



Arthur A. Mendonsa Hearing Room
October 11, 2011 1:30 P.M.
MINUTES

October 11, 2011 Regular MPC Board Meeting

Members Present: J. Adam Ragsdale, Chairman
Jon Pannell, Vice-Chairman
Ellis Cook, Secretary
Tanya Milton, Treasurer
Russ Abolt
Shedrick Coleman
Ben Farmer
Stephen Lufburrow
Timothy Mackey
Lacy Manigault
Murray Marshall
Susan Myers
Rochelle Small-Toney

Members Not Present: Joseph Welch

Staff Present: Thomas Thomson, P.E. AICP, Executive Director
Melony West, CPA, Director, Finance & Systems
James Hansen, AICP, Director, Development Services
Gary Plumbly, Development Services Planner
Marcus Lotson, Development Services Planner
Christy Adams, Director, Administration
Bri Finau, Administrative Assistant
Charlotte Moore, Director of Special Projects
Amanda Bunce, Development Services Planner
Geoff Goins, Development Services Planner
Dennis Hutton, Director of Comprehensive Planning
Jack Butler, Comprehensive Planner

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

I. CALL TO ORDER AND WELCOME

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

IV. NOTICES, PROCLAMATIONS and ACKNOWLEDGEMENTS

Swearing-in of MPC Board Officers

1. [Swearing-In of Officers by Judge Penny Haas Freeseemann, Chatham County Superior Court.](#)

Judge Penny Haas Freeseemann of the Chatham County Superior Court, swore in the following new MPC officers:

J. Adam Ragsdale, Chairman
Jonathan Pannell, Vice-Chairman
Ellis Cook, Secretary
Tanya Milton, Treasurer

Notice(s)

2. [November 1, 2011 MPC Finance Committee Meeting at 11:30 AM in the West Conference Room, 110 East State Street.](#)
3. [November 1, 2011 Regular MPC Meeting at 1:30 P.M. in the Arthur A. Mendonsa Hearing Room, 112 E. State Street.](#)
4. [November 15, 2011 Special MPC Meeting - Unified Zoning Ordinance \(UZO\) at 1:30 P.M. in the Arthur A. Mendonsa Hearing Room, 112 E. State Street.](#)

Proclamation(s)

5. [October is Community Planning Month](#)

Attachment: [Community Planning Month Proclamation.pdf](#)

Chairman Ragsdale read the proclamation:

"**Whereas**, change is constant and effects all cities, towns, suburbs, counties, rural areas, and other places, and
Whereas, community planning and plans can help manage this change in a way that provides better choices for how people work and live, and
Whereas, community planning provides an opportunity for all residents to be meaningfully involved in making choices that determine the future of their

community, and

Whereas, the full benefits of planning require public officials and citizens who understand, support, and demand excellence in planning and plan implementation, and

Whereas the month of October is designated as National Community Planning Month throughout the United States of America and its territories, and

Whereas, the American Planning Association and its professional institute, The American Institute of Certified Planners endorse National Community Planning month as an opportunity to highlight the contributions, sound planning and plan implementation make to the quality of our settlements and environment, and

Whereas, the celebration of National Community Planning Month give us the opportunity to publicly recognize the participation and dedication of the members of the professional planning community, the Planning Commission, and other citizens' planners that have contributed their time and expertise to the improvement of Chatham County and the city of Savannah.

Now, therefore, be it resolved that the month of October 2011 is hereby designated as Community Planning Month in conjunction with the celebration of National Community Planning Month, adopted this eleventh day of October 2011."

Acknowledgement(s)

6. Georgia Chapter APA Award - Outstanding Initiative Rediscovering Roots: A Food Policy Planning Initiative - Dennis Hutton

Chairman Ragsdale announced the Georgia Chapter APA Award for Outstanding Initiative Rediscovering Roots: A Food Policy Planning Initiative was awarded to Dennis Hutton, Director of Comprehensive Planning.

Mr. Hutton stated the MPC received 'Honorable Mention' and is pleased to receive the award.

V. PRESENTATIONS

7. Ellen Harris

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

8. [Approval of September 20, 2011 MPC Meeting Minutes and Briefing Minutes](#)

Attachment: [09.20.11 MPC BRIEFING MINUTES.pdf](#)

Attachment: [09.20.11 MEETING MINUTES.pdf](#)

Board Action:

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

Vote Results

Motion: Stephen Lufburrow

Second: Tanya Milton

Russ Abolt - Aye

Shedrick Coleman - Aye

Ellis Cook - Aye

Ben Farmer - Aye

Stephen Lufburrow - Aye

Timothy Mackey - Aye

Lacy Manigault - Aye

Murray Marshall - Aye

Tanya Milton - Aye

Susan Myers - Aye

Jon Pannell - Aye

Adam Ragsdale - Aye

Rochelle Small-Toney - Not Present

Authorization(s)

9. [Adoption of MPC Meetings Calendar through December 2011](#)

Attachment: [Thomson Planning Commission, Re; UZO Review and Proposed End of Year Meeting Schedule 092211.pdf](#)

MPC presented an amended calendar to the Commission that includes additional meetings for UZO discussion.

Board Action:

Staff recommends **approval**. - PASS

Vote Results

Motion: Stephen Lufburrow

Second: Lacy Manigault

Russ Abolt - Aye

Shedrick Coleman - Aye

| | |
|----------------------|-------|
| Ellis Cook | - Aye |
| Ben Farmer | - Aye |
| Stephen Lufburrow | - Aye |
| Timothy Mackey | - Aye |
| Lacy Manigault | - Aye |
| Murray Marshall | - Aye |
| Tanya Milton | - Aye |
| Susan Myers | - Aye |
| Jon Pannell | - Aye |
| Adam Ragsdale | - Aye |
| Rochelle Small-Toney | - Aye |

VIII. ITEMS MOVED FROM CONSENT AGENDA

IX. OLD BUSINESS

X. REGULAR BUSINESS

Zoning Petition - Text Amendment

10. [Text Amendment to add Church Use in BN Zoning Classification](#)

Attachment: [staff rpt2.pdf](#)

Mr. James Hansen, Director of Development Services, presented the petitioner's request for a text amendment to Section 8-3025(b) to add Church or other places of worship (Use number 11) as an allowed use in the BN zoning classification. Staff has recommended that the request to amend the Zoning Ordinance [Section 8-3025(b)] to allow church and other place of worship in the B-N classification be approved.

Mr. Mackey asked if this action will affect the new language coming out in the UZO revision.

Mr. Hansen stated it would not; in the new ordinance it would be an allowed use.

Mr. Mackey asked if churches would be allowed in arterials and non-arterials in the UZO revision.

Mr. Hansen stated the UZO currently states churches are to be located on collector or arterial streets; he assumes it will carry into the revised document.

Mr. Abolt requested that BN designations that have existing liquor establishments allow churches in the area.

Cliff Kennedy of KRI Engineering, petitioner, stated they are concurring with staff recommendation.

Board Action:

It is recommended that the request to amend the Zoning Ordinance [Section 8-3025(b)] to allow church and other place of worship in the B-N classification be approved. - PASS

Vote Results

Motion: Stephen Lufburrow
Second: Timothy Mackey
Russ Abolt - Aye
Shedrick Coleman - Aye
Ellis Cook - Aye
Ben Farmer - Aye
Stephen Lufburrow - Aye
Timothy Mackey - Aye
Lacy Manigault - Aye
Murray Marshall - Aye
Tanya Milton - Aye
Susan Myers - Aye
Jon Pannell - Aye
Adam Ragsdale - Aye
Rochelle Small-Toney - Aye

None

11. [Tri-Centennial Comprehensive Plan - Short-Term Work Program of Accomplishments](#)

Attachment: [Staff Report Report of Accomplishments final 10.11.11.pdf](#)
Attachment: [Report of Accomplishments.pdf](#)

Mr. Dennis Hutton, Director of Comprehensive Planning, presented the report as a requirement of the state. The process of the Tri-Centennial Plan began in 2002. It must be updated every 10 years and updates sent to the state in five year intervals with accomplishments. Various resources contributed to the community effort to accomplish the goals of Comprehensive Plan.

Ms. Small-Toney asked about article 6.2 Economic Development, she stated it reports 'Facilitation or the establishment of minority and women-owned businesses' has been completed. She requested to know what was done and why the status is "completed". She thinks this is an on-going task.

Mr. Hutton stated it is on-going and it is "completed" because the City of Savannah has established that program. The county has one as well.

Ms. Small-Toney stated perhaps it should be restated; the statement as it reads

implies the MPC has facilitated the establishment of minority and women-owned businesses. It lends to one understanding that between 2006 and 2007 because of the efforts MPC, the city and the county, there has been an increase in minority and women-owned businesses. For clarity, the document needs to state what is really meant.

Mr. Abolt stated wordsmithing is the issue. He stated the purpose is to set expectations and visions for both the city and the unincorporated areas; it is being acknowledged. He stated he did not interpret it as saying that the MPC specifically did this; the focus was that the community did it.

Mr. Hutton stated this is language already in the approved Comprehensive Plan. It can be modified if necessary. He asked if 'underway' would be more appropriate.

Mr. Thomson stated that better documentation is needed; state why the status is "completed".

Board Action:

Approve to send to City Council and County Commission with documentation modifications. - PASS

Vote Results

Motion: Susan Myers

Second: Russ Abolt

Russ Abolt - Aye

Shedrick Coleman - Aye

Ellis Cook - Aye

Ben Farmer - Aye

Stephen Lufburrow - Aye

Timothy Mackey - Nay

Lacy Manigault - Aye

Murray Marshall - Aye

Tanya Milton - Aye

Susan Myers - Aye

Jon Pannell - Aye

Adam Ragsdale - Aye

Rochelle Small-Toney - Aye

Tri-Centennial Comprehensive Plan Amendment - Text Amendment

12. [Tri-Centennial Comprehensive Plan Amendment to the Strategic Plan and Short-Term Work Program](#)

Attachment: [Staff Report Comp Plan Amendment Strategic Plan final 10.11.pdf](#)

Attachment: [5.0 Amendment to STRATEGIC PLAN.pdf](#)
Attachment: [CHAPTER 6 Short Term Work Program \(2011 - 2016\).pdf](#)
Attachment: [Strategic Plan Comparison.pdf](#)

Board Action:

Continue petition to date of the November 1, 2011 MPC meeting. - PASS

Vote Results

Motion: Ellis Cook
Second: Stephen Lufburrow
Russ Abolt - Aye
Shedrick Coleman - Aye
Ellis Cook - Aye
Ben Farmer - Aye
Stephen Lufburrow - Aye
Timothy Mackey - Aye
Lacy Manigault - Aye
Murray Marshall - Aye
Tanya Milton - Aye
Susan Myers - Aye
Jon Pannell - Aye
Adam Ragsdale - Aye
Rochelle Small-Toney - Aye

Amended Preliminary Major Subdivision

13. [Mosswood Plantation - Phase 4 - Mosswood Drive and Burton Road](#)

Attachment: [Plat Mosswoode Ph. 4.pdf](#)
Attachment: [Miscellaneous.pdf](#)
Attachment: [Staff Report.pdf](#)
Attachment: [Maps.pdf](#)

Mosswood Drive extended and Burton Road
Site Area: 18.93 Acres
PIN 1-1006-05-023 and 025
Zoning District: R-A
County Commission District: 7
Engineer: Davis Engineering
Petitioner/Agent: Homes of Integrity Construction Co.
Owner: H and L Development

Mr. Gary Plumbley, MPC Project Planner, presented the petitioner's request for approval of an amended Preliminary Plan for a 68 lot Major Subdivision. The proposed development will be a continuation of Mosswood Plantation, an existing conventional single family detached residential subdivision. There are no variances requested.

The MPC staff recommends **approval** subject to the following conditions:

1. Arrange a meeting with the current Mosswood Plantation property owners to discuss traffic calming measures which could be implemented on Mosswood Drive to encourage the use of Hillsday Avenue and Burton Road instead of Mosswood Drive. Provide the MPC Staff the details of the meeting and the proposed traffic calming measures that will be implemented.
2. Approval of revised construction plans, including a Drainage Plan, to accommodate the amended Preliminary Plan.
3. A portion of the existing common area in Mosswood Plantation Phase 2 must be converted to a right-of-way to extend Mosswood Drive to the proposed new development. This will require amending the recorded Final Plat for Mosswood Plantation Phase 2 as a condition of approval for the Mosswood Phase 4 Final Plat.
4. Approval by the Chatham County Health Department and County Engineer.

Mr. Farmer asked if the two tracts were designed or intended to be developed as one.

Mr. Plumbley responded no. The petitioner indicated he has legal right to add any properties to this at any time they see fit; per the covenants and by-laws. The statement was taken at face value and no judgment was made either way regarding that.

Mr. Farmer asked if was ever intended as one continuous development.

Mr. Plumbley stated no.

Mr. Lufburrow asked for explanation of trip count and trip increases.

Mr. Plumbley stated it is a basic formula used for conventional single-family detached lots, in terms of its trips per day. Each household estimated at 9.76 trips per day; each way is a trip (going to a destination and returning equals two trips). The highest number of trips would be in the afternoon; less on the weekends. With the additional 61 lots, there would be an additional 3 vehicle trips per peak hour down Mosswood Drive.

Ms. Small-Toney asked how many additional plats will be a part of the group.

Ms. Plumbley responded of the 68 lots, 7 will be part of Cedar Walk and 61 would be part of Mosswood. Mosswood has nothing to do with petition today; there is an area that has always been designated a part of Mosswood Plantation and will probably have 40+ lots in the future.

Mr. Mackey asked if the petitioner's rights and residents' concerns would be a

civil matter.

Mr. Plumbley stated MPC does not have the right to question the petitioner's rights; that would be a civil matter. It is assumed a party would not implicate a right they do not have. MPC does not enter into the prescriptive right covenants or exercise the rights of the individual property owners in that regard.

Mr. Mackey asked if the decision this body would potentially make add any merit to either side in a civil legal matter. He questioned what would be the necessity of the MPC Commission making a decision.

Mr. Plumbley stated the MPC Commission is charged with the decision of adding to Mosswood Plantation and determining if the traffic increase will adversely impact the properties beyond a reasonable degree, coupled with the reasonable right of expectation of those that bought into the subdivision.

Mr. Mackey stated he is not comfortable voting on something that may alter the legal side of an argument. If the decision of the MPC Commission would lend to one side of an argument, he feels it is not a decision the MPC Commission should make.

Mr. Plumbley stated he does not believe that to be the case. If the decision of the MPC Commission is to not allow it, the Commission is simply stating the property cannot be added with vehicular connection; not that the property cannot be added in other means.

Ms. Small-Toney stated she thinks it would be reasonable to get the legal issues resolved before coming to the MPC Commission. She stated she also does not feel comfortable voting on something without knowing if the right to do as proposed is there or not.

Mr. Coleman stated the MPC Commission charge is related to subdivision planning issues; the Commission can approve a subdivision and any existing covenants or instrument tied to that is outside of subdivision approval. They do not overlap each other.

Mr. Farmer stated he agreed with Mr. Coleman; they are two different matters.

Mr. Lufburrow stated the only way it could be adjudicated is that it would have to be added.

Ms. Small-Toney stated she respects the opinions of her colleagues, however, the fact that the combination of the two developments is the reason for wanting to extend the road. Had the road come into play without being a condition of bringing the two projects together, she said she could concur. Ms. Small-Toney maintains the legal issues need to be resolved first.

Mr. Manigault stated the MPC Commission should not put themselves in a position of being part of a problem. The legal issues still need to be resolved;

though it's planning, it's planning for a community of people. Any decision made that adversely impacts one or the other is not fair.

Mr. Thomson suggested either continuing the petition and hearing it again in the future; deny or not agree with staff recommendation (deny roadway petition); or approve the roadway connection with the added condition that in the event it is determined the developer did not have the right to add the 61 lots to the existing subdivision, the approval for the connection would not be enforced.

Mr. Coleman cautioned the Commission not to overstep the boundaries of their purview. There are clear laws regarding subdivisions that define how to move forward with approval of subdivisions; connections or not. The connection of two streets is not a legal issue; the connections of two subdivisions into a legal entity is outside of Commission boundaries. The MPC Commission is not to decide to two separate entities into one. Street connections between subdivisions occur regularly; the covenants are not an issue for the MPC Commission.

Mr. Lufburrow stated the MPC Commission is on the cusp of a dangerous precedent; there is no mechanism to determine if the developer has the legal right to combine the two developments. There is no need for the MPC Commission to wait for a legal decision for something outside of the Commission's purview.

Mr. Abolt reiterated this is not a court of law. He stated the MPC Commission is to deal with the landuse matter only.

Ms. Myers asked if there is a policy regarding subdivision connections?

Mr. Thomson stated it is preferable to see more than one way in and out of a subdivision.

Mr. Mackey stated a continuance is still a delay of a vote. He restated his initial question of if this body makes a decision, will it sway the pendulum of a decision on a higher level. If the subdivision laws were so crystal clear, there would be no decision to make.

Mr. Downer Davis of Davis Engineering, stated he has nothing to add to Mr. Plumbley's presentation except that there will be a second gated facility.

Mr. Lufburrow asked what was done regarding meeting with the existing residents of Mosswood to mitigate their concerns. They may not have had enough time to think about and discuss concerns.

Mr. Davis said there was a meeting on November 3, 2011 hosted by the developer. Many of the residents attended; he stated he did not have an exact number or the names. He stated also in attendance was Mr. Thomson and Mr. Plumbley. He stated his plans harmonize with the MPC's desires to have more

than one entrance and it was proposed by the previous developer.

Mr. Lufburrow stated he agreed with Mr. Davis' statement that it was initially designed that way. He stated he is concerned with people that bought into it with it being as it is, not as one whole unit. Some may feel no or little effect, some a positive, and some definitely a negative effect. That must also be carefully considered.

Mr. Farmer asked if there was a space between the property line and the cul-de-sac?

Mr. Davis replied no; development costs could have been saved and could have had another lot. The cul-de-sac was put in the location with the intent of the possibility of a connection in the future. It's a right-of-way; a private street. The original developer put the private streets into the plat, which has been recorded, and the declarant is the developer. The property owner association is still the majority of the developer; it is his understanding the developer still controls the property owner's association and has the authority to make these changes.

Mr. Farmer stated the owners purchased based on expectation of what they were buying. Had the property been platted originally that way, then they would have purchased at their own peril. He stated he has a concern for those that bought into the development with certain expectations.

Chairman Ragsdale asked were the amenities constructed in conjunction with the Mosswood subdivision.

Mr. Davis replied no; Mosswood II was one project submitted before the county and it was an approved plan. The recreation amenities later were planned and submitted on a separate site plan, a separate permit, separate fee. As the roads were being completed, work started as two separate projects and it was not a condition to put in amenities at that time nor was it a condition to put those amenities at that location. The developer chose the put them there to balance in the middle of what they foresaw to be the overall project. The amenities are private.

Ms. Michelle Henderson, attorney, stated she represents Homes of Integrity, the intended purchaser of the development. She stated she did not come prepared to discuss the covenants, though they were reviewed. They do provide for including additional properties at the behest of the declarant. Part of the contract was to include the piece in question as part of the contract.

Chairman Ragsdale acknowledged the signed opposition petition submitted on behalf of the residents.

Mr. Nathan Long, resident of Mosswood Plantation, stated he has lived there for approximately three and half years. He and his wife purchased their home from H & L Developers with the intent of living on a cul-de-sac. He stated a flyer was received on September 29, 2011 indicating a meeting regarding

connector properties and elimination of the cul-de-sac. He stated he requested a 30-day continuance through the MPC and was told there was a development schedule that needed to be kept intact and the 30-day request was denied. Thus a petition was circulated. He stated that seven days time to make such a decision was not fair and they are not against development. He stated they are requesting a continuance.

Mr. Farmer asked when was the continuance requested.

Mr. Long replied on Tuesday, October 4, 2011.

Mr. Farmer asked what would he/they like to see happen if a continuance was granted.

Mr. Long stated he would like the opportunity to inform all of the residents. Many were out of town; some thought it was just a meeting regarding the community lawn. There are renters in the community; those owners were not aware.

Mr. Farmer asked if he'd spoken with the developer.

Mr. Long replied he had.

Mr. Farmer asked if they obtained a continuance, would it be beneficial to have a community meeting with the developer.

Mr. Long replied yes, as well as opportunity to have internal meetings as a community. He stated he and the neighbors agree three weeks (to the next MPC meeting) would be sufficient time. Mr. Long showed a copy of the last known recorded plat of the area, which indicated future development but not removal of the cul-de-sac, but an access easement to the recreation area. He also presented a revised Burton Village master plan showing delimitation between Mosswood Plantation from Cedar Walk, but the cul-de-sac still intact. Mr. Long stated he felt the developers were trying to pressure the residents to agree to the changes; offering incentives if the petition was approved on the October 11, 2011 MPC meeting. If not, the incentives could not be guaranteed.

Mr. Abolt stated when MPC staff makes its recommendation, it is not based on selling lots. The safety issues are the basis. It is apparent there is a beautiful tree canopy which can be very dangerous if it comes down on the only entrance/exit to an area. Emergency aid would not be able to access those trapped within.

Mrs. B. J. Long, resident of Mosswood Plantation, stated if the road was opened, she believes more would enter through the Mosswood Drive entrance as opposed to the Burton Road entrance, regardless of the formulas that may indicate otherwise. It is the first entrance one would get to; it is easier to reach than the Burton Road entrance.

Mr. Coleman stated master plans are good for the day they are written; subdivisions change daily. There was no specific statement from the declarant that the subdivision would not expand. The MPC Commission is not on any particular side. They simply gather information and apply the zoning laws and try to maintain as best possible the character of the community. The master plan indicated future development.

Mr. Abolt asked what would be the harm of waiting until the next meeting.

Mr. Brent Fox, resident of Mosswood Plantation, stated there is privacy fence indicating there would not have been the erection of such an expensive barrier.

Mrs. Susan Ann Manning, resident of Mosswood Plantation, stated that since May 2006, 29 houses have been sold. She also expressed concern for the trees that may be destroyed through future development.

Ms. Henderson stated the subdivision has been approved and the issue at hand is an additional entrance/exitway of the development. She stated her clients are not in favor of a continuance; they see no benefit of one.

Mr. Abolt stated he feels good may come out for both sides. By allowing the developer and the residents to talk, better neighbors could be created.

Ms. Henderson stated they did undertake that.

Mr. Abolt asked if the deal would fall through if they waited until the next MPC meeting.

Ms. Henderson stated there would be that opportunity for it to fall through because of due diligence and the incentives offered will not happen as previously planned.

Mr. Lufburrow stated as a real estate broker, he is aware that due diligence can be extended. He stated he would be inclined to vote 'no' at this time in hope that common ground can be found between the developer and the existing residents.

Mr. Manigault stated the letter sent from the developer to the current residents positively indicates that if the residents do not comply to the developers' wishes, the developers will not uphold incentives. He stated that is not a way to make good neighbors. If there is a deal, it will not fall through in three weeks.

Mr. Farmer stated this is a developer that wants to go across the property of the residents. He stated if he had to vote on this day, he would vote 'no.' His experience has shown him that if the developer meets with the residents, usually a compromise results. He believes Ms. Henderson and her clients have nothing to lose by meeting with the residents.

Ms. Henderson stated she conferred with her clients and they have requested to be on the next MPC agenda, with no assurances that they will be able to wipe their slate clean and start over.

Mr. Abolt stated the Commission is not charged with beautification. Two entrances is a necessity for a subdivision.

Mr. Marshall asked who owns the recreation area and is there an encroachment across someone else's property required for the next phase of the development to continue.

Ms. Henderson stated it is currently in the name of H & L Developers; it has not been conveyed to a homeowner's association. If it was, the declarant would still be in control of the association. It is really not someone else's land.

Mr. Farmer asked if a continuance is granted, will they meet with the property owners as a group.

Ms. Henderson replied yes.

Mr. Coleman stated the property in question is community property tied to the recreation area. The right of way is also community property. Either way, it is the property of the association; there is no change and the use does not change.

Ms. Small-Toney stated she would like to hear from the residents of Cedar Walk as well. If the adjacent subdivision includes frontage lots on Burton Road, they should be notified to have an opportunity to enter the discussion.

Chairman Ragsdale stated the petition will be continued and when it returns, if a decision is made to deny, the Board's decision will stand for a period of one year.

Board Action:

The petitioner requested to continue the item to the November 1, 2011 MPC meeting.

The MPC staff recommends **approval** subject to the following conditions:

1. Arrange a meeting with the current Mosswood Plantation property owners to discuss traffic calming measures which could be implemented on Mosswood Drive to encourage the use of Hillsday Avenue and Burton Road instead of Mosswood Drive. Provide the MPC Staff the details of the

meeting and the proposed traffic calming measures that will be implemented. -

2. Approval of revised construction plans, including ad Drainage Plan, to accommodate the amended Preliminary Plan.

3. A portion of the existing common area in Mosswood Plantation Phase 2 must be converted to a right-of-way to extend Mosswood Drive to the proposed new development. This will require amending the recorded Final Plat for Mosswood Plantation Phase 2 as a condition of approval for the Mosswood Phase 4 Final Plat.

4. Approval by the Chatham County Health Department and County Engineer.

Vote Results

Motion:

Second:

XI. OTHER BUSINESS

14. [2011 - 2012 Appointment of Finance Committee by Chairman](#)

Chairman Ragsdale announced the 2012 Finance Committee members as:

Mr. Jonathan Pannell;
Ms. Tonya Milton;
Mr. Lacy Manigault;
Mr. Ellis Cook; and
Mr. Timothy Mackey.

Chairman Ragsdale stated if a board member wished to be on the committee, inform him.

15. [Continued Review of the Unified Zoning Ordinance \(UZO\) Draft - Charlotte Moore](#)

Ms. Charlotte Moore, Director of Special Projects, continued the UZO Draft review with the commissioners. She informed there was only one neighborhood association meeting with Thomas Square. It was attended by Amanda Bunce and Geoff Goins, and good discussion yielded necessary revisions. There are pending meetings on October 14 with Visit Savannah, Tatemville Neighborhood Association on October 17, and Historic Savannah Foundation on October 26.

Mr. Farmer asked about Section 8.4.13 Gas stations and fuel stations; B.ii, Biii. Regarding the canopy not being higher than the structure; most do not follow that guideline. He asked about the meaning behind this.

Ms. Bunce stated this may or may not need to be modified regarding full-sized convenience store gas stations versus kiosk-style.

Mr. Marshall stated some of the language is contradictory to what is meant.

Ms. Bunce stated it will be reviewed.

Ms. Small-Toney referenced 8.1.6 (Rooming House); it reads as if rooming houses will be spread throughout the city, and she would like the sanitary expectations be tightened. More work needs to be done on this section.

Ms. Moore responded that 8.1.6a states that an administrative permit shall be obtained and renewed yearly. The reason is to conduct on-site visit annually to be certain it is meeting all codes.

Ms. Small-Toney requested more attention is given to rooming houses because of the experiences the city staff have encountered.

Mr. Lufburrow asked what was used as a framework for the current draft language.

Ms. Moore stated much has come from the existing ordinance, experience, research, and other communities.

Mr. Lufburrow asked if there was a national guide or source.

Ms. Moore replied she does not believe there is a national zoning ordinance. Each is tailored to the needs of the community.

Mr. Farmer stated perhaps field visits of what is being proposed may help to understand the impact the changes are having on the livelihoods of others.

Ms. Moore stated focus groups have been used for that purpose.

Mr. Farmer recommended visiting some gardening centers and compare with what is being proposed and determine if they would comply now. If there is nothing wrong with them now, why are they being forced into a non-conforming state.

Chairman Ragsdale suggested submitting commissioner's questions to UZO staff to address at a designated time. This was intended for an overview of article 8.

Mr. Farmer stated all of this should be clarified before it is submitted. Some of the things just do not make sense.

Mr. Marshall stated it should not be done quickly or try to consolidate the time. As a commission, the time must be taken to review it. He believes the current approach is wrong; however, he is willing to put in the time to try to work through it. All of the

questions of Section 1 have not been answered. He stated he is not interested in going through an overview, he wants to go through it section by section and only go forward if it necessary to see what section means.

Mr. Farmer stated he wants to see it done correctly. He wants to know the basis used for the changes. If it's not broken, don't try to fix it. He wants to know what exactly is trying to be accomplished and how it can be done best. It is a legal document and getting an attorney is not unreasonable.

Mr. Thomson replied their consultant provided a generic framework and the balance was filled in. Research from other cities was also consulted. Experience from staff perspective is that it needs to be updated. He stated what is in the draft needs to be first understood, then return to the beginning and modify. He reiterated his request for the board to send their questions and comments ahead of time so they can be incorporated into the presentation. Focus needs to be on how do we move forward rather than how did we get here.

Mr. Marshall stated the current ordinance, which has been approved, should have the upper hand and the board should be convinced there is reason for change. He suggests slowing it down and do it correctly.

Chairman Ragsdale stated he thinks the current ordinance is broken and staff is heading in the right direction. The evolution of the document over the past 50 years has been through text amendments and rezonings that are necessary. The changes have led to what we currently have. He agrees the presentation method is not effective but the goal is correct.

Ms. Small-Toney questioned what does the city and county attorneys have to say about the ordinance draft as it relates to governance, authorities, roles and responsibilities. She stated she does not want to hear that communication is being done with her staff; that is not the answer she is looking for. Her issues have more to do with policy and she is gravely concerned about the whole process.

Mr. Farmer stated he would like to see more of a balanced attitude of private property rights and a businessman's right to run his business with public good.

Ms. Small-Toney stated she would like for the city and county attorneys to present their concerns to the commission.

Mr. Farmer stated he would like to know of all dissent whether something should be in or out of the draft, on any given topic. He is not comfortable with the planner or Executive Director of MPC deciding what he does or does not hear. He wants to make his own informed decision. He does not believe that the majority of the staff agrees with what is in the draft ordinance, based on Mrs. Thomson's statement to him that questions usually go to Ms. Moore or Ms. Bunce; if other experts are on the staff, they are brought in and there is a discussion. He stated Mr. Thomson said he makes the final decision if there is a disagreement regarding what goes into the draft ordinance. Someone has to have ownership. Every change in the draft ordinance should answer basic questions: What ill will it cure? or problem will it prevent? Mr. Farmer stated he sees no logic in getting advice from someone a thousand miles away who's never seen our ordinance.

Chairman Ragsdale stated the current ordinance is antiquated and has not evolved on a path of suitable planning that the country has evolved along. It needs to be re-written.

Mr. Farmer suggested keeping what is good and build on it.

Mr. Lufburrow stated the leaders in the community have indicated the current ordinance is outdated and difficult to work with and discouraged growth in the community. However, there are unintended consequences that concern him, and possibly others. He believes Mr. Thomson is on the right path. Many don't know what is in the existing ordinance and questions are being raised on what is already law. If an indication is given regarding what is totally new and what is changed, it will help streamline the process.

Mr. Marshall stated the current ordinance has structural issues. With exception to the few parts that are outdated, there is not a substantive problem with the community - there are structural problems. It is difficult to go through it; though that is not a reason for re-writing the substance of the ordinance. The substantive changes need to be made by the board, not by staff after they have spoken with Neighborhood Association A and the board has not had the opportunity to hear what Neighborhood Association A had to say - pro or con - that suggested the change. That is his biggest problem.

Ms. Moore suggested case studies or procedural guidance from the commission.

Mr. Farmer stated that has been relayed several times: presentation that includes the old and the proposed new and how they relate, and the objective basis of the decision.

Ms. Small-Toney stated usually when something is revised, there is a strike through so people can see what was there previously. The problem is what is behind what is being recommended. Had there been strike throughs and the new language, that would have helped.

Chairman Ragsdale suggested sending concerns of content and process to him and he will propose them in consensus to MPC staff.

Mr. Thomson stated they will try to figure how to accomplish the suggestions put forth.

Mr. Lufburrow asked that it is presented in a manner that all can comprehend; not in a manner that only those that work with it daily can understand.

Mr. Farmer and Ms. Small-Toney encouraged doing all that was possible not to leave out any group/organization.

Mr. Farmer stated the Chamber of Commerce has resources to find all lines of business associations to notify of the draft ordinance.

Mr. Thomson stated many resources have been utilized to notify as many as possible.

Mr. Marshall stated he has a hard time understanding the time and money spent to defend something being fostered on the public by the staff. Five years ago, there was a structural need in the ordinance that has evolved into hiring an attorney to defend himself against a

proposal that has not been properly presented. Public comment should not have been started until a document can be presented that shows what the law is now and what we are proposing to change. All should be able understand. Until such a document can be presented, nothing should move forward.

Ms. Small-Toney agreed. It is so splintered and we have still not heard from the attorneys, who have to advise the adopting bodies on this.

Mr. Lufburrow asked that staff take the criticism constructively; we just need to find a mechanism that works.

XII. ADJOURNMENT

16. [Motion to Adjorn](#)

XIII. DEVELOPMENT PLANS SUBMITTED FOR REVIEW

17. [Development Plans Submitted For Review](#)

Attachment: [DEVELOPMENT REVIEW CASE LOG 101111 \(2\).pdf](#)

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.