



Arthur A. Mendonsa Hearing Room
112 E. State Street ~ 1:30 p.m.
Final Agenda

September 13, 2011 Special Meeting to Review Draft UZO

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

Members Not Present:
Ellis Cook
Lacy Manigault, Treasurer
Rochelle Small-Toney

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

Advisory Staff Present: Randolph Scott, City Zoning Administrator

I. Call to Order and Welcome

II. Notices, Proclamations and Acknowledgements

Notice(s)

1. [September 20, 2011 Regular MPC Meeting at 1:30 P.M. in the Arthur A. Mendonsa Hearing Room, 112 E. State Street.](#)

2. [September 27, 2011 Special Unified Zoning Ordinance \(UZO\) Meeting at 6:00 PM in the Arthur A. Mendonsa Hearing Room, 112 E. State Street.](#)

III. Regular Business

3. [Status Report](#)

Ms. Ellen Harris provided handouts that included newly released sections of the UZO, an updated section, updated table of contents and an updated use schedule. Ms. Harris asked the Commission place in the of their UZO draft manuals. Copies of the new additions and updates will be mailed to those who have purchased copies of the draft manual.

Mr. Thomson stated the website will reflect the new additions and updates as well.

Ms. Charlotte Moore stated additional neighborhood meetings have been held since August 30, 2011. Additional meetings include:

- The Victorian District the afternoon of September 13, 2011 and will encourage them to have a special meeting. She wants to be sure they understand the differences between the existing and proposed zonings.
- The Homebuilders Association on September 15, 2011 to discuss the Open and Recreational Space section of the UZO which has not yet been distributed.
- The Downtown Neighborhood Association will meet September 17, 2011.

Some meetings will continue beyond the public comment period in October. Many comments have been received since September 5, 2011 by phone and e-mail. Staff has been busy responding.

The Sign and Cluster Development section is new to the ordinance and it is posted on the website. The Downtown Expansion section is currently being reviewed by the City Inspector, select city staff, and the Housing Authority Director, and will be added in the future. The Supplemental Residential section will also be added in the future.

The Downtown Neighborhood District was added, which resulted from a citizen coming in and expressing his concerns. Ms. Moore emphasized the need for property and business to come in and express their concerns; their feedback is vital for adjustments in the ordinance, if needed.

Phase II, after the adoption of the Ordinance, will be the addition of sections that time will not permit giving attention to at this time.

Mr. Ragsdale asked why is the ordinance being released without being entirely complete. He asked if the could be adjusted.

Mr. Thomson stated the plan was to update and give the public and opportunity to comment on all sections. The items in Phase II are items that we do not have the resources or is essential to what is being currently being done. The focus is on the main body of the ordinance.

Mr. Mackey asked if it definitely set that it must be completed by a certain time. He stated Ms. Moore informed she's been receiving inquiries and she may continue to receive more. Many may wait closer to the end to state their comfortability with the updated UZO. He stated some of the questions he has about some of the sections will require detailed answers.

Mr. Coleman replied after speaking with Mr. Thomson, it is understood that it is not etched in stone. What is before us is a timeline that was established to work toward a finish. As we work and get levels of input, we're finding we may have to make some adjustments. We as a board advances this to the next level; it can't go beyond us with us being comfortable with it. We want to be sure we are confident of what we are sending to the next governing body. The schedule is flexible based on public input.

Mr. Abolt stated we do need indicate our resolve to get this done. It can't just be an exercise in planning and discussing; it is not an academic exercise.

Mr. Coleman added that regardless of the time put into it, it will always be a work in progress, as all ordinances are. As things are enacted, it will be discovered that things will need to be modified. It is impossible to get it all right, but we have to get it close and feel confident it is a good basis to work from.

Mr. Thomson stated it is noteworthy that no one has paid attention until there is a deadline. He stated he has been adamant about stating we are on a timeline to get it done, but the timeline may be adjusted. The announced the general public comment period ends September 30, 2011. However, stated he would like to present our status at the September 27, 2011 and possibly offer another timeline. Now that people hear we about to pass this, now people are starting to look at it. It's good because we need the feedback so we can reach an understanding and react positively. The current timeline is probably not realistic.

Ms. Moore stated that in the past two weeks, 193 letters were sent out to all known county and city neighborhood associations expressing interest to meet with them if they were so interested. as of this meeting date, no responses were received. Some of the neighborhoods have previously participated in meetings, but the majority have not. Some of the business professional associations were extended to previously; staff is considering reaching out to them again, along with the Downtown Business Association.

A 'how-to' training for the ordinance is being considered. Some feedback indicates it is not as user-friendly as intended.

4. [Article 5.0: Base Zoning Districts](#)

Attachment: [Article 5 0 Base Zoning Districts with D-N district \(2\).pdf](#)

Ms. Moore presented the **Base Zoning Districts** article.

Feedback concerns were:

- **Mr. Farmer: Section 5-3 Category of Uses:** broadness of last sentence of first paragraph regarding principles uses leaves the decision to the zoning administrator, whereas it would be more appropriate for UZO or ZBA. The approving criteria could make it worse.
 - **Ms. Moore** stated it does indicate the zoning administrator could approve a use, but proper criteria must be applied. There is a possibility it could be made worse. It is the same process currently in place.
 - **Mr. Scott** stated the zoning administrator's statement is pertinent. Section 8-3024 states if something is not permitted in the ordinance, it is not allowed.
 - **Mr. Coleman** stated the final decision would be through council and the commission, the ones authorized to enact a text amendment. The language may need to be modified for clarity.
- **Mr. Lufburrow:** if a determination was approved though not specifically listed in the ordinance, it is later found the decision was not most appropriate. Is the remedy a text amendment to prohibit the particular activity and current participant is grandfathered?
 - **Mr. Scott** stated if it was approved accordingly, the decision of the zoning administrator can be appealed through the Zoning Board of Appeals within the appropriate timeframe.
- **Mr. Marshall:** the statement would read better if the first sentence in B-2 were B-3.
- **Mr. Mackey:** regarding who was or was not a/the governing body. 'Governing body' was to be translated as what?
 - **Ms. Moore** stated City Council or the County Commission. Jurisdiction dictates the which building official would make the decision.
- **Mr. Mackey:** ordinance submitted in stages rather than as one collective piece for comprehension. Difficult to digest. Equal to constitutional by-laws. Foresees resistance by those not certain of contents.
 - **Ms. Moore** stated she is not certain is can be submitted/approved in stages. The Planning Commission is to work through the document and public comment. The Planning Commission will decide when the ordinance is ready to move forward.
- **Mr. Abolt:** concerns of zonings 'on the line'; spillage, etc.
 - Mr. Goins stated fringe areas are difficult to plan for and there is no answer at this time.
- **Ms. Myers:** concerns with grandfathering
 - **Mr. Goins** informed it will be addressed at the next meeting in Article 11.
- **Mr. Marshall:** concerns with the removal of the commercial regional zoning. How will that affect the mall zonings or will an amendment be needed if the interest arises. Suggests leaving it in the ordinance.
 - **Mr. Goins** stated that could be done, if so desired.
 - **Mr. Thomson** explained that it is viewed as being encompassed in the commercial/suburban zoning. No need for a seperate category. It's the area, not the zoning.
 - **Mr. Marshall** believes it is different from commercial/surbaban and should be seperate from any other type of shopping center.
- **Mr. Scott:** concerned if all aspects of large businesses/developments with commercial uses that tie into civic uses have been considered in regard to the

regional zoning/PUD.

Ms. Moore stated the Downtown Expansion Area has not yet been distributed and the DN district is new.

5. [Article 6.0: Special Purpose Districts](#)

Attachment: [Article 6 0 Special Zoning Districts \(2\).pdf](#)

Ms. Moore presented Article 6.0: Special Purpose Districts. This also includes Planned Development Districts. There are 39 PUDs that will convert to planned development; what was approved in the master plan will carry over and become the zoning district.

Ms. Amanda Bunce explained the airfield districts and that the components of the 'JLU's' from the comprehensive plan is being adopted into the UZO.

6. [Article 7.0: Historic and Other Overlay Districts](#)

Attachment: [Article 7 0 Historic Other Overlay Districts with Sec 7 6 \(2\).pdf](#)

7. [Article 8.0: Use Standards](#)

Attachment: [Article 8 0 Use Standards with 8 10 \(2\).pdf](#)

Ms. Moore explained Article 8.0: Use Standards

Special uses will have to go to the governing body (city or county council) for approval after leaving the Planning Commission. Similiar to rezoning but changing the zoning district. There are less zoning districts, thus requiring more special uses.

- **Mr. Farmer:** concerned with fewer zoning classifications impacting the process because of decisions being left up to discretion of certain bodies. Anticipates greater workload for decisions.
 - **Ms. Moore** stated the councils would like to see more and for ZBA to do less.
- **Mr. Farmer:** questioned if a noise ordinance should be included in a zoning ordinance.
 - **Ms. Moore** stated 'no' in her opinion and she'd never seen one in another though they are in relation.
- **Ms. Myers** asked about accessory structures/dwelling units
 - **Mr. Farmer** requested more permissiveness be extended in this matter due to family needs because of the changing economy. The standard of a double lot size is harsh.
 - **Ms. Bunce** stated the standard would apply to single-family lots between 5,000 square feet and an acre.
 - There is no relevance if the structure was there previously as a storage building or garage, it is how the structure is used.
 - **Mr. Coleman** stated the lot size minimum minimizes the oportunites for the community as a whole to benefit.

- **Mr. Murray** stated this is something that should be encouraged, not discouraged.
 - There are many restrictions as to what can be put on the property regarding land coverage and impervious surface which is where the efforts should be focused.
 - The definition of 'family' should be included in the ordinance.

8. [Preparation For Next Meeting](#)

9. [Public Comment](#)

Ms. Pearl Spaulding, resident of Feiler Terrace stated the community's concern regarding the proposed zoning of the old Derst Bakery building to accommodate a women's transitional center:

- about three feet from Feiler Terrace Community
- how did it become split zoned?
- community would like for property to be zoned for a use that does not include transitional housing or homeless shelters.
- have concerns regarding it becoming a mixed use.
 - **Ms. Bunce** stated she is not sure why the zoning lining literally goes through the middle of the building/property. It may have been an error or purposely.
 - The proposed zoning is to have the zoning match the property line.
 - A less intense zoning is proposed than the current ones.
 - Any special uses would have to go through the MPC and city council.
 - **Mr. Scott** stated though split zoned, it could not be administratively move the line due to the distance.
 - some are interested in having it done in the front, which would yield enforcement issues
 - currently a proposition, actual rezoning would have to be presented before the MPC and city council.
 - **Mr. Coleman** stated any changes would have to come before the MPC and the residents can voice their concerns.
 - **Mr. Thomson** stated many uses can be asked for through the I-L-R zoning; there are many uses under that zoning that could work at this property's location.
 - a transitional business can be asked for.
 - it can be requested as a special use or rezoning; it's the same process.
 - we believe what is proposed will protect the neighborhood.
 - **Ms. Bunce** stated she will make sure all options are understood for the residents of the area. Written recommendations will be sent to the neighborhood president.

Mr. Charlie Waller, owner of Isle of Hope Marina and president of the Georgia Marine Business Association, expressed concerns of marina affiliations statewide.

- They are opposed to the portions of UZO that apply to marina and marine use.

- Most are zoned tourist business or waterfront industry which offer 40 permitted uses;
- The proposed new zoning will allow only 1 of the 40 permitted use, which is the 'storage and launching of boats';
- Marina use is not permitted as a matter of right in the proposed UZO;
- Marinas are listed as a 'L' use.
 - This description is believed to be inconsistent with other portions of the draft;
 - Sections 8.7.19 and 8.4.42 conflict;
 - All inconsistent with marina dry dock, section 13.
- Current draft will put all marinas in a non-conforming use status.
 - No protection for marinas if demolished by natural circumstances;
 - Current draft would not allow rebuilding of what is currently had.
- Article 10.7.4 changes current marsh set-backs from 25 to 35 feet, which will make much of waterfront property unusable.
- Endangers businesses and makes waterfront services to others unavailable.
- **Mr. Thomson** will meet with the marina group(s) again.
- **Mr. Mackey** requested that meetings held with specialty groups regarding UZO, that the Commission be notified. He also requested that requested changes sought and obtained be relayed to the Commission.
 - Mr. Coleman suggested giving staff discretion as to what to forward to the Commission. A great amount of information is supplied to the Commission and an overload would not be good; practically must be used.

Mr. Jerry Hogan, co-owner and general manager of Hogan's Marina. Also a member and past president of the Georgia Marine Business Association. He stated he is not speaking in behalf of GMBA; simply as a business owner.

- Wanted to know the time line and goal of the Commissioner's regarding passing the UZO.
 - **Mr. Coleman** stated there is no time line; the public comment period ends September 30, 2011.
- Concerned with UZO being right.
- Not concerned with expediency; business are the livelihood of many. UZO changes will drastically affect the livelihood.
- His facility has 25 uses.
 - UZO proposal will reduce his uses to two.
 - Some of the uses would be available through special use permitting.
 - The public would have to comment on each special use requested.
 - Marinas would not be able to operate without the special use permits.
- Notification concerns
 - No effort to contact GMBA
 - Found out about UZO and proposed changes by accident
 - Once addressed, MPC staff diligently assisted
 - Wonders how many other business that may be affected that are not aware.
- Not easily understood; acquired attorney for explanation.

IV. Adjournment

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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.