

MEETING MINUTES

Unified Zoning Ordinance-Technical Committee Meeting
Metropolitan Planning Commission
Arthur Mendonsa Hearing Room
August 19, 2009
3:00-5:00 PM

Members Present: Gregori Anderson, Beth Blalock, Daniel Carey, Downer Davis, Bill Dawers, Ellen Wyatt (for Martin Fretty), Tiras Petrea (for Randolph Scott), Bob Sebek, Ken Spriggs, Tom Stephens (for Brian White)

Members Absent: Rob Brannen, Suzanne Cooler, Bill Dempsey, Alderman Jeff Felser, Harvey Gilbert, Lee Grimes, Robin Haddock, Bridgit Lidy, MarRonde Lotson, Joe Marshall, Pete Shonka, Commissioner Helen Stone, Lise Sundrla, Ryan Thompson, Jon Todd, Malik Watkins

Staff Present: Amanda Bunce, Debbie Burke, Geoff Goins, Ellen Harris Charlotte Moore

I. July Minutes

Daniel Carey made a motion to approve the minutes from June. Bill Dawers seconded the motion.

II. Update on Status

Charlotte Moore provided a status update. She mentioned that the Planning Commission received a status update on August 18, and that a status update would be provided to the elected officials at workshops during the week of August 24. She added that all but three officials have responded to the invitation.

Ms. Moore also mentioned that staff would be meeting with City Parking Services to discuss downtown parking issues so that staff could prepare an ordinance to reflect any policies or programs that the City would like to implement as part of the UZO.

Ms. Moore stated that staff is reviewing additional language from other jurisdictions regarding drive-thru facilities and will need to meet with Traffic Engineering prior to bringing the ordinance back to the Committee in September.

Ms. Moore added that staff is working on drafts of the following sections: Off-Street Parking and Loading; Access Management; Landscaping, Buffering and Screening. She also noted that MPC's Transportation staff is updating the Functional Road Classification Map. SAGIS staff has started to prepare the GIS layer for the roads identified to date.

Ms. Moore stated that the Advisory Committee will soon begin to look over the draft of the UZO. It is anticipated that they will meet once a week for two to three months. She indicated that she hopes that either the Technical Committee members or other representatives from their organizations will participate in the Advisory Committee. The elected officials will be recommending individuals to sit on that committee as well.

III. Thomas Square Historic Overlay District (Sec.7.11)

Ellen Harris provided an overview of the proposed Thomas Square Historic Overlay District, currently known as the Mid-City District. Ms. Harris stated that the proposed name is consistent with the National Register district name. Ms. Harris provided a map to the Committee indicating the proposed boundaries of the district, which are to be extended west to Martin Luther King Jr. Boulevard and east to East Broad Street. She indicated that the "notch" at the northwest corner of the district that is not included is a part of the Victorian District.

Tiras Petrea asked why the corner at East Broad and Victory was not included in the district. Ms. Harris indicated that some owners within the Baldwin Park neighborhood have expressed interest in becoming a design review district. However, at least 50 percent of the property owners need to support being included in a district prior to their inclusion and there is not that support in this area yet.

Daniel Carey stated that he thinks this is a rational and defensible ordinance. He feels that the Thomas Square name proposal makes sense and Mid-City is not what the area is referred to as anyway. He felt that all the suggestions are good.

Ms. Harris stated that the proposed review process was presented to the Technical Committee in December. The main change from the current ordinance is that the MPC staff will review minor alterations, while new construction and major alterations will be reviewed by the Historic Preservation Commission. Under the existing ordinance, new construction and demolition are reviewed by the City Manager. The current process is not consistent with the Georgia Historic Preservation Act. The proposed process is consistent with the Act.

Bill Dawers asked what are the definitions for “major” and “minor”. Ms. Harris stated that she did not have that in front of her but she believes that a minor change includes fencing, signs, and additions less than 500 square feet. Major changes include demolition of a contributing building, new construction, and additions over 500 square feet.

Mr. Carey asked whether there are the necessary staff and resources to implement the proposed changes. Ms. Harris stated that there currently is the staff to provide the necessary support. The existing process takes a lot of time and staff will simply have to refocus their efforts. Mr. Petrea stated that the proposed process will be better because rather than the items coming in on a daily basis, it will be handled on a monthly basis by the HPC.

Mr. Dawers asked who will be on the Historic Preservation Commission and who will appoint them? Ms. Harris stated that it will be a City and County board. Five or more of the members will be required to meet minimum training/qualification criteria. The members will be appointed by the City Council and County Commission. Mr. Dawers asked if there will be a requirement that there needs to be representation from each district. Ms. Harris stated that currently that is not a requirement, but that could possibly be added.

Ms. Harris stated that the current design standards only address new construction, but not alterations. The proposed standards will address both.

Mr. Carey asked whether the proposed ordinance allows for hardiplank in new construction. Ms. Harris stated that it does allow for it on new construction.

Mr. Dawers asked whether front facing garages where driveways cross the sidewalk are allowed. Amanda Bunce stated that the current standard requires that where there is lane access the access must be taken from the lane, but where there is no lane, street access is allowed. Mr. Dawers stated that the problem is when people park in their driveway and block the sidewalk. Mr. Petrea stated that the current ordinance addresses this problem and Zoning Enforcement will enforce the ordinance when complaints are received. Mr. Petrea stated that driveways must extend 25 feet beyond the back of the sidewalk, allowing for ample parking area without blocking the sidewalk. Ms. Moore stated that staff will need to look at that standard because that number might be wrong, as it’s a “suburban” standard and may not be acceptable in the downtown area. Mr. Petrea stated that something may need to be included in the parking section that addresses single

family residential. Currently that section is geared more towards commercial development.

Mr. Petrea asked what type of paving (for parking) is required in the Thomas Square ordinance. Is parking in the grass permitted or does it have to be paved? Ms. Bunce stated that she believes it has to be an "improved surface", not necessarily paved but not grass.

IV. Cuyler-Brownville Historic Overlay District (Sec.7.10)

Ellen Harris provided an overview of the proposed Cuyler-Brownville Historic Overlay District. The proposed district name eliminates the "s" from Brownville because the majority of individuals refer to the area as Brownville. The proposed district boundaries are Martin Luther King Jr. Boulevard to the east, West Victory Drive to the south, Kollock Street to the west, and West 34th Street and West Anderson Street to the north. The proposed district includes the Cuyler School site. The National Register district boundary extends to the east into the Thomas Square district. Staff has requested the State correct that error on the National Register boundaries. Rather than wait on the State to correct the error, staff is proposing that the Cuyler-Brownville district not include that area. In addition, staff is proposing that the district include a few blocks of the Laurel Grove neighborhood to the west.

Ken Spriggs asked why the area east of Hopkins Street is included since it is not in the National Register district. Ms. Harris stated that the local boundaries are allowed a little more flexibility than national districts in order to provide "buffers" around the historic districts. Furthermore, there are historic resources in this area but not in the concentration needed to be included in a national district. Mr. Carey asked if staff will try to expand the National Register district to include this area. Ms. Harris stated that they have considered doing that.

Ms. Harris stated that, similar to the Thomas Square district, the current process is inconsistent with the Georgia Historic Preservation Act and the design standards mostly address new construction only. The proposed ordinance, like the one proposed for Thomas Square, will make the process consistent with the Preservation Act and will address alterations to existing structures in addition to new construction.

V. Nonconformities (Sec.11.0)

Charlotte Moore explained what a "nonconformity" is as it relates to the zoning ordinance. Ms. Moore stated that just because a site is nonconforming does not mean that it will have to cease. The goal is to have sites upgraded to meet the ordinance where possible. The

proposed ordinance will allow for people to invest in their properties even if they are nonconforming. Ms. Moore indicated that she has been talking to Sarah Ward about signage in the historic districts. This draft is lacking identification of historic structures that are nonconforming that would want to be rebuilt. That will need to be addressed.

Mr. Anderson asked if a "natural calamity" includes fire. Ms. Moore stated that it does.

Downer Davis stated that he is afraid that an individual that has had a property destroyed may not be able to do all that is required within the 12 months time limit established in the ordinance. He wants to make sure that if somebody is a victim of a natural calamity that they are extended the fullest consideration possible.

Mr. Anderson clarified that the Tax Assessor's value is not fair market value. Ms. Moore stated that they need to seek legal advice regarding this section.

Mr. Davis stated that under the current ordinance, if an individual owns multiple nonconforming lots (that are contiguous) they have to be combined into one lot in order to develop the lot. If the lots are under different ownership, they can be built upon even though they are nonconforming. Ms. Moore stated that the proposed ordinance does not have the requirement to combine the lots.

Mr. Anderson asked whether section 11.6.2.b includes heirs' property. Ms. Bunce agreed that the term "one ownership" is problematic because properties are often owned by multiple people (e.g. husband and wife, brother and sister). Staff needs to address the terminology.

Mr. Dawers stated that he thinks the 12 month issue needs to be considered. If we have a big hurricane hit the area many people probably won't be able to get everything done with their insurance within that timeframe. Staff may want to consider some sort of an exemption. Mr. Dawers asked, in regards to section 11.9.2, what if the lumber yard (shown in a PowerPoint presentation) is destroyed. Tom Stephens stated that the lumber yard is a great example of a property with nonconforming development features. Ms. Bunce clarified that this section refers only to nonconforming development features such as lighting, buffers and screening, not uses or setbacks. She stated that the ultimate goal is to for all development and redevelopment to meet the new standards. Mr. Dawers stated that with a site like that, he's not sure of the practicality of trying to make it meet all the standards. Ms. Moore stated that this section is challenging to write and there probably needs to be a section written dealing with emergency situations such as

a hurricane that deals with all properties, not just nonconformities. She also reminded the Committee that the variance process can be used to address some circumstances, as it may be a judgment call. She stated that maybe should be left up to the elected officials. Mr. Anderson indicated that it is his preference that any judgment call be left to a building official or the Planning Director so that it will be based on building standards or the intent of the ordinance, not just politics.

Mr. Anderson asked what the reasoning was behind having the maximum damage of what can be rebuilt at 75% for features and 50% for uses. Ms. Bunce clarified that the 50% maximum is in regards to signs. Mr. Anderson stated that FEMA has 51% as its current standard.

Mr. Petrea asked about changing one nonconforming use to another nonconforming use. Ms. Bunce stated that the proposed ordinance does not allow a site to change from one nonconforming use to another like the existing ordinance allows. Any new use would have to be conforming. Mr. Petrea asked if a beauty store is nonconforming and goes out of business and a card store, which would also be nonconforming, wanted to use that site, would it be allowed? Ms. Moore stated that it would only be allowed if it was permitted in the zoning district. Mr. Petrea asked if the uses are in the same use number would they be allowed to be changed. Ms. Moore stated that it would have to be the same exact use.

Mr. Dawers mentioned that he knows a local restaurant owner who had to get an approval from the Zoning Board of Appeals in order to get a liquor license when the previous use of the property was a restaurant with alcohol sales. This process was time consuming and costly. Beth Blalock said that problem could apply to any nonconforming use that requires a use permit, not just a restaurant with liquor sales. Mr. Anderson asked whether the use approval/permit is attached to the property or the property owner. Ms. Moore stated that it is attached to the property. Mr. Petrea commented that it looks like section 11.4.2.b addresses that problem. Ms. Bunce stated that it can be clarified in the process section as well. Mr. Dawers asked what if there is more than a 12 month gap between the uses? Ms. Moore stated that it might be a protection for the neighborhood if the use lapsed. That way if the use was problematic before, it would be an opportunity for a public hearing and for it to be denied (or approved).

Mr. Anderson stated that the penalties should be located in the Zoning Ordinance, not the Revenue Ordinance. Ms. Moore stated that she was under the impression that all fees related to penalties should be located in the Revenue Ordinance. Mr. Anderson clarified that this is a "penalty" not a "fee". In the Building Ordinance penalties regarding

that ordinance are located in that ordinance and the permit fees are located in the Revenue Ordinance. Ms. Moore asked if the County is tracking the staff costs associated with the penalties and adjusting the fees accordingly. Mr. Anderson stated that fees may change from year to year based on the costs associated with them, but fines do not. Penalties are usually established by the courts or state statute, not arbitrarily, so they don't change regularly. Ms. Moore stated that she would discuss this with the attorney.

Mr. Anderson indicated that he is having difficulty with some of the language on page 11-3. Is it saying that if you have nonconforming use that you can add a 2nd floor? Ms. Bunce gave an example of what the language means. If you have a structure that is nonconforming in regards to one of its side yard setbacks, an addition could not be added to that side. However, the addition could be located to the other side or the rear of the structure if it could meet the setbacks on those sides. Mr. Anderson stated that some commentary may be needed in that section to explain it better.

VI. Planned Development District (Sec.6.1)

Ms. Moore stated that some of the people that she would like to have involved in the Planned Development discussions are not here today, so she would like to postpone that discussion until September.

VII. Zoning Map Areas

Three map areas were presented for review. The areas included: Abercorn Street/Middleground Road (#7), Liberty City/Mills B. Lane (#14), and Savannah Gardens/Runaway Point/Causton Bluff (#22).

a. Abercorn Street/Middleground Road (#7)

Geoff Goins reviewed the proposed changes to Map #7. Ms. Bunce pointed out that the Lowe's/Home Depot site is currently zoned PUD-LU. This is the only property in the City with this zoning classification so it is staff's recommendation to designate this property with the Planned District classification rather than keep the PUD-LU district for this district only.

b. Liberty City/Mills B. Lane (#14)

Mr. Goins reviewed the proposed changes to Map #14 and indicated that this was a difficult area to map. A new zoning district, the I-L-R district,

had to be created for this area. The area has many existing warehouses that staff did not want to make nonconforming. The I-L-R district was created to allow for the existing industrial uses, while protecting the residential neighbors in close proximity. Mr. Goins also pointed out that the TC-2 district was applied to the Montgomery Street area, which mimics the proposed zoning to the east.

c. Savannah Gardens/Runaway Point/Causton Bluff (#22)

Mr. Goins reviewed the proposed changes to Map #22.

Ms. Moore stated that the plan was to complete the Technical Committee review of the proposed UZO by September, but that given the amount of work to be completed, it was unlikely to happen. The Committee may need to continue meeting a few months beyond September in order to review the entire document. She asked whether the preference is to have two meetings a month, longer meeting times, or extend the timeframe for completion. Mr. Davis asked if staff had a preference. Ms. Moore indicated that it may be difficult for staff to have enough ready to meet twice a month. Mr. Anderson stated that it is probably better to go longer rather than meet more frequently or have longer meetings. Ms. Moore stated that ideally the Technical Committee will be done before the Advisory Committee begins. Mr. Anderson stated that maybe the longer meeting would be the better solution. Mr. Spriggs stated that two meetings a month will probably make it even more difficult to get people to attend and the longer hours is just too much to stay focused. His recommendation is to continue the meetings longer. Ms. Moore thanked them all for their time and involvement with the project and state that the Planned Development section will be discussed at the September meeting.

Next Meeting: Wednesday, September 16, at 3:00 PM.