it's a different answer.

Mr. Farmer asked Ms. Myers to take a good look at that. The devil might be in the details here and you would be the one to probably recognize him faster than anybody. He stated it strikes him as being very subjective.

Ms. Moore stated the provision in the ordinance that it be permitted on a corner lot only. And there could be additional provisions added to that to make it more compatible.

Ms. Myers stated that the use was in the more residential areas. That's the way it used to be and she doesn't know when it was changed.

Ms. Moore stated it came out about ten years ago.

Mr. Marshall stated he liked the term 'used to be'. Used to be we had many fewer zoning districts than what we have right now. But the public, before talking to the elected officials, demanded that it not be that broad and that you have specific - you have to go and prove and get a specific zoning. The evolution of this thing is we're going in reverse of what the public has demanded over the last 40 or 50 years.

Mr. Thomson stated the Special Use Permit process is replaces having to create a new zone and then approve rezoning on a property.

Mr. Marshall asked why are we changing the animal here so dramatically. A special use is different. It's the same to me as having -

Mr. Thomson stated it's a district versus a parcel, that's what we're talking about.

Mr. Marshall asked if it's allowed on this corner of a parcel as a special use and on this corner as a special use and on this corner as a special use, with a tweak here and a tweak here and a tweak here, when it shows up on that map, what will one see, just the broad brush - how will we know that this tweak and this tweak aren't the same as these two tweaks, unless we have a map that has a differential on them.

Ms. Moore stated there will likely be a special use map. There's a permit that goes along with the special use. And the great thing about special uses is that if there is a non-compliance the permit gets revoked. That can't be done right now. If someone opens a restaurant and they are in non-compliance with the zoning ordinance, they're going to have to go through a legal process to get them to shut down if they are just not listening to the City. Now there is a process to remove the permit if it's a special use. There are additional conditions that can be added to make the use more even compatible for the neighborhood.

The use may vary by location. It is really a case by case basis.

Mr. Marshall stated we're going to end up with 125, were just not going to call them 'zoning districts.'

Ms. Moore stated correct, they are not zoning districts, but special uses. But we're allowing flexibility in the ordinance where it doesn't currently exist. That's what we've been told that people want flexibility, the opportunity to open more businesses, to create more jobs as long as the use is compatible for the location.

Mr. Marshall asked if use compatibility for location is one of the criteria for getting zoning changed.

Ms. Moore replied it is. The criteria is identified in the zoning ordinance for both rezoning and special use. There are certain criteria that have to be complied with.

Mr. Marshall stated a lot of people are saying things to him and he doesn't know if they are saying them to anyone else that it scares people that they are losing their zoning because all of this is being consolidated. All we are doing is changing what we call it.

Ms. Myers stated no.

Ms. Moore stated we do have them in the ordinance right now, they just are not referred to as special uses in the ordinance, they are uses that require Zoning Board of Appeals approval. The process is not consistent with state law, which requires City Council approval and County Commission approval. Our meetings with elected officials have identified that they want the authority to be able to review these uses rather than the Board of Appeals. So there is an opportunity for a special use to be heard by the Planning Commission just like a rezoning and there is a recommendation that's made to City Council or County Commission. So there is one public meeting and one public hearing where the public can come out and speak out either for or against it. So they have an opportunity to voice their opinion.

Mr. Mackey asked which board is approving special uses.

Ms. Moore replied Zoning Boards of Appeals, in some cases. In some it is the Planning Commission and it goes on to City Council or County Commission. We have two processes right now.

Mr. Mackey asked when ZBA rules on special uses, is it binding. He asked if he was correct.

Mr. Farmer stated it is final.

Ms. Moore stated that is correct.

Mr. Mackey asked in the new language that special uses will go to the Commission and the Alderman. He asked if he was correct.

Ms. Moore replied correct.

Mr. Mackey asked if there won't be any loopholes to send those either to ZBA or MPC.

Ms. Moore replied not to the ZBA, but the Planning Commission is the first stop. This Board would have to make a recommendation to City Council or County Commission. She stated she doesn't believe they would send it back for any reason; they are the final authority.

Mr. Mackey asked if the Commission and the Aldermen wish to rule on special uses, why would staff recommend bringing it back to the MPC.

Ms. Moore replied she sees no reason to unless the City Council felt there is more information that the Planning Commission needed to consider. That's happened in the past.

Mr. Thomson stated its not bringing it back to the MPC, it goes to the MPC first then goes to. . .

Mr. Mackey asked what role is the zoning administrator play in this.

Ms. Moore replied there would be no role for the Zoning Administrator. The Zoning Administrator has no authority over special uses and currently does not now.

Mr. Farmer asked what about ZBA; what happens to it.

Mr. Mackey stated when the special uses have come before the ZBA, the Zoning Administrator has made recommendations and we've referred to the Zoning Administrator. That's being taken away from the Zoning Administrator.

Ms. Moore stated the Zoning Administrator makes no call regarding a special use currently or as proposed in UZO.

Mr. Thomson stated the Zoning Administrator's decision may be appealed and it is appealed to the Zoning Board of Appeals. That's different than what we're talking about regarding the special use process.

Ms. Moore stated special uses identified specifically in the zoning ordinance with the letter 'S'; she thinks Mr. Mackey may be referring to a use like a 'similar use' or a use that may not be identified in the zoning ordinance. In that case, the Zoning Administrator does have the ability to make an interpretation. But that's something that's different from a special use.

Mr. Mackey stated he is trying to outline or highlight areas that the Zoning Administrator is currently playing a role and this proposed ordinance takes away the authority of the zoning administrator. Those are issues he would like to have highlighted.

Ms. Moore replied sure, every reference to the Zoning Administrator has been identified in the current City zoning ordinance and will identify where that authority is in the proposed UZO.

Mr. Mackey asked throughout the entire document.

Ms. Moore stated we'll get to that, we're not in **Section 2** yet, **Article 2**. We're still in *Base Districts* and we're straying a little bit from talking about *Base Districts*. She asked if the discussion needed to change to -

Mr. Mackey stated he does not want to get off track, but he wants to make sure that responsibilities of the Zoning Administrator remain with the Zoning Administrator, that they don't get wiped out. He stated that is a really important issue for him.

Ms. Moore stated staff will follow through on that.

Mr. Farmer stated he believes when we get into special use versus zoning, we will have a pretty full plate. He stated he would like to ask ahead of time for future consideration: what are the pros and cons of additional districts and additional special uses. He stated he is afraid

we will go from one extreme to the other. He particularly wants to know how they will affect our community.

Mr. Farmer continued by saying he's been to each of the planning meetings and he's tried his best and will continue to try to be objective on the content and the process. He believes progress has been made there. He stated he mentioned to Ms. Moore a few weeks prior that someone from the car dealer's association called him and said they haven't heard from her. He stated she responded she sent something out to them and they never responded to her. He asked her if that was correct.

Ms. Moore replied correct.

Mr. Farmer went on to say he took the initiative to go to some of them and told them they need to get back in touch with Ms. Moore. He stated he also told them it may be a good idea to wait until Draft 2 comes out because it would be no point in getting together on an old draft. So, he wants all to know he was a liaison there to get that meeting set up. You all had that meeting.

Ms. Moore replied thank you.

Mr. Farmer continued by stating he is a member of the Planning Commission and anytime you have a meeting with someone like the Board of Realtors, the Homebuilders Association, the RCA Council, the car dealers, the marina dealers - when they bring attorneys, and he is involved in it as much as he can possibly be, up to his neck in it, Mr. Thomson, he wants to be there. He stated Mr. Thomson told him it was a staff function in Mr. Thomson's opinion. He thinks when stakeholders are brought in that large and they start bringing in their attorneys, then that's beyond a staff function. He stated Mr. Thomson also indicated it might have been counterproductive. Mr. Farmer stated when he and Mr. Marshall were at the marina meeting, the outcome might have been different, but it might not have been different in a positive way. He stated he wanted to make it clear that when anything having to do with the UZO that deals with the stakeholders like the Chamber of Commerce and other's he's just mentioned. He stated he's held off the Board of Realtors from getting their own attorney, he encouraged them to wait. He stated he's done all he could to be a good objective connection between the community and us and he does not want to think that he is being excluded from anything. He stated when he feels like there are things going on that he would like to know about and not being told about, that gives him a bad taste. He stated he was approached by someone this morning, that said 'it looks like the newspaper shows this UZO is flying through with flying colors.' He replied that would probably be a misjudgment of the conclusion. He stated he wants to keep it objective, transparent and on track. He stated he took offense when he set that meeting up and encouraged the meeting with the auto dealers and did not know it occurred and then was told it was a staff function. He stated to Mr. Thomson that if he wanted to respond to it, he would be glad to listen.

Mr. Thomson stated he will follow his request. He stated he has his opinion about being able to work on projects and bring them forth with a recommendation the Commission as an administrative function, and that's what he was referring to.

Mr. Farmer stated that the fact he is the only voice on this right now and he knows Mr. Thomson has a very vested interest in this thing. He stated he is not criticizing Mr. Thomson for that, however, there are other voices to be heard too. He does not want the information he gets to be filtered. He asked Mr. Thomson what was his opinion of how the meeting went and what came out of it.

Mr. Thomson stated he thinks if he had a model to hold up for any other industry group, that would be it. They came in well-prepared, they expressed their concerns to us clearly and we listened. It was mostly a listening meeting at this point because what we asked was that we have time to dig into the details of all their requests and how they relate to the ordinance and come back with another meeting that we can go through options and make changes to address their concerns. It was a good model, they did a good job. He stated he is not aware of any attorneys. If they had someone behind the scenes helping them, they were not transparent about that.

Mr. Farmer stated they have somebody behind the scenes helping them. He asked Mr. Thomson to share some of their concerns with the Commission.

Mr. Thomson replied their main concerns deal with how they will be able to display their product. The visibility from the street, some issues with trees, birds - it all boils down to displaying their cars.

Mr. Farmer stated the retail associations also have same concerns, like Home Depot. It raises the question what does that have to do with zoning. People want to know what does how one displays a car have to do with zoning. He asked when would the board have been entitled to hear their concerns. Had he not set it all up, would they have ever heard the concerns if he had not brought them up or would staff have just handled it.

Ms. Moore stated they heard from SADA in December 2011.

Mr. Thomson stated the process isn't to hide things from the Commission; the process is to bring a product that can be recommended to the City and the County. And the process of hearing the auto dealers (or whatever industry it is) concerns about it. Right now they are being brought to staff and we're trying to work through them so the product we bring to you that when they stand up in a public forum, they can say we've worked with staff and they like what is proposed.

Mr. Farmer stated he feels like there is a shield in what the public is saying and what he is hearing. He stated he doesn't feel like asking him to make a decision about the biggest thing around here in a long time and we have huge organizations with great deals at stake expressing their opinions and he may never hear any of them and he's willing to go the meetings.

Mr. Thomson stated that he (Mr. Farmer) is hearing of them and MPC staff is not, then they (stakeholders) need to talk to them (MPC staff).

Mr. Farmer stated he sends them to you. But they also call him and ask why is he not there. He stated he responds because he knew nothing about it.

Mr. Thomson stated he already commented he would make note of that.

Mr. Welch stated he was fortunate to work for an auto dealer, and they meet at J. C. Lewis Ford in the conference. He stated he was asked to come into the room about two and a half months ago to express his feelings on their concerns. One of the big concerns was frontage requirements. If the requirements in Savannah were as they are in Beaufort County, South Carolina, there would not be a display of one automobile in front of their dealership. They were concerned if that was the same effect here, he explained it is not. If people ride by and can't see the inventory, that was their concern. He stated Mr. Lewis approached him after the meeting and said it went very well and was very pleased. He stated they wanted to know if

they needed to bring in their attorney, but Mr. Welch stated he assured them they are not at that stage and nothing will happen overnight. They felt reassured after meeting with MPC staff.

Mr. Marshall stated the car dealers or any group that meets with staff, from what he hears them saying, is bargaining with them to not have implemented something that is not law in a fashion that they feel they have to bargain with you. But staff does not make the decision, nor does the MPC Commission, but City Council and County Commission does. If the Planning Commission does not know what their concerns are before they've been filtered through the bargaining process with staff, they are compromising things they may not have to compromise. That is not the proper way for this to be processed. We need to break this down and implement in steps. We should not be trying to do a wholesale change of what's on the books now. We ought to be addressing things identified as problems from the last five or six years and correct one at a time. He stated he does not like that the different business communities are being put in a position that they feel they have to bargain with staff on things they should not have to bargain with staff on. They should be bargaining with City Council.

Ms. Myers asked if they are truly bargaining. Are they not just asking how will the changes affect them. And we hear about the changes they have concerns about. She stated that is what she is understanding.

Mr. Marshall stated the marinas compromised on things because they felt they had to compromise.

Ms. Myers stated she is not seeing it that way. It is informational.

Mr. Mackey asked if the Board is simply being notified of when there are meetings with these entities. He stated he doesn't know about them. He asked if the other Board members - he stated this issue came up when the County Attorney addressed what we're talking about. If there are meetings of staff with groups, the Board should have the courtesy of knowledge of it

Mr. Thomson stated at the request of Mr. Farmer he stated he would begin notifying the Board of those type of meetings. But, staff's responsibility falls on the side of public health, safety, and welfare and what is appropriate and not should be asked as we do this. Staff has produced a draft of a document and now we are opening it to public comment. Of course the specific interests of whatever group or individuals is always going to be somewhere else other than where staff has positioned the document. The process is about understanding the perspectives and reaching agreement on what will work for both the individual business owners and staff responsibility. That is no different than what we do for every single development and zoning.

Mr. Mackey stated he wanted to show Mr. Thomson where there is a difference. Before we got to the point where we are now, he stated he remembers sitting in this very room many times with the community. When we are to a point where SEDA, the Chamber, or whatever, we should be apprised of them. If you are meeting the public in the open and with business groups privately, he stated he would have concerns about that.

Mr. Farmer stated we are always told about neighborhood and community meetings, if we want to, we go. There is no difference. Anytime you are meeting with the public and we are being asked to make decisions that affect the public's best interests and welfare to recommend to City Council or County Commission, we ought to at least be notified as with

any other meeting. We should sit there and listen and try to get information; he acknowledged he can see how it might get disruptive if the Board starts to give opinions. He stated that perhaps the Board should attend as observers.

Mr. Cook stated he thinks it is a good idea to inform everyone on the Board of a meeting. Go if you choose to.

Mr. Thomson announced that Kroger Fuel Center Development Plan will have a neighborhood meeting at the McAlpin Kroger in their break room at 5:30 p.m.

7. [Article 6 - Special Zoning Districts](#)

Attachment: [Article 6 0 Special Zoning Districts.pdf](#)

8. [Public Input](#)

9. [Draft 2 Question and Answer Matrix for July 31st](#)

Attachment: [Draft 2 Question and Answer Matrix For July 31.pdf](#)

V. Adjournment

10. [Adjournment of July 31, 2012 MPC Planning Meeting](#)

The Board lost its quorum at 2:30 p.m., due to the leaving of Mr. Pannell and Mr. Coleman. The meeting was officially over.

The remaining members remained to ask questions of staff until 3:08 p.m.

Respectfully submitted,

Thomas L. Thomson
Executive Director

TLT/bf

Note: Minutes not official until signed.

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.

