

## MEETING NOTES

Unified Zoning Ordinance-Technical Committee Meeting  
Metropolitan Planning Commission  
Arthur Mendonsa Hearing Room  
March 18, 2009  
3:00-5:00 PM

**Members Present:** Beth Blalock, Downer Davis, Bill Dawers, Paul Featheringill (for Lise Sundrla), Tiras Petrea (for Randolph Scott), Robert Sebek, Commissioner Helen Stone, Ryan Thompson

**Members Absent:** Gregori Anderson, Rob Brannen, Suzanne Cooler, Bill Dempsey, Alderman Jeff Felser, Martin Fretty, Harvey Gilbert, Lee Grimes, Robin Haddock, Bridgit Lidy, MarRonde Lotson, Joe Marshall, E. Craig Meyer, John Mitchell, Pete Shonka, Jon Todd, Jack Wardlaw, Jerry Wardlaw, Malik Watkins

**Staff Present:** Amanda Bunce, Debbie Burke, Geoff Goins, Dennis Hutton, Bethany Jewell, Charlotte Moore, Jackie Jackson Teel

### **I. Approval of February 2008 Minutes**

Bill Dawers stated that he had concerns with the Victorian Historic Overlay District Ordinance discussed at the February meeting with regard to porch depth. Mr. Dawers' concern is that the proposed ordinance would require a porch depth that is larger than that of some existing porches in the district (approximately six feet as opposed to approximately four feet). In addition, the depth proposed would result in yards that are unusable as the porch would take up the majority of the yard.

### **II. Introductions**

Beth Blalock of the Georgia Conservancy was introduced as a new Technical Committee member. She will serve as the liaison to the environmental community. Two others had previously served in this capacity but were unable to continue.

Downer Davis indicated that he will be representing the Engineers and Developers Council of the Home Builders Association at the Technical Committee Meetings. He stated that he thinks that Charlotte Moore should attend one of their meetings and give an update on the UZO

status. Commissioner Helen Stone stated that she appreciated Mr. Davis attending the meetings and representing that group. Commissioner Stone would like to see more participation by interested parties so that the project does not lose its forward progress.

Geoff Goins was introduced as a new full-time planner for the UZO project. He is a development services planner with MPC.

### **III. Overview of Ordinance Sections and Zoning Map Areas Underway**

Ms. Moore stated that the main focus of staff has been remapping zoning districts. Most of the maps are completed and are undergoing a review by staff and will then be brought before the Technical Committee for its review. In addition, the following sections are currently underway:

- Thomas Square and Pin Point Historic Overlay Districts
- Functional Road Classifications
- Street Cross-sections
- Access Management and Circulation
- Open Space
- Outdoor Storage and Display Areas
- Drive-thru Areas

### **IV. Protected River Corridor Buffer**

Jackie Jackson Teel presented the proposed Protected River Corridor Buffer ordinance and clarified that the standards in the proposed ordinance currently exist in the Chatham County Zoning Ordinance as an overlay district. Ms. Jackson Teel further explained that the existing standards were established by the State approximately 12 years ago and are required to be in the Zoning Ordinance. Ms. Jackson Teel stated that there are areas that are not covered by the existing ordinance and that the proposed ordinance will cover all the property in Chatham County along the Ogeechee River between the Effingham County line and Interstate 95.

Downer Davis asked if the current buffer standard is 25 feet for the areas that are not presently included in the buffer. Ms. Jackson Teel stated that is correct, for those areas the buffer will increase from 25 feet to 100 feet.

Beth Blalock asked how the BMPs (Best Management Practice) and Federal Clean Water Act standards will be enforced. Amanda Bunce stated that many departments will be involved in the review. Ms.

Blalock asked whether the existing uses would be grandfathered. Ms. Moore stated that if there is an existing use, it would be grandfathered.

Mr. Davis stated that none of the projects that he has worked on in these types of areas would have been able to be within the 100 feet because of wetlands, etc. Mr. Davis asked what 19 year period is being used in the definition for mean high water. He stated that without knowing the period of time, it is impossible to know where the buffer starts. Ms. Jackson Teel stated that she believes that information is based on USGS records but she will verify that.

Ryan Thompson asked if the issue of “wrested vegetation” would impact the buffers. Ms. Jackson Teel stated that the proposed definition for mean high water is the State’s definition in order to avoid the debate that is currently taking place regarding the wrested vegetation issue.

Bill Dawers asked why Section 10.5.5 requires at least two acres for a single-family dwelling. Ms. Jackson Teel stated that that is a State regulation. Amanda Bunce added that the larger acreage requirement also controls density. Bethany Jewell stated that the ordinance limits what is permitted in the river corridor in order to protect it. Commissioner Stone stated that the larger acreage allows for any private wells and septic systems associated with the residential uses to be located out of the sensitive areas in the event of a failure.

Mr. Thompson asked whether there is a definition for impervious surface in the proposed ordinance. He stated that some jurisdictions do not consider any paving as pervious. Amanda Bunce noted that a definition for impervious surface needs to be added to the proposed ordinance.

## **V. Groundwater Recharge Areas**

Ms. Jackson Teel presented the proposed Groundwater Recharge Area ordinance and clarified that the standards in the proposed ordinance currently exist in the Savannah and Chatham County Zoning Ordinances as overlay districts. Ms. Jackson Teel further explained that the existing standards were established by the State approximately 12 years ago and are required to be in the Zoning Ordinance. Ms. Teel showed a map identifying the three recharge areas.

Ms. Blalock stated that, in regards to minimum lot sizes for on-site septic systems, in no case should the minimum lot size allowed be less than what the State allows. Amanda Bunce stated that the City/ County can make the standard more restrictive, but not less restrictive.

Commissioner Stone stated there are several areas in her district that have uncapped wells. She indicated that there has not been much help in getting the wells identified and it is her hope that staff is addressing this issue as development plans are being submitted. Ms. Jackson Teel stated that uncapped wells have been a problem and that the State is trying to research this matter.

Robert Sebek asked if these areas will be shown as a zoning layer. Ms. Bunce indicated that it will not be a zoning district, but it will be a GIS layer.

Mr. Dawers stated that we need to make sure that as much rainwater is making it back into the aquifers as possible in order to recharge the groundwater. Mr. Thompson asked, if the BMPs are in place, wouldn't we want to encourage the water into the aquifer? Ms. Jewel stated that this ordinance was written before BMPs were commonly used and we are still not sure that BMPs actually do what they are intended to do. There is the potential for there to be changes to the ordinance in the future depending on the effectiveness of BMPs. Ms. Bunce clarified that those changes would have to be approved by the State. Ms. Jackson Teel stated that it is the assumption that everybody is putting their systems in and maintaining them properly, but that is not the case. The aquifer needs to be protected. Mr. Thompson asked for clarification as to whether the intent of the ordinance is to protect the water from pollution or to recharge the aquifer. Dennis Hutton stated that getting water back to the aquifer safely should be intent, with the key word being "safely".

Mr. Davis stated that there needs to be a definition for retention and detention basins in order to know what is permitted/prohibited.

Mr. Dawers asked what the boundary is of these areas and if parcels will be split. Ms. Jackson Teel stated that staff would have to look into that. Tiras Petrea stated that this ordinance applies to all future development.

After discussion of the Groundwater Recharge Areas ordinance, Ms. Moore handed out information regarding Manufactured Home Districts for the Committee members to review prior to the next meeting.

## **VI. Zoning Map Areas**

Four map areas were presented for review. The areas included: Wilmington Island; Landings / Isle of Hope; Montgomery Cross Road / Whitefield Avenue; and Coffee Bluff / Windsor Forest.

#### a. Wilmington Island

Ms. Moore stated that this area is predominantly residential in nature, but there are some commercial areas along Johnny Mercer Boulevard that need to be discussed. Ms. Bunce stated that, for the most part, in residential areas staff looked at existing patterns to determine what the proposed conversion districts should be, resulting in little change. She further explained that the RSF-E designation requires a minimum of one acre lots and the areas proposed to have this classification are currently R-1-C, which requires a minimum of 30,000 square feet per lot. When reviewing the size of these lots, most of them are currently larger than one acre in size, so the RSF-E designation was more appropriate than one of the more dense districts.

Dennis Hutton asked if the marsh is included when looking at lot size. Ms. Bunce indicated that some parcels adjacent to the marsh have the parcel lines extending into the marsh. However, the marsh is owned by the State, unless a King's Grant can be proved. Marsh area is not considered when subdividing or developing land. Therefore, in areas abutting the marsh, GIS is utilized to exclude the marsh area and estimate the developable size of the lot in order to determine the most appropriate zoning district.

Mr. Dawers asked what the proposed zoning is for the area on Penn Waller between Cobb and Walthour. Ms. Bunce stated that area is proposed to be RSF-E, although, some lots are a little less than an acre so RSF-20 may be more appropriate. Mr. Thompson asked what the current zoning is for those properties. Ms. Bunce stated that they are R-1, which allows for 6,000 square foot lots where water and sewer is available. Mr. Hutton stated that the intent is to assign the zoning designation that is the most similar to the current development patterns in order to protect the existing property owners. Ms. Bunce stated that staff takes into consideration whether the area is built-out or not when making these decisions. Mr. Dawers stated that problems may arise if an individual purchased this property 10 years ago with the plan to subdivide it in the future and its now been down zoned. Ms. Bunce stated that they could request a rezoning of the property in that situation. Commissioner Stone stated that the new County Health Department regulations regarding lot sizes for well and septic systems would probably prohibit 6,000 square foot lots in these areas. Ms. Moore stated that staff is basing the conversion zoning on what, in their professional opinion, is most appropriate and allow the public to respond.

Ms. Moore stated that the Johnny Mercer area east of Penn Waller is shown as RMF-10 to allow for existing single family and duplexes.

Commercial zoning is not proposed because it does not fit the character of the area, the lots are small and lack depth, water and sewer lines would likely be required to be installed. Installing this infrastructure could endanger the large oak trees that canopy the road.

Mr. Davis stated that 10 units per acre would require more water and sewer than a commercial use. Ms. Moore stated that it would not be feasible to obtain that density if the water and sewer is not available. The RMF-10 district is the equivalent of the existing zoning.

Mr. Hutton stated that the current pressure in the area is for commercial development and that the associated driveways for such uses are another danger to the trees. Mr. Davis indicated that he thinks the RMF-10 designation is giving them more than they have now. Ms. Moore stated that she would revisit the density. She also stated that she would like for there to be a process in place to address tree removal requests in rights-of-way.

In regards to the Highway 80 area, Ms. Moore stated staff is relying on what is currently in the area now when proposing new districts. If property owners disagree with the proposed equivalent to the existing district, staff can address those issues as they come. Mr. Dawers stated that when they did the Thomas Square rezoning there were a lot of meetings with the neighbors about what their future plans were for their property. Ms. Moore stated that staff will eventually meet with the public regarding these maps but she does not envision changes being made based on potential future projects when they have not been submitted.

#### **b. Landings/Isle of Hope**

Ms. Bunce stated that this map is mostly residential, with a large PUD that will remain a Planned District (i.e., The Landings). Ms. Moore stated that Bethesda is shown as agricultural zoning. Commissioner Stone questioned whether Bethesda has future plans for that property. Ms. Bunce clarified that the Agricultural district is seen as a "holding zone" in that it allows minimal development and requires the land owner to come to the MPC with a plan. Commissioner Stone indicated that Bethesda may have a problem with this, as they want to market the property. Ms. Moore stated that it is her understanding that they want to do a mixed use project, which would require a master plan. Mr. Hutton further explained that this area is restricted by the Comprehensive Plan and that the property owners will need to deal with that when they have their plans.

Ms. Moore questioned whether Wormsloe should be C-P instead of A-1. Ms. Bunce stated that she would make that change.

**c. Coffee Bluff/Windsor Forest**

Debbie Burke stated that this area is mostly residential except along Abercorn Street and in the areas close to Abercorn Street. The proposed zoning designations are those that are most similar the existing residential densities in the area. Ms. Moore stated that this area went through a rezoning to down-zone much of the area seven or eight years ago (i.e., to require larger residential lot sizes).

Mr. Thompson asked if master plans for projects would apply. Ms. Moore stated that staff is looking at the master plans to determine if the site is built-out and whether a "Planned" designation is necessary. Amanda Bunce clarified that all master plans will still be valid even if the zoning classification is changed from a "PUD" to an "RSF" classification. Mr. Hutton indicated that it should be stated somewhere in the ordinance that the master plans would still apply. Ms. Bunce stated that there are currently master plans associated with R-6 properties and the master plans are applicable.

Mr. Dawers questioned whether the property at Apache Avenue and Abercorn Street should be B-C when Armstrong Atlantic State owns the property and has removed the majority of the commercial uses. Mr. Dawers believes that OI may be more appropriate. Ms. Bunce stated that the B-C classification is more appropriate due to the location of the property at a major intersection and the fact that the surrounding properties are all B-C. Mr. Hutton agreed that the property should remain B-C.

**d. Montgomery Cross Road / Whitfield Avenue**

Ms. Moore stated that this area is one where it may be appropriate to have a corridor study. Commissioner Stone stated that this is an area where commercial development has encroached into a residential area. She requested that as staff gets each of the maps ready, they take them to the elected officials prior to taking them to the public. Ms. Moore stated that it is her intention to have each Commissioner and Alderman look at the maps for the district they represent prior to showing them to the public.

Ms. Moore stated that many of the properties along Montgomery Cross Road have been converted from residences to commercial uses using the Planned Residential Transition (PRT) zoning district. In some cases, the

owners have not completed the site upgrades required for the commercial uses. Staff does not want to up-zone this entire corridor because it is likely that more properties will convert, obtain their business license, and not upgrade the site as required. Ms. Moore would like to see each property owner that is interested in converting their site rezone their property and provide a site plan for review.

Ms. Moore stated that the portion of Montgomery Cross Road near White Bluff Road should remain OI because the lots there are very shallow. Mr. Hutton asked whether people will be required to assemble lots in order to be able to rezone property. Ms. Bunce stated that, ideally, the lots should be interconnected by driveways in order to reduce the number of curb cuts on Montgomery Cross Road. She stated the staff is currently drafting an Access Management ordinance that may require driveway connections with cross access easements between non-residential properties. Mr. Davis asked whether property owners would be required to get connections with adjacent property owners. Ms. Bunce stated that they would not be required to make the connections to adjacent properties; rather they would be required to "stub out" to adjacent properties. Mr. Davis stated that cross-access and maintenance agreements can be a problem, in particular maintenance agreements.

Ms. Moore stated that the proposed districts in the residential areas are consistent with the character of the area. She stated that the northern area is tricky as there has been an intrusion of commercial development into the neighborhoods. Staff is trying to contain that.