

MEETING MINUTES

Unified Zoning Ordinance-Technical Committee Meeting
Metropolitan Planning Commission
Arthur Mendonsa Hearing Room
June 17, 2009
3:00-5:00 PM

Members Present: Gregori Anderson, Rob Brannen, Daniel Carey, Downer Davis, Bill Dawers, Alderman Jeff Felser, MarRonde Lotson, Nick Millionis (for Suzanne Cooler), Marc Nelson, Ellen Wyatt (for Martin Fretty), Lee Grimes, Tiras Petrea (for Randolph Scott), Pete Shonka, Ken Spriggs, Ryan Thompson, Brian White

Members Absent: Beth Blalock, Bill Dempsey, Harvey Gilbert, Robin Haddock, Bridgit Lidy, Joe Marshall, Robert Sebek, Commissioner Helen Stone, Lise Sundrla, Jon Todd, Malik Watkins

Staff Present: Amanda Bunce, Debbie Burke, Geoff Goins, Bethany Jewell, Jackie Jackson Teel

I. Review of Section 10.3 Open Space

Pete Shonka introduced the Open Space section and explained its intention. Mr. Shonka stated that staff has looked at a range of development types in the City and County that are in various stages of completion in regards to open space. They have also researched how long neighborhoods stay vital and requirements of other municipalities in regards to open space. Mr. Shonka clarified that this particular ordinance differentiates between open space and green space. Open space involves recreational areas, whereas green space is simply portions of the site that are left undeveloped. Where subdivisions are developed with smaller lots, there is a need for adequate recreation space for the neighborhood. The New Hampstead PUD was the first ordinance that addressed the issue of open space, but what happened there was that open space typically was remnants of lots rather than viable, usable recreation areas. Most developments in North Godley and New Hampstead did not make it with the grading system staff is proposing but would have made it with a small addition of open space. The proposal calculates open space in a manner similar to how tree quality points are currently calculated. In regards to open space, there will be an ordinance and design manual. The maintenance and management language is based on the existing Wireless Telecommunication Facilities ordinance.

Bethany Jewell presented additional information to explain the Open Space section. Ryan Thompson asked if “buildable area” is defined in the ordinance. Amanda Bunce stated that it is not, but it can be. Mr. Shonka stated that staff is going to develop a manual regarding this section to help understand the requirements.

Ms. Jewell asked the Committee if they would like to make the point system a mandate or an incentive. Mr. Shonka stated that making it an incentive may result in less bulldozing of areas that they are supposed to be preserving. Nick Milionis asked who determines what is considered a “conservation area/ habitat area”. Ms. Jewell indicated that Sec. 10.3.4.b.ii. states that the Coastal Georgia Conservation Initiative identifies those areas. Mr. Thompson asked what scale. Mr. Shonka stated that it is like the current standard for wetlands, if the property is within 100 feet of wetlands then have to do delineation. Jackie Jackson Teel stated that the Ecological Community Areas Mapping is being done by the Department of Natural Resources in conjunction with the Nature Conservancy. Daniel Carey stated that he is in favor of providing incentives, but there are other ways of ensuring that sensitive areas are preserved. Mr. Carey stated that he favors a carrot and stick combination. Mr. Carey asked how active is the survey work in the County for historic resources. Ms. Jewell stated that she is not 100 percent sure but that the onus is on the developer to be proactive. Mr. Shonka indicated that New Hampstead identified areas through their due diligence process. Mr. Thompson stated that it takes quite a long time to get to the point where all government agencies involved determine that an area is eligible, so he proposes that the language is changed to “potentially eligible”. Mr. Shonka stated that maybe it needed to be changed to just local designation, which will take less time. Mr. Carey stated that would be appropriate because the local designation is more stringent than that of the federal standards, which is simply to be 50 years or older.

Gregori Anderson asked if this will replace the green space ordinance. Ms. Bunce stated that it would for all developments within a Planned Development District, single-family residential developments of at least five acres in size and with average lot sizes less than 10,000 square feet, and for two-family and multi-family developments of at least five acres in size. In addition, all subdivisions would still have to meet street trees, etc. Mr. Anderson asked who at the County had been involved in this discussion. Ms. Bunce stated that Suzanne Cooler and Dennis Goldbaugh have been very involved in the development of this ordinance. Mr. Anderson stated that the County has typically allowed more passive recreation rather than ballfields. He wants to make sure that there has been discussion by the County Engineers regarding

ownership and management because they have had problems in the past with homeowners associations going away. There needs to be some protection for the County if the homeowners association disappears. Ms. Bunce stated that staff still needs to get legal guidance to have the correct language in the event that the governing body has to step in. Mr. Anderson stated that there is a legal battle happening right now in Berwick and there needs to be a real mechanism to make sure that the burden is not held by the governing body.

Rob Brannen asked what is the rationale for emphasis on active recreation versus wetlands. Ms. Bunce stated that wetlands have to be protected anyway so they should not get as many points. In addition, they are not counted in the "buildable area" which is what the open space points are calculated from. Mr. Thompson asked if they wouldn't be counted even if a permit was received to fill the wetlands. Ms. Bunce stated that if a permit to fill was received, then that area would count as "buildable area". Ms. Bunce stated that they need to figure out where to put such information, in the manual or the ordinance. Jeff Felser stated that it should be in the ordinance so as to streamline the information. Ms. Jewell stated that the emphasis on active recreation came from comments by the City and the Healthy Savannah project. The City does not want to provide all the active recreation opportunities; therefore some should be included within the communities.

Mr. Milionis asked how much debate was there regarding the stormwater section. Ms. Bunce stated that all of the parts of the ordinance had equal debate and emphasized that this ordinance has been the most debated to date. Mr. Milionis asked what "enhanced" means. Ms. Bunce indicated that will be spelled out in the manual. Mr. Thompson stated that in the Thresholds section (Sec.10.3.3.c) "Required Parking Areas" is listed but not defined. Ms. Bunce stated that they were looking at that the other day and will address it. Mr. Thompson questioned where the ordinance states "All development..." (Sec. 10.3.2.a). Ms. Bunce stated that may need to be clarified to say "All residential development..."

Mr. Brannen raised a concern with wetlands not being counted because it is hard to find developable land right now and developing property with or adjacent to wetlands costs more. He stated that wetlands should be given an Open Space Point Factor (OSPF) of 1.0. Ms. Bunce stated that staff will discuss those concerns. Downer Davis stated that one way to ensure there is no future development is to put a conservation easement on the property and then the developer will get more points from the Corps (Army Corps of Engineers). Mr. Brannen asked if the property is placed in a conservation easement would it then be assigned 2 points. Ms. Bunce stated that staff would have to look into that. Ms. Bunce pointed out that if the landowner establishes a

conservation easement they receive the benefit of tax deductions, like donating an easement on a historic property.

Ms. Bunce stated that staff did not want this requirement to be overly burdensome which is why the minimum five acres size was established. Tiras Petrea clarified that the calculation for open space is based on "buildable area", which does not include wetlands so you are not required to have points for those areas. Ms. Bunce further clarified that up to 50% of wetlands on site can be counted towards the required points even though they are not considered "buildable areas". Mr. Brannen questioned whether marsh was calculated. Ms. Jewell stated that marsh is not counted in the calculations because they are property of the State. Ms. Jackson-Teel stated that nine out of ten times the marsh is owned by the State so staff removed them from the calculations.

Ms. Bunce stated that there was some debate over whether golf courses should be counted as 1.0 or 0.5 point because not everybody in the subdivision can play without paying additional money and there are environmental concerns with their maintenance as well. Many of the Committee members stated that the points for golf courses should be reduced to 0.5 points. Mr. Anderson stated that many of the residents do not get the benefit of the amenity. Mr. Davis stated that any amenity that all residents do not have access to should be reduced to 0.5 point. An example of such an amenity is an equestrian subdivision. Mr. Brannen stated that the current structure of most subdivisions with amenities is to require extra payment for the use of such amenities. It is less common now to have amenities be "free". Mr. Brannen stated that golf courses should be left at 1.0 point because they provide a view for everyone in the subdivision. Ms. Bunce asked if 0.7 point seemed more acceptable. Mr. Carey stated that he thinks 0.5 point is acceptable and that a clear majority of the Committee likes that reduction.

Mr. Thompson asked if the average lot size is greater than 10,000 square feet then the open space requirement does not apply unless it is in a Planned Development. Ms. Bunce stated that is correct and that all Planned Developments are required to do more than the typical subdivision because they are given such flexibility. Mr. Brannen stated that he believes that it should be as easy as possible due to the high land prices.

Mr. Davis asked why required buffers are not eligible to receive points. He indicated that smaller pieces of property would have a harder time meeting the open space requirements if the buffers are not counted and suggested that they allow buffers to be counted when they are adjacent to conservations areas. Ms. Bunce stated that the reason behind not

counting the buffers was because that area is not supposed to have trails or any type of recreation included in it, but she does see Mr. Davis' point regarding the impact this standard will have on smaller properties. Staff will discuss this further. Mr. Thompson asked whether that only pertains to buffers between different uses, not adjacent to marshes. Ms. Bunce stated that is correct.

Ms. Jewell indicated that the language in Sec. 10.3.4.b.i, .ii, and .iii needs to be changed from "shall" because the Committee has agreed that they would like to see these as incentives rather than a mandate. Ms. Jewell asked whether the Committee felt that General Conservation Areas OSPF should be 1.5 or 1.7 points. The Committee members indicated that 1.7 points is acceptable.

Mr. Thompson questioned the number of trash receptacles and benches required in parks per Sec. 10.3.4.a. Ms. Bunce agreed that did seem like an excessive amount and stated that staff would review that section again. Mr. Brannen questioned the intention of Sec. 10.3.3.d.iii as it appears to prohibit all the open space to be provided at one time. Ms. Bunce stated that the language will need to be fixed. Staff's intention was to allow for situations where a developer may want to provide open space with each phase rather than all at the beginning of the project.

II. Introduction of New Member

Amanda Bunce introduced new member Ken Spriggs to the Technical Committee.

III. Approval of May 2009 Minutes

Bill Dawers made a motion to approve the May minutes. Alderman Jeff Felser seconded the motion.

IV. Update of Work Status

Geoff Goins gave an update of the work status of the projects that staff is currently working on. Mr. Goins discussed the status of the SSU Land Use Survey of the Victorian District, the MLK/ Montgomery Corridor Plan meeting with SDRA and MPC staff, the remapping process, and the Nonconformities, Planned Development District, and Parking ordinances.

V. Review of Section 8.10 Cluster Development Standards

Ms. Bunce introduced the Cluster Development section and explained what it was intended to do.

Ken Spriggs asked if the area required to be designated as a conservation area could be sold off. Ms. Bunce stated that it must be maintained as a conservation area even if it was sold. She indicated that the property would have to be shown on the plat as a conservation area that could

not be developed. Mr. Felser stated that the seller would have to disclose that the property was a conservation area and therefore could not be developed. Ms. Bunce stated that staff could look at the language to make sure that it is sufficiently clear.

Ms. Bunce clarified that there would not be an increase in density with this option, merely added flexibility to be innovative or creative in the design of the subdivision. Mr. Thompson stated that staff may want to consider requiring a buffer adjacent to the road when the lots along the right-of-way are not conventional lots as well to protect the adjacent areas since there is no architectural review for these types of projects. The impact of such a project could be big with it being a by-right project.

Mr. Felser stated that "buildable" and "conservation" should be defined in this section or referenced to where the definitions are located. Bill Dawers recommended that staff look at existing cluster developments, such as Barbour Pointe and Green Bridge Farm in Effingham County, to see what types of problems they have had. Mr. Davis asked why the minimum tract size is 10 acres rather than five acres like in the Open Space Ordinance. Ms. Bunce explained that is because the clustering option allows different housing types. Mr. Davis stated that he thinks that the minimum tract size should either be reduced to five acres or the Open Space Ordinance should be increased to 10 acres. Ms. Bunce explained that, within the RSF districts where there is only single-family detached housing proposed, the minimum tract size can be reduced to five acres. Mr. Davis indicated that is fine with him.

Ms. Bunce asked the Committee if a density bonus should be offered for certain performance standards. If yes, what would those performance standards be? Mr. Dawers stated that having more than one point of access is one possibility. Ms. Bunce stated that proposed ordinance may require that anyway. She questioned whether the performance standards should be related to an increased density. She stated that it should not be arbitrary. Mr. Thompson stated that the LEED program uses increments and staff should review those. Mr. Dawers suggested a reduction in the amount of pavement and solar infrastructure as other possibilities. Ms. Bunce stated that those types of performance standards are where staff becomes divided. She stated that, while those are good environmental tools, how do they relate to extra density. Mr. Thompson stated that it all relates. Mr. Carey stated that he does not agree with the amount of density bonus proposed. Mr. Dawers stated that if the community is concerned with the use of resources per capita, then these options reduce those resources per capita and should result in a density bonus.

Ms. Bunce stated that one concern with density bonuses brought up by a staff member is that when somebody purchases property and sees that the surrounding property is zoned a certain district, they have an expectation that the density will be that of the zoning district not a higher density like could happen with the cluster option. Mr. Thompson suggested that one option is to send any requests for density bonuses to the MPC and governing body rather than allow it by-right. Ms. Bunce questioned on what grounds they could deny the request.

Ms. Jewell stated that one argument against the solar option is that once it has been shown on the plans there is not a means for enforcing the installation and use. Mr. Davis indicated that the only way to make it work is to create a covenant. Ms. Bunce stated that the problem with that is that covenants are not enforced by the MPC, City, or County.

Mr. Felser asked if what staff is saying is that when people buy into an area they aren't expecting more density than what is permitted in the district. Mr. Spriggs stated that it sounds like the zoning ordinance, with all the small print, is starting to be very complicated. He stated that there may be less pavement, but there are still the impacts of all the additional people. He thought that a purpose of unifying the ordinance is to simplify it, but it is becoming more complicated. Ms. Bunce stated that the discussion today is simply whether the idea of density bonuses is acceptable.

Mr. Thompson asked if staff thinks that people will be more concerned with more density than having affordable housing behind them. Mr. Dawers stated that staff needs to focus on the people living around a cluster subdivision, rather than those living in the cluster development. What are the real concerns of the adjacent property owners? Visual impacts? Mr. Dawers suggested added more specifics about trees in the buffer if this is a concern. He stated that staff should identify those potential concerns and lay out those rationally and address each of them.

Mr. Felser stated that the Police Chief probably would designate fewer officers to an area based on the density allowed by the zoning district, but with density bonuses, it would be denser and therefore need more resources. Ms. Bunce stated that the increased density could cause problems for police, schools, etc. They make their calculations for resources based on zoning districts, which could be off if density bonuses are permitted.

Mr. Brannen stated that there is going to be a cost benefit analysis to develop. A developer would need to look at the numbers to see if the density bonus would be worth the costs of the performance standards.

Mr. Dawers stated that he does think there should be a density bonus. Mr. Felser stated that he is in favor of it, but that staff needs to think through all the ramifications before implementing. Mr. Brannen asked whether a developer would have to work with staff to get this approved. Ms. Bunce stated that they would and that the subdivision would have to go to the MPC as well.

Next Meeting: Wednesday, July 15, at 3:00 PM.

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