



Arthur A. Mendonsa Hearing Room  
January 29, 2013 1:30 P.M.  
MINUTES

**January 29, 2013 Regular MPC Meeting**

**Members Present:** J. Adam Ragsdale, Chairman  
W. Shedrick Coleman, Vice-Chairman  
Ellis Cook, Secretary  
Tanya Milton, Treasurer  
James Blackburn, Jr.  
Ben Farmer  
Stephen Lufburrow  
Timothy Mackey  
Lacy Manigault  
Murray Marshall  
Susan Myers  
Joseph Welch

**Members Not Present:** Russ Abolt  
Stephanie Cutter

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

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

**I. CALL TO ORDER AND WELCOME**

**II. INVOCATION**

### III. PLEDGE OF ALLEGIANCE

### IV. NOTICES, PROCLAMATIONS and ACKNOWLEDGEMENTS

#### Notice(s)

1. [January 29, 2013 MPC Finance Committee Meeting at 11:30 AM in the West Conference Room, 110 East State Street.](#)
2. [February 5, 2013 6:00 P.M. Public Meeting on City Animal Control Ordinance Revisions](#)

Attachment: [Press Release 011413 Animal Control Ordinance.pdf](#)

3. [February 19, 2013 Regular MPC Meeting at 1:30 P.M. in the Arthur A. Mendonsa Hearing Room, 112 E. State Street.](#)

#### Acknowledgement(s)

4. [Receipt of 2012 CITATION for EXCELLENCE AWARD from the AIA Savannah - Sarah Ward](#)

**Mr. Ragsdale** read the award presented to Ms. Ward, Director of Historic Preservation.

**Mr. Thomson** stated there has been a significant increase in the applications in the Historic District. Much work is done to maintain the viability of the Historic District. Over 400 reviews are done annually.

**Ms. Ward** thanked all for the additional commendation.

### V. PRESENTATIONS

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

#### Tri-Centennial Comprehensive Plan Amendment - Map Amendment

5. [Tricentennial Comprehensive Plan Future Land Use Map Amendment for 12815 White Bluff Road. Residential Single Family to Civic Institutional.](#)

Attachment: [Comp Plan Amendment.pdf](#)

Attachment: [ELU MAP.pdf](#)

Attachment: [FLU MAP.pdf](#)

#### **Board Action:**

Postpone Item -

The petitioner has requested that this item be **Postponed** and rescheduled for February 19, 2013 Regular Meeting. - PASS

**Vote Results**

Motion: Susan Myers

Second: Shedrick Coleman

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

**Zoning Petition - Map Amendment**

6. [Rezoning Request 12815 White Bluff Road R-6 to PUD-IS](#)

Attachment: [Maps.pdf](#)

Attachment: [Staff Report.pdf](#)

Attachment: [EXISTING R6 USE TABLE.pdf](#)

Attachment: [PUD-IS.pdf](#)

**Mr. Manigault** stated there is a great deal of work going on in that area. He asked where was the approval for the first part of the work.

**Mr. Ragsdale** responded it is a zoning petition that is being removed.

**Mr. Plumbley** added that the part where trees are being removed is an expansion of an existing nursing home. Plans were submitted that were reviewed and approved by all parties, including the City. That has nothing to do with the rezoning, which is the parcel immediately north of the nursing home property.

**Board Action:**

Postpone Item -

The petitioner has requested that this item be **Postponed** and - PASS

rescheduled for February 19, 2013 Regular Meeting.

**Vote Results**

Motion: Ellis Cook

Second: Shedrick Coleman

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

**Tower - Modification/Replacement of Antenna Elements**

7. [WTF Modificiation - 13902 Coffee Bluff Road - AT&T/Goodman Networks](#)

Attachment: [Withdrawal Request \(2\).pdf](#)

**Board Action:**

Table Item

This item has been requested to be **withdrawn** from the Final Agenda at the Petitioner's request. - PASS

**Vote Results**

Motion: Shedrick Coleman

Second: Tanya Milton

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

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

### Zoning Petition - Text Amendment

#### 8. Text Amendment to the City of Savannah Zoning Ordinance to Amend Sections 8-3002 and 8-3025 (a) and (b) to Refer to Animal Control Ordinance

Attachment: [Staff Report.pdf](#)

#### **Board Action:**

Postpone Item

It is recommended that this item be postponed until - PASS the February 19, 2013 meeting to allow for a public meeting to occur on February 5 at 6:00 PM.

#### **Vote Results**

Motion: Tanya Milton

Second: Shedrick Coleman

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

**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

9. [January 8, 2013 MPC Meeting and Briefing Minutes](#)

Attachment: [01.08.13 MPC BRIEFING MINUTES.pdf](#)

Attachment: [01.08.13 MEETING MINUTES.pdf](#)

**Board Action:**

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

**Vote Results**

Motion: Shedrick Coleman

Second: Tanya Milton

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

**Approval of MPC Planning Meeting Minutes**

10. [September 13, 2011 MPC Planning Meeting Minutes](#)

Attachment: [09.13.11 UZO SPECIAL MEETING MINUTES.pdf](#)

**Board Action:**

Recommend **APPROVAL** of the September 13, 2011 MPC Planning Meeting Minutes as submitted. - PASS

**Vote Results**

Motion: Shedrick Coleman

Second: Tanya Milton

Russ Abolt	- Not Present
James Blackburn	- Aye
Shedrick Coleman	- Aye
Ellis Cook	- Aye
Stephanie Cutter	- Not Present

Ben Farmer	- Aye
Stephen Lufburrow	- Aye
Timothy Mackey	- Aye
Lacy Manigault	- Aye
Murray Marshall	- Aye
Tanya Milton	- Aye
Susan Myers	- Aye
Adam Ragsdale	- Aye
Joseph Welch	- Aye

## VIII. ITEMS MOVED FROM CONSENT AGENDA

## IX. OLD BUSINESS

## X. REGULAR BUSINESS

### Zoning Petition - Text Amendment

11. [Amendment to Sec. 8-3112\(c\)\(5\)e.9 of the Savannah Zoning Ordinance to modify the provisions regarding the removal of nonconforming billboards](#)

Attachment: [13-000130-ZA Staff Report.pdf](#)

Text Amendment

MPC File Number: 13-000130-ZA

**Ms. Amanda Bunce**, Development Services Planner, stated that the petitioner, Golden Isles Outdoor, LLC, is requesting an amendment to Section 8-3112(c)(5)e.9 of the Savannah Zoning Ordinance for the purpose of amending the provisions regarding the required removal of two and a half square feet of nonconforming billboard space per one square foot of proposed digital billboard space. The petitioner proposes that when the applicant for a digital billboard does not own nonconforming billboard space within the Savannah city limits, the petitioner should be allowed to convert an existing billboard to a digital billboard assuming all other requirements of the ordinance have been met.

Staff initially recommended approval, however, issues have surfaced with the City Zoning Administrator regarding enforcement. Staff's current recommendation is to continue the petition in order, to resolve issues with the City and the petitioner.

**Mr. Mackey** asked what were the Zoning Administrator's trepidations or reservations.

**Ms. Bunce** replied one of the concerns was how to certify absolutely that the company claiming to not own any non-conforming billboard space within the city actually does not. That would require an inventory be submitted.

**Mr. Mackey** stated the original recommendation from staff was to approve. With this issue, should be forwarded to City Council with some type of vote from this forum. If it is to be remanded, let them do so or move on if they should so decide.

**Ms. Bunce** stated that would be the prerogative of the Planning Commission. However, she believes there are some things that need to be discussed with the Zoning Administrator. Staff does not want to put forward something if there are concerns of enforceability.

**Mr. Geoff Goins**, City Zoning Administrator, stated the City Manager would like for it to be postponed so the City Attorney can review the legality of the matter.

**Mr. Mackey** asked if that protocol had not been taken care of.

**Ms. Bunce** replied that the staff report was submitted to the Zoning Administrator on Friday. Ms. Bunce acknowledged and took responsibility that the conversation should have started sooner than that. The staff report was submitted to the city once finalized by the Executive Director and placed on the agenda. It was forwarded to city staff at that time.

**Mr. Lufburrow** asked for clarification as to what City Council asked for regarding the limit of three billboards.

**Ms. Bunce** stated it is for the entire city limits, regardless of company. There is allowance for three more digital sign faces, and that is it.

**Mr. Ragsdale** asked what date was that enacted.

**Ms. Bunce** replied October 7, 2011.

**Ms. Myers** asked when the cap was established, was there a limit that a company could only have one of the remaining three or could one company take all.

**Ms. Bunce** replied it was established as first come, first served.

**Mr. Mackey** asked if the window closes.

**Ms. Bunce** replied there is no time frame on it; once the three are permitted, there will be no more - unless there is an approved text amendment to change.

**Mr. Mackey** asked how many applications are live.

**Ms. Bunce** stated to her knowledge, there are three applications submitted. She deferred to Mr. Goins.

**Mr. Goins** stated there are four applications, one of which could be potentially

be built, but the state is going through their review process. Another company has submitted another set of three applications as well. The City Attorney will have to weigh on whether the first one can be approved or not, then three others could be constructed, assuming this text amendment is approved and adopted by City Council.

**Mr. Mackey** asked if amendment was adopted, is first come first served correct.

**Ms. Goins** replied that is correct.

**Mr. Mackey** asked where does this petition fall. The petitioner is making a request to this board for a text amendment. If it were approved, who determines where they fall, would it be the City Attorney.

**Mr. Goins** replied for the first one, yes, the City Attorney would weigh in and determine if it could be approved. The other three, assuming the first was denied, would be viable, assuming the text amendment was approved by City Council.

**Mr. Mackey** asked of the existing billboard companies that are present now, is there a company now that has the ability to do what we're talking about.

**Mr. Goins** replied based on the current ordinance, yes. However, the State has its own review process, and they are not allowing it to go forward because other companies have submitted applications to them that are in conflict with their standards. If they receive an application, they will not receive another application and process it and approve it if it's not in compliance with those separation standards.

**Mr. Ragsdale** asked for clarification of there being only the opportunity for only three signs to be constructed, with four potential applications that can be processed. But only three signs of the four can be constructed if they were all in code.

**Mr. Goins** replied that is correct.

**Mr. Farmer** asked what is the priority of order of approval - time of application or time of approval. If the fourth one comes in and all of the prior three have not been approved, what happens.

**Mr. Goins** stated the normal processing is the day it is submitted.

**Mr. Cook** asked if the three are within the city limits.

**Ms. Bunce** and **Mr. Ragsdale** replied that is correct.

**Mr. Phillip McCorkle**, representative of Golden Isles Outdoor Advertising, clarified the four applications that have been submitted. The first has been

submitted by Lamar Outdoor Advertising. Golden Isles Outdoor Advertising has submitted three, pending resolution of this amendment petition. If approved, depending on what happens to Lamar's application, we hope to get two, if not three, signs. He stated he does not want to rewrite this ordinance again. It's been through a lot of steps in 2007. In 2011, the MPC on its own volition wanted to make clarifications which took additional meetings, resulting in the three additional sign limits with only one face rather than two on a sign.

He stated he is aware of Lamar sending a letter expressing what they deem as unfair that they have had to give up revenue producing signs through the years that were non-conforming to get digital billboards, and Golden Isles comes along asking for different treatment. The true unfairness occurred in 2007 when Lamar's application was submitted and the work was done on the digital billboard ordinance. None of the other competitors were invited to join the discussion. By the time it reached City Council, it was a discussion between Lamar and council members. The Mayor and City Manager at that time were set on getting non-conforming signs out of neighborhoods, which in itself was not a bad idea. However, they were the ones that came up with requiring the reduction of two and a half square feet for taking out non-conforming signs to put up digital signs. Lamar was complicit in that; they agreed with it. They knew they were the only ones with non-conforming signs, so what occurred was a monopoly; the two smaller sign companies that exist in this city have not had an opportunity to put up digital billboards - the future of billboard signage in this country. There was no shame shown at the time. The 2007 council minutes indicate that two of the members expressed concerns of the small sign companies, to which the City Manager replied they will just to have to go get some.

**Mr. McCorkle** stated Lamar created this situation: they have non-conforming signs left, they made the agreement with the City, it should stay that way. He stated he does not want this to be tabled and become another discussion with what Lamar wants for its sign company. He stated he has requested for one paragraph to be added to the ordinance and he is requesting it to be sent on to Council with an MPC recommendation of approval. If the City Attorney states this is too confusing and it needs to be written, then let it be so. If Mr. Goins is concerned about enforcement, their inventory can be proved because they only have seven signs in the city. They hope to get it approved by Council so they can compete in this market.

**Mr. Farmer** asked how best to defend it draft to the Council.

**Mr. McCorkle** stated if this gets tabled today, we will be revisiting the ordinance. He stated he does not want to do that. The more we try to change, the more Council will be upset. To be of best service to my client, it needs to be as simple as possible. If the City Attorney wants to change the language, then we will have to deal with it. He stated he prefers it to go forward this day as it is.

**Mr. Blackburn** asked if Mr. McCorkle is proposing to take the removal of

non-conforming sign faces out of the ordinance.

**Mr. McCorkle** stated that is correct, if you don't have any. If you have some, then it stays in as council stated in 2007; and Lamar agreed with them.

**Mr. Blackburn** asked does that pass the equal protection test.

**Mr. McCorkle** stated he will leave that up to the City Attorney. He stated what was adopted in 2007 doesn't pass that test. He stated he does believe this does; a forced removal of non-conforming sign structures can be done over a number of years. It is no different than amortization of signs. If you don't have any, then you're being punished by not having any, so it does pass in his opinion.

**Mr. Manigault** asked would one more meeting place hardship on the petitioner to consult with staff for proper wording for submission to council.

**Mr. McCorkle** stated we need to move forward.

**Mr. Manigault** stated if we pass this, we know we'll have to add something to it before they'll even look at it.

**Mr. McCorkle** stated if that occurs, it occurs; he stated he does not think it will.

**Mr. Manigault** stated there are City Council members that are concerned we have enough billboards up already.

**Mr. McCorkle** stated that is why he does not want to tinker with the ordinance; just this small change.

**Mr. Blackburn** asked why didn't his clients come forward when it was previously discussed.

**Mr. McCorkle** stated they weren't aware of it. They weren't notified or invited.

**Mr. Blackburn** stated it was public discussion.

**Mr. McCorkle** stated perhaps; if you ask Mr. Estes, he'll tell you.

**Mr. Cook** clarified that we're not discussing additional billboards, just taking existing billboards and converting them to digital billboards.

**Mr. McCorkle** stated that is correct; nor are we discussing changing the number from the three the city initially passed. We're just trying to get in the three.

**Mr. Farmer** asked Ms. Bunce what exactly is her understanding of the language of what is being requested.

**Ms. Bunce** replied what is being requested is an additional paragraph that would follow the requirement to remove the ratio of two and a half square feet of non-conforming per one square foot of digital that would state: "If the company does not own or operate non-conforming billboard space within the city limits of Savannah, then the company would be able to convert an existing billboard to digital."

**Mr. Farmer** stated when Ms. Bunce began her presentation, she indicated there were concerns by the Zoning Administrator. He stated that sounded pretty straightforward to him. He asked the Zoning Administrator if we are trying to create a problem when we don't need one.

**Mr. Goins** stated there are over 200 billboards in the city. This requested text amendment will require certification of a company not owning a non-conforming billboard. That would require verification of every billboard to determine who owns it and determine if it is non-conforming. He stated that would take at least six months to accomplish.

**Mr. Farmer** asked if a sworn affidavit could not be obtained from the petitioner, stating they don't have anymore.

**Mr. Goins** stated we do not just take people's word to court.

**Mr. Farmer** stated you also can't keep people waiting six months because you don't have the staff.

**Mr. Goins** stated that is why he is requesting this to be changed so it can be enforced.

**Mr. Farmer** asked if permits were kept on file.

**Mr. Goins** replied only from a certain date. We don't have billboard permits from 1940.

**Mr. Farmer** stated this was not brought up at our pre-meeting. This is a big issue that may be six months in solving. We take people's word every day; if they don't do what they're supposed to do, then there are consequences.

**Ms. Milton** asked if the three billboards in question are in compliance with the digital regulations.

**Mr. Ragsdale** responded that they don't exist yet.

**Mr. McCorkle** stated except for that paragraph, we don't have any non-conforming ones. If we could get rid of the non-conforming requirement, which we don't have any, in our opinion, we would be in compliance. The Zoning Administrator would have to weigh in on that.

**Mr. Lufburrow** stated this has become unnecessarily confusing. He asked when old ones were being taken down and new ones put up; why didn't the city

the determine conformity then. The petitioner states they have only seven in the city. If this goes through and three get approved, then more can't be done, then that's the end of it.

**Mr. Goins** stated we have a process in place now to verify which companies are taking down the billboards and when they are putting them up.

**Mr. Lufburrow** stated it seems to be blown out of context. The determination of whether seven billboards are conforming or not; if they are found to be conforming and this text amendment passes, they will get two and someone else the third, and we will never have to see this again.

**Mr. Goins** stated the text amendment applies to all businesses, not just one. Each billboard has to be proven non-conforming. They have to be verified as not having non-conforming space; if they do, they are not exempt from the standards.

**Mr. McCorkle** stated Lamar has 200 signs and they had to prove what was non-conforming. Then council passed the requirement that you have to take the non-conforming ones out depending on the district. It seems it was a lot more complicated then and so easy to confirm what we're saying now.

**Mr. Mackey** stated Mr. Goins mentioned how arduous the process of verification would be for him. He asked what would be the reciprocal of that. If nothing is done, is the same task before him.

**Mr. Goins** replied no, because in order to build digital, existing non-conforming space would have to be removed. There is a process to verify that. He stated he is not opposed to the policy side of it; it's the process: how does one verify legally if taken to court. He reiterated he cannot take someone's word for it; it has to be proven they do not own non-conforming space.

**Mr. Mackey** asked, if this is left alone, does this create a vehicle for one entity to dominate the field. If yes, then that would be the reasoning for him to want this commission to shepherd it to the council; allow them to remand it back if necessary. He stated he would not like to see the creation of a domination avenue; that is not our purpose.

**Mr. Goins** stated he could not tell if companies have non-conforming billboards or not. It has to be verified. Additionally, if a level playing field is desired, this does not create one: it gives one company an advantage over another. To change the language to create a level playing field, that is a separate issue and the language would have to be enforceable.

**Mr. Mackey** asked is that how it is now, today. Is it lopsided or level.

**Mr. Goins** stated he does not think it's been proven that companies don't have non-conforming billboards to take down. The verbage has been put out there, but not confirmed.

**Mr. Coleman** stated if there is a way to establish something as non-conforming, then there has to be a way to establish conformity. Switching a billboard that is non-conforming to put up a digital billboard, there is a duty to prove it is non-conforming. That is done by the person submitting the application. If that proof can be accepted from the applicant and allow replacement, then proof of a conforming billboard be acceptable. The job is done when they say these seven are conforming and you can go and see those seven, since for them it is not beyond the seven they own. The issue is not the 200 billboards; for this petitioner, it is seven.

**Mr. Goins** stated the seven they provide. He has to confirm the ones that are non-conforming that they do not also own.

**Mr. Coleman** stated if a company owns seven billboards, there is a way to prove they only own seven.

**Mr. Goins** stated each billboard in the city would have to be checked to determine ownership. If the language states additional ownership has to be proven or disproven, the determination must be made before application approval.

**Mr. Coleman** states the proof of ownership will be on the applicant because there is documentation to prove it. There has to be paperwork somewhere. To say the applicant has to prove that they don't own the other two hundred billboards for my company, that is an unbelievable burden.

**Mr. Goins** replied he is not stating that, the text they've submitted says that.

**Mr. Coleman** stated they are able to do that by proving they only own seven that are conforming. They only have to prove the ones they own are conforming, not the other two hundred.

**Mr. Goins** replied that is not what the language says.

**Mr. Ragsdale** asked Ms. Bunce to pull up the proposed language.

**Ms. Milton** asked was there paperwork to indicate conformity.

**Mr. Goins** stated not all billboards have building permits, so verification of when they were built can't be done on those.

**Ms. Milton** asked if no catalogue was made when the verbiage was initially changed to indicate conformity or not.

**Mr. Goins** replied no.

**Mr. Farmer** asked if every billboard in the city had to be permitted.

**Mr. Goins** replied no, that is not correct.

**Mr. Farmer** asked if it is found that other non-conforming billboards are owned after the fact; they can be penalized to take them down. They would have to agree to it as part of the petition and show due diligence. If more are found, they have to remove within 30 days.

**Mr. Goins** stated it is not just applicable to their company; it's for every company. He asked what if they don't build the billboards.

**Ms. Myers** asked who spoke with the City Manager.

**Mr. Thomson** stated he spoke with the City Manager and her concerns have been expressed by Mr. Goins. She would like to have little more time to sort it all out. He also stated if someone were fraudulent in providing information, then the City Attorney could take action. That is a costly option, but he believes there is a simpler option for verification than what's been discussed so far. The City Manager did request more time for consideration.

**Mr. Manigault** stated it would good if the petitioners would agree to hold this until the next meeting for the protection for all, prior to submitting to City Council.

**Mr. Marshall** asked how many billboards, regardless of age, are in Savannah.

**Mr. Goins** stated there are 200 confirmed; there may be more.

**Mr. Marshall** asked what was the purpose of confirming the 200 and not all.

**Mr. Goins** replied he does not manage that process and is not aware of the reasoning.

**Mr. Lufburrow** asked if any company comes forth and is willing to make a major investment in the cost of sign, signs an agreement stating they own only so many signs, and produce evidence of conformity and sign an affidavit to that fact: there are penalties for swearing a false affidavit and fraud and a huge penalty to take it down.

**Mr. Coleman** asked of Mr. Goins if the issue was the way the ordinance is currently written, it does not specify that the non-conforming billboards are related to any one specific company; it just says non-conforming billboards. He stated he may understand the position the City Zoning Administrator is taking, where in it's all non-conforming billboards because it does not specify who the owners of the billboards are.

**Mr. Goins** replied that is correct; it does not say 'Company A must submit the billboards they own.' He stated he must confirm if they have non-conforming billboards regardless of the ones submitted; otherwise, how would he know they do not have other billboards that are not being honestly submitted. He needs to know the process for confirming non-conforming billboards; what is the legally defensible process.

**Mr. Coleman** asked if the issue is existence, not ownership.

**Mr. Goins** stated it does not state anything about ownership.

**Mr. Coleman** stated he understands that and agrees there should be language relating to specific ownership of the non-conformance.

**Mr. McCorkle** stated they can sign an affidavit; every statement is not checked by everybody. They can prove they have seven conforming billboards. He stated that is more than what is required.

**Mr. Farmer** asked if the majority of zoning investigations are complaint driven.

**Mr. Goins** replied that is correct.

**Mr. Farmer** stated if an applicant provides something that is not true and their billboards are erected and someone finds out later they have not been honest and submits a complaint. Then you go out and find out they haven't complied. Then you make them comply.

**Mr. Goins** stated he would just like to have a process to accomplish the goal.

**Mr. Dick Estes**, petitioner, stated he has been in the outdoor sign business for over 40 years in Savannah. He stated he has always cooperated with the City. He stated Lamar has a monopoly on all the digital signs in the area. If nothing is changed, no one else will ever have an opportunity to have a digital sign in Savannah. That is not fair to others. The meeting held years ago was between the Mayor, City Manager, and Lamar. Because of changing laws, many of his signs had to come down. The result was a win-win for Lamar. In order to be permissible, it has to be conforming. That is fair. The current ordinance is a one-way street for Lamar. He is simply asking to convert existing billboards to digital.

**Ms. Ardis Wood**, citizen, stated there are over 300 billboards in Savannah. She stated she is not usually in support of a monopoly, but anything that will cease digital billboards she will support. She believes City Council felt the same way when they passed this in 2007. Protecting and enhancing what we have is more important than a level playing field. Sweden has taken down and outlawed digital billboard; Australia is in the process; Israel has turned off all digital billboards for a year: all for safety reasons. This has resulted in a significantly lessened accident rate. Ms. Wood stated they use a lot of energy as well. Eliminating them will contribute to the aesthetic character of Savannah.

**Mr. Farmer** asked Ms. Wood if she was aware that the discussion is about three billboards and that someone will get them. He stated he appreciated the concern about the effects of billboards, but we've lived with them for a few years. He asked her if she was aware of any accidents caused by reading a billboard in Savannah.

**Ms. Wood** stated no efforts have been attempted to prove that, but it has occurred in other places.

**Mr. Farmer** stated he just wanted to make sure she was aware the petition was only for three billboards that have already been approved.

**Ms. Wood** stated her concern is that the day will come that it will be said this is the age of electronic billboards. She is concerned that it will be proposed to modify the law a little more and let all billboards that exist, convert the ones we have to digital. She believes it is step in the wrong direction and signals that digital is the way to go.

**Mr. Farmer** stated we are not changing anything regarding the number of electronic billboards allowed in the City of Savannah.

**Ms. Wood** replied that the benefit is not being received from Lamar by removing.

**Mr. Farmer** stated you can't remove signs if you don't have any.

**Mr. Mackey** asked Ms. Wood if she stated that she agreed that a monopoly exists but it went above the issue of fairness; that it may not have been fair but she would lean to not wanting increases as opposed to fairness.

**Ms. Wood** replied yes, there are other monopolies in this country.

**Mr. Mackey** stated he does not understand that statement. He asked how can it be right yet unfair; wrong and fair.

**Ms. Wood** stated if we were at the beginning, she would not want a monopoly. However, for where we are now, it is the lesser of the two evils.

**Mr. John Callen**, Real Estate Manager of Lamar Outdoor Advertising, stated that two paragraphs in the ordinance apply to Lamar Outdoor Advertising, whereas the smaller, third one applies to the petitioner. He stated this was vetted a long time ago by City Council in 2007 and there were numerous public meetings. The city wanted non-conforming billboards taken down for digitals to replace them. In 2011, a text amendment change was brought forward by the MPC. It is saying the second paragraph is only applying to Lamar Outdoor Advertising. He stated through the proposed text amendment, something simple in concept is being applied only to the petitioner and his clients. There are other billboard companies in the area.

**Mr. Ragsdale** asked Mr. Callen if, hypothetically, Lamar has the only non-conforming signs in town, will they allow the people that don't have non-conforming signs to take Lamar's non-conforming signs down so they can put up a digital billboard, because otherwise they can't.

**Mr. Callen** replied he was just pointing out what was in the ordinance; not

arguing non-conforming or conforming. He stated he's dealt with it for a number of years, and he's had to track everything taken down. Lamar has put a tremendous amount of time, labor and cost to see to it that the ordinance is met. For the petitioner to come in and add on one little paragraph that applies only to them, is a problem. There is no problem with the rest of the ordinance. This should be vetted and have public meetings on it, and not rush.

**Mr. Coleman** stated he does not see how as the ordinance stands currently, relates only to your (Lamar) company. It relates to every billboard company, regardless of whether they have non-conforming billboards or not. Currently the only persons that can respond to this ordinance, hypothetically, is your (Lamar) company. It is the only one we are aware of that has non-conforming billboards; the ordinance is non-specific to ownership of billboards. It does encompass every billboard company that tries to do business in this community. If that company does not have non-conforming billboards, then that company cannot do business here. It does create a situation when Lamar, hypothetically, is the only one that can do digital billboards here. This text amendment is an attempt to bring some fairness to those who may not have non-conforming billboards.

**Mr. Callen** stated he believes the petitioner has a valid point. He stated adding that one paragraph is saying 'this applies to not your company.' This should be looked at longer than one meeting.

**Mr. Farmer** stated much time has been spent reviewing an ordinance primarily to accommodate your (Lamar's) ability to do business in Savannah as a digital billboard company. He stated he is a major proponent for digital billboards. This has been vetted; the best decision was made at the time. He asked Mr. Callen if his company was the second one in, and had no non-conforming billboards in Savannah, would it be reasonable to ask him to buy non-conforming billboards to mitigate the situation. The reason this was done previously was as a catalyst to get some other things done; not to shut anyone out from opportunity or force them to buy from a competitor. This does not need to be re-done.

**Mr. Callen** stated he believes it needs to be vetted longer, not re-written. This is something that will apply to one company.

**Mr. Farmer** stated it will apply to three billboards forever.

**Mr. Marshall** asked Mr. Callen if the proposed text amendment paragraph only applies to the Golden Isles Company.

**Mr. Callen** replied that is the way he reads it. It states if they don't have non-conforming, then they should be allowed to convert existing inventory.

**Mr. Marshall** asked Mr. Callen if there are other small operators in community.

**Mr. Callen** replied yes.

**Mr. Marshall** asked if that paragraph excludes them.

**Mr. Callen** replied no, it does not.

**Mr. Marshall** stated that this paragraph does not just affect the petitioner. It applies if one is in or desirous to be in the billboard business in Savannah.

**Mr. Callen** stated it does not apply to Lamar Outdoor Advertising.

**Mr. Marshall** stated it does apply to Lamar when Lamar is at the point of having no more non-conforming billboards.

**Mr. Chris DiSilvstri**, General Manager of Lamar Outdoor Advertising, stated there was a question as to why they should be allowed to have digital billboards, the city wants less billboards. Lamar stated they wanted billboards in commercial areas. In the best interest of the city, it was decided. It was not a secret meeting behind closed doors; we were the only ones interested and took action. We took down almost 100 billboard faces which cost us thousands in removal. Though we benefitted from digital, we gave up a lot and gave the city a lot - they got what they wanted. Everyone applauded us; we took down a lot of billboards. It was 'we will allow you to do this if you do that.' Now, it appears the digital sign ordinance will be easier to work. To allow them to put up a digital and give up nothing. He stated he can see the petitioner's perspective that it is unfair to them. He stated it is unfair to his company that tens of thousands of dollars have been spent. He stated they are not against competition. They have done as asked and would like to be treated fairly; we have to keep taking things down but they don't have to.

**Mr. Jedd Renfro** stated he lives in Macon, Georgia. He stated he and the petitioner are partners and acquired the seven structures in the city from Mr. Estes. He stated he appreciated the time dedicated to this. There are seven permits for seven structures in Savannah and documentation can be provided to support that.

**Mr. Farmer** asked Mr. Renfro when he bought the company, did he have any idea as to the number of billboards he was buying.

**Mr. Renfro** replied yes.

**Mr. Farmer** asked Mr. Renfro if he believes he has more in the city.

**Mr. Renfro** replied no.

**Mr. Farmer** asked if they did their research.

**Mr. Renfro** replied yes, and eight boards were bought; seven are in the city. We have the paperwork.

**Mr. Farmer** stated if there were more than eight, he is confident Mr. Estes would have charged him for them.

**Mr. Renfro** agreed.

**Mr. Manigault** asked Mr. Renfro since he is now the owner of the seven, was he aware of the ordinance at time of purchase.

**Mr. Renfro** stated he wasn't at that time as it is written. He stated he found out later when they were having discussions regarding applying for digital permits in the city. He stated he has digital boards in other cities and has never seen an ordinance that states one has to take down non-conforming signs to get a digital one.

**Mr. Manigault** asked if a delay would be an expense that was not already budgeted for.

**Mr. Renfro** stated time and expense has already been invested. He stated he would prefer to decide today for their best interests.

**Mr. Farmer** referred to the issue about the location of the petitioner, St. Simon's. He asked does the petitioner anticipate problems maintaining the signs in Savannah.

**Mr. Renfro** replied no; the technicians are local to Savannah.

**Mr. Welch** stated he is in favor of digital signs because they supply Amber Alerts, help find criminals and other things for the community. He stated we are living in a country of free enterprise. If a Lowe's can be next to a Home Depot; competition is good.

**Mr. Coleman** stated we should be very clear in the language and how that relates to the position Mr. Goins presented and the whole basis of what is fair and not fair. It is important as we move forward and look at future ordinances, the implications of how something so general could have a negative impact needs to be carefully considered. This was a big miss in the previous decision regarding this. He apologized to Mr. Goins for being so argumentative; he believes Mr. Goins to be correct in the explanation of what was written and the position he took.

**Mr. Farmer** stated he has no problem with the proposed text amendment as it is. He feels council can tweek or deny if necessary. He stated the recordkeeping needs to be improved.

**Mr. Blackburn** asked about the three billboards versus the four applications.

**Mr. Goins** stated Lamar submitted the first and Golden Isles submitted the subsequent three. The first one Lamar submitted is in limbo, pending whether or not the State can permit it based on our ordinance. The State will not issue a permit; that has to be worked out between the State and the City. If it can't be

built because of lack of State approval, then the other companies can build their three, assuming this text is adopted by City Council.

**Mr. Blackburn** stated the State has jurisdiction on state highways. If the current application Lamar has was not on a state highway, then there would nothing for the State to approve.

**Mr. Goins** replied that is his understanding.

**Mr. Blackburn** asked if the other three applications are on state highways.

**Mr. Goins** replied they have not been fully processed yet; he cannot speak on the location.

**Mr. Marshall** stated the applicant can make an affidavit when they apply under the proposed text that they do not have ownership of non-conforming billboards. If found otherwise, it is a criminal issue.

**Ms. Myers** stated she is voting against this motion because the City Manager and staff are asking for one month to confer with the City Attorney to ensure the language is appropriate. She stated she sees no reason to not let that process go through. We usually listen to our staff when they say they want more time.

**Mr. Farmer** stated staff recommended approval.

**Ms. Myers** stated then they changed it.

**Mr. Farmer** asked for point of information how many electronic billboards does Lamar have in the city.

**Mr. Callen** replied 14 faces; the 15th is pending.

**Board Action:**

Approval of the proposed text amendment. - PASS

**Vote Results**

Motion: Ben Farmer

Second: Stephen Lufburrow

Russ Abolt - Not Present

James Blackburn - Aye

Shedrick Coleman - Aye

Ellis Cook - Aye

Stephanie Cutter - Not Present

Ben Farmer - Aye

Stephen Lufburrow - Aye

Timothy Mackey	- Aye
Lacy Manigault	- Nay
Murray Marshall	- Aye
Tanya Milton	- Aye
Susan Myers	- Nay
Adam Ragsdale	- Aye
Joseph Welch	- Aye

## Acceptance of Work Program

### 12. Adoption of 2013 MPC Budget and Work Program

Attachment: [Combined 2013 Work Program and Budget.pdf](#)

**Ms. Milton** stated the Finance Committee met on January 29, 2013. It is recommended that the 2013 Budget and Work Program be adopted as follows:

- Operating budget: \$2,837,445.00
- SAGIS budget: \$1,228,434.00
- Grants budget: \$1,740,560.00

**Mr. Farmer** asked about the SAGIS budget; how is it to be spent.

**Mr. Thomson** stated most of it is for projects: pictometry, rtho, and parcel layer adjustments.

**Mr. Farmer** asked if SAGIS staff does anything other than SAGIS.

**Mr. Thomson** replied only SAGIS activities.

**Mr. Farmer** asked how much does it cost to do aerial photography and editing. How often is it down.

**Mr. Thomson** stated we get a license to use the flight information through contract. In the ortho, we have a contract with NOAA.

**Mr. Farmer** requested a presentation of the SAGIS activities.

**Ms. Milton** corrected her statement of the SAGIS budget to \$708,571.00.

**Mr. Thomson** clarified that amount is mostly salaries and office expenses. The grant budget shows the pictometry work.

**Mr. Farmer** asked how much is spent on SAGIS from all sources.

**Mr. Thomson** stated he does not have that information on hand. It can be sent to him.

**Mr. Blackburn** suggest in the SAGIS presentation, include user-training.

**Ms. West** stated SAGIS does not have a grant budget. Most of the projects were spent out in 2012; there is very little left in 2013.

**Board Action:**

The Finance Committee met to review the draft budget on January 29, 2013 and made a recommendation to the Planning Commission to adopt the 2013 Budget and Work Program. - PASS

**Vote Results**

Motion: Shedrick Coleman  
Second: Ben Farmer  
Russ Abolt - Not Present  
James Blackburn - Aye  
Shedrick Coleman - Aye  
Ellis Cook - Aye  
Stephanie Cutter - Not Present  
Ben Farmer - Aye  
Stephen Lufburrow - Aye  
Timothy Mackey - Not Present  
Lacy Manigault - Aye  
Murray Marshall - Aye  
Tanya Milton - Aye  
Susan Myers - Aye  
Adam Ragsdale - Aye  
Joseph Welch - Aye

**XI. UNIFIED ZONING ORDINANCE (UZO)**

- 13. [Discussion of Unified Zoning Ordinance Review Procedures](#)
- 14. [Sec. 5.4 Principal Use Table and Article 8.0 Use Standards](#)

Attachment: [5.4 Principal Use Table 11-29-12.pdf](#)

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

**Ms. Moore** stated that since December 4, staff has been working with the Chamber of Commerce and SEDA to meet with the 10 different industry sectors of its membership. About 10 to 15 people attended the meeting with the industrial sector. The office sector was the only meeting to date with no attendees. The Tourism Leadership Council and its new leader was contacted; that group will be essential in helping us to reach out to hotels, other lodging establishments, restaurants, etc. The healthcare facilities meeting had few attendees. There have been three meetings to date with auto dealers. The Kiwanis Club of the Historic District extended an invitation; there were about 20 or so in attendance. There were good questions asked at that meeting. The lodging establishment sector meeting was

last week; the short-term residential rental group will have a follow-up meeting after staff meets with city staff. Notice will be given to the Planning Commission for the follow-up meeting. Eating and drinking establishments had a good turnout; about 10 to 15 people attended. There were questions regarding alcohol. Staff has met with the city attorney to discuss overlap with the Alcohol Ordinance and the Zoning Ordinance since the Alcohol Ordinance is to be revised. The vehicle and watercraft sales group met on January 28. On January 30 the final Chamber meeting will be held with retail and services establishments at 9:00 a.m. The Appraiser's Institute and Realtor's Commercial Alliance will meet with staff on March 7.

**Ms. Myers** asked how is the Chamber feeling about the process.

**Ms. Moore** stated that staff will be follow up with them to determine if there are additional things that need to be accomplished, such as additional meetings.

**Mr. Thomson** stated he and staff discussed this; they will prepare a report to the Chamber and SEDA on what was done so far and seek additional suggestions.

**Mr. Farmer** asked Ms. Moore to allow the UZO Committee of the Savannah Board of Realtors to sit in on March 7 meeting. That would be an ideal time to get our group involved as well.

**Ms. Moore** stated the list of upcoming meetings is on the UZO website:  
[www.unifiedzoning.org](http://www.unifiedzoning.org).

**Ms. Moore** began to discuss the UZO Draft 2 review and mentioned that we are not quite half way on the review. Referencing the 13 articles within the draft, she identified the articles already reviewed; those currently being reviewed; and, those yet to be reviewed.

**Ms. Moore** Using a PowerPoint presentation as guidance, she began by referencing Section 5.4 Principle Use Table and stated that there are about 150 principal uses. What's proposed will be addressed individually along with any use conditions. It is located on the website in Draft 2. She began with the Group Living uses.

*Assisted Living Facility:* This use is not currently identified in zoning ordinances. They are intended to be apartments for adults needing oversight but not medical care. There may be kitchens in individual units and/or a cafeteria on site. The closest equivalent in the city to this would be a Senior Citizen Congregate Housing Use, with a 55 or older age requirement. The proposed use has no age requirement, it's open to all adults. There are no maximum square footage requirements for the kitchen. For the UZO, there are no proposed conditions related to this use; however, the definition does identify that no more than two persons per unit are permitted. Each unit is considered a half unit to calculate density. The density is capped by district for control.

*Children's Home Use:* This use is currently in the city's ordinance. The closest equivalent use in the county is Homes for the Aged and Children, which is for the foster care of children, such as Greenbriar or Bethesda. It is proposed to be located in the agricultural district as a special use to address the Bethesda situation; that area will remain agricultural and will not have to have a special use permit because they are already in existence. It is also located in some of the multi-family districts as a special use. In other districts, it is

identified as a limited use. The conditions are no more than 12 children per facility. Where it is a special use, the number of children would be controlled by City Council or County Commission on a case-by-case basis.

*Dormitory:* This use is currently in the city's ordinance. There are several ways of identifying dorms in the ordinance: college, apartment building used by a college, dorm for college or university. There is not a dorm use in the county because there are no schools there. A special use requires City Council or County Commission approval. It is proposed to be allowed in a multi-family district, RMF-3. The other locations identify there will be use some conditions.

*Fraternity and Sorority House:* This use is in the current city ordinance but not county. It is identified as a special use in some districts. There are no conditions for this use.

*Monastery/Convent:* Both uses are currently identified in both city and county ordinances. There are no conditions for this use. It will be similar to apartment building or multi-family use.

*Personal Care Homes:* There were big changes. They are identified in a variety of ways in the current City zoning ordinance, which differentiates the care home by the type of disability (mental, developmental) and age. The proposed personal care home use is defined as a place where two or more ambulatory adults who do not require nursing care or who are not related to the owner or administrator by blood, marriage, or adoption can live. It is intended for people to live as independently as possible, with some oversight. The four groups are Registered, Family, Group and Congregate. The Registered Personal Care Home has to be owner occupied; function as a household and there can be no more than four unrelated people; the Family Personal Care Home can't exceed six people; Group Home can't exceed 15 people; the Congregate Care home would be more than 15 people.

*Rooming House:* This use is currently in the city and county zoning ordinance. It does not currently have use conditions. We are proposing some conditions. There are some legal rooming houses that serve necessary purposes but most are illegal. An Administrative Permit has been discussed and will continue to be with city and county staff because it is a quasi-commercial/residential use. The life safety issues are different. We want to make certain that anyone applying for this use goes through an on-site inspection process regularly with the fire marshal and staff. The proposed definition is five but not more than 10 unrelated persons; every bedroom will count as a half dwelling unit. That incorporates the density factor which presently does not exist. A distance requirement of a quarter-mile apart is also proposed to avoid over-concentration, and there is proposed to be a requirement for 24-hour management.

*Single Room Occupancy:* This use is currently in the city's ordinance but not the county's ordinance. This is usually run by a governmental assistance program or non-profit so there is oversight of the residents living there. It is not intended for medical care or to be a half-way house; it's for people with AIDS, unwed mothers (a use currently in the city's ordinance), people in need of some type of assistance providing them a place to have individual apartments. We are proposing the following use conditions: square footage requirements for the bedroom and common areas, distance requirements and on-site management.

**Mr. Blackburn** asked what is the difference between assisted living and personal care, and why is there a distinction.

**Ms. Moore** answered personal care home is basically a bedroom, whereas assisted living is an apartment where a single person or couple have their own household, but assistance can be provided if needed. One is an actual dwelling unit and the other is a bedroom.

**Mr. Blackburn** asked if assisted living would be permitted only within multi-family districts.

**Ms. Moore** stated they are also permitted within mixed-use, downtown, and some business districts.

**Mr. Blackburn** stated they are only in larger residential districts. He asked if the special use, that gets restrictions and must go to City Council to be approved on each individual basis, is not a step backward from where we are now.

**Ms. Moore** replied that special uses are currently in the existing ordinance, identified with the letter 'B,' not the letter 'S'.

**Mr. Blackburn** stated the letter 'B' states it goes to the Board of Appeals.

**Ms. Moore** stated that is correct but inconsistent with current state law. So we are bringing that up to match what is on the books right now with state law.

**Mr. Blackburn** asked what part of the zoning procedures act says that is now allowed.

**Ms. Moore** replied that it may be that our current ordinance was adopted prior to that change in law, so we are operating under an older law. We need to be consistent with state law.

**Mr. Thomson** stated that instead of creating a new zoning code for something that may work in one place, to accommodate it they can go to city council and get a special use for that use in that location forever, or whatever allowable use in that district if the use changes without going back to City Council. It is flexible tool that is not changing or adding zoning districts.

**Mr. Blackburn** asked what makes a children's home; how many children have to be had.

**Ms. Moore** stated where there is a special use, that is determined by city council or county commission, rather than place a specific number on it. We have permitted the use in the mixed-use districts. With the letter "L", no more than 12 children would be permitted within the home. It is a matter of right in the D-N and D-C districts without limitation on the number of children. A residence is a different situation, and would have to meet the definition of family and adhere to zoning laws.

**Mr. Blackburn** stated to his knowledge, there is no law in this city as it is in many others that regulate how many unrelated people that can live in a residence.

**Ms. Moore** replied there is one right now: it is currently six.

**Mr. Blackburn** asked if four rooms are rented out, then it is not a rooming house by this definition.

**Ms. Moore** stated the proposed definition for 'family' is four unrelated people.

**Mr. Farmer** asked about special use going before City Council or County Commission.

**Ms. Moore** replied that currently it would go before ZBA for use approval; for the proposal, it comes to the Planning Commission for recommendation, then to the governing body having jurisdiction.

**Mr. Farmer** asked about spot zoning: would it currently go before ZBA.

**Mr. Blackburn** stated it would come before the Planning Commission.

**Mr. Farmer** asked when would it go before ZBA.

**Mr. Blackburn** stated a lot of uses in the zoning ordinance are allowed uses with ZBA approval. The only time it would go to the ZBA is when someone applied for one of those uses that required approval.

**Mr. Farmer** asked Mr. Blackburn why does he consider this a step backward.

**Mr. Blackburn** stated if you have situations which in order to get the use, you just don't allow it in any zoning district and say it's a special use. That means each time you apply to have a group home, you will have to come in and meet with staff and get their recommendations and provisos. Then come to the Planning Commission and get their ideas. Then one goes to City Council and go through the same process and pass basically, what he interprets as, spot zoning for one lot or group of lots.

**Ms. Moore** continued...if it gets approved, they must obtain a permit. This is in compliance with state law. That assists with compliance because the permit can be revoked if necessary without changing a zoning district to allow other uses that may not be appropriate or introduce development standards into an area that are inconsistent with surrounding character.

**Mr. Farmer** asked if it would be easier to enforce compliance with the new system.

**Ms. Moore** replied she believes it would be; it would be more of a leg to stand on with the permits. Currently when the ZBA approves something, it doesn't result in a permit. There may be conditions added but not attached to a permit.

**Mr. Farmer** asked if we are talking about spot zoning which would go before the ZBA, which is an appointed body versus coming before staff, MPC, County Commissions and City Council.

**Ms. Myers** stated it also includes if parking were attached to it. For example, for the first year they get the parking in the garages, and then it lapses; it is very difficult to do anything

about that. We run into that downtown quite often.

**Mr. Farmer** asked Ms. Myers what does she think to be better.

**Ms. Myers** stated the idea that they can revoke the use so that if conditions are attached, there are ways of backing it up. To do so now would require a nuisance lawsuit.

**Mr. Blackburn** stated the zoning administrator can simply shut them down.

**Mr. Ragsdale** stated this is being done to be in compliance with state law.

**Mr. Blackburn** stated he would like to get the city and county attorneys to give an opinion.

**Mr. Farmer** asked to see the law. If we have no jurisdiction, we need to move on. He asked Mr. Plumbley his opinion.

**Mr. Plumbley** stated state law states ZBA cannot approve it. In order to comply with state law, it must go before the governing body.

**Ms. Moore** stated that is correct; it is a legislative decision.

**Mr. Plumbley** stated that is true for special use but not true for a use with limitations.

**Ms. Moore** replied conditional uses and we already have those and we're using the same procedure.

**Mr. Farmer** asked are we complying with state law under the current ordinance.

**Ms. Moore** replied the city and county attorneys would have to review and determine.

**Mr. Farmer** stated that is an important question. If we have a problem with state law, we need to change our emphasis on this and comply if we need to. He requested an opinion from Mr. Thomson from the city and county attorneys. We also need to decide where would we be better off getting something approved—the ZBA level and stop, or through the governing bodies. Whom do we feel comfortable having decide these things.

**Ms. Myers** asked if something about the mailboxes having to be inside the building and not an outside stand with 20 or 30 boxes.

**Ms. Moore** replied we can talk to the Postal Service about it; they may require it.

**Ms. Myers** stated she has talked to them and they are fine with it; it is cheaper for the developer to have outside.

**Ms. Moore** stated that would be looked into.

**Mr. Farmer** stated he thinks we should rethink going through a whole category to ask questions.

15. [Upcoming Meeting](#)

**XII. OTHER BUSINESS**

**XIII. ADJOURNMENT**

16. [Adjournment of January 29, 2013 Regular MPC Meeting](#)

There being no further business to come before the Board, Chairman Ragsdale entertained a motion to adjourn the January 29, 2013 MPC Meeting at 4:00 p.m.

Respectfully submitted,

Thomas L. Thomson  
Executive Director

TLT/bf

**Note: Minutes not official until signed.**

**XIV. DEVELOPMENT PLANS SUBMITTED FOR REVIEW**

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

Attachment: [DEVELOPMENT REVIEW CASE LOG 012013.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.*