

MEETING MINUTES

**Unified Zoning Ordinance-Technical Committee Meeting
Metropolitan Planning Commission
Arthur Mendonsa Hearing Room
October 21, 2009
3:00-5:00 PM**

Members Present: Rob Brannen, Daniel Carey, Downer Davis, Bill Dawers, Lee Grimes, Veleeta McDonald, Nick Milionis (for Suzanne Cooler), Tiras Petrea (for Randolph Scott), Bob Sebek, Ken Spriggs, Ryan Thompson, Ellen Wyatt (for Martin Fretty)

Members Absent: Gregori Anderson, Beth Blalock, Bill Dempsey, Alderman Jeff Felser, Harvey Gilbert, Robin Haddock, MarRonde Lotson, Joe Marshall, Peter Shonka, Lise Sundrla, Commissioner Helen Stone, Malik Watkins, Brian White

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

I. September Minutes

Bill Dawers made a motion to approve the minutes from August. Ryan Thompson seconded the motion.

II. Update on Status

Charlotte Moore summarized the status of several sections of the Ordinance and the zoning maps that the staff is currently working on. Amanda Bunce is working with the City Landscape Architect and County Arborist on the Landscaping, Screening and Buffers section. Hopefully, the draft will be brought to the Committee for review in November.

Staff is working with Christian Sottile, of Sottile & Sottile Urban Design, to draft a section for Supplemental Commercial Design Standards that will make commercial buildings look more attractive. Most communities are moving away from big box standards and developing basic standards for all commercial structures.

Staff is continuing to work on the Access Management section. After the Technical Committee reviewed the ordinance, staff realized there were inconsistencies that needed to be addressed and are resolving these contradictions. Once that is completed, staff will review the proposed

standards with the City and County Engineers and make any necessary adjustments.

There are four zoning maps that have yet to be completed. Staff anticipates that these maps will be completed in the next few months. There are two zoning maps to be reviewed at today's meeting. The agenda will be rearranged to ensure that the Technical Committee has time to review them today.

III. Historic Properties Overlay District (Sec. 7.7)

Ellen Harris presented the Historic Properties Overlay District section. Ms. Harris stated that the proposed standards are currently in the County zoning ordinance and is mostly a reformatting of those standards. This designation is voluntary and owner-driven. There are currently two properties with the historic property designation, New Ogeechee Missionary Baptist Church and Maridon. The proposed Ordinance takes the two existing Ordinances and combines them into one. In the few instances where the standards differ by property, the differences are demonstrated. If there are additional historic properties designated and the Ordinance becomes too cumbersome, there may be some reformatting in the future. The proposed format is similar to the other historic districts.

Ken Spriggs asked if these are isolated properties, not districts. Ms. Harris stated that is correct. Mr. Spriggs asked who initiates this designation. Ms. Harris explained that the current process is for the property owner to request the designation. The request is reviewed by the Chatham County Historic Preservation Commission, then the County Commission. The proposed UZO process is very similar to the current process. Mr. Spriggs asked why an owner would want to do this and would this secure the property in future ownership? Ms. Harris stated that it is a stewardship type designation to protect the property into the future in its historic condition. Mr. Spriggs asked if this designation has anything to do with the National Register or the Federal Regulations. Ms. Harris stated that it does not, but clarified that both of the existing properties are on the National Register.

Ryan Thompson asked if there is any impact that this designation would have on adjacent properties. Ms. Harris stated that, to her knowledge, there would be no impact on adjacent properties. Daniel Carey asked if there is any protection to the historic property if the situation was reversed and the adjacent property owner wanted to do something that would negatively impact the landmark property. Ms. Bunce stated that staff would have to review the Ordinance to see if any use standards,

such as Wireless Telecommunication Facilities or outdoor advertising signs, might apply to properties adjacent to historic properties.

Mr. Thompson stated that the DRI process requires applicants to identify any National Register properties in the vicinity of the proposed project. How will these properties be identified? Ms. Bunce stated that they will be mapped. Mr. Spriggs asked if there would be a series of "yellow lots" outside of the historic districts and would it be known that these are historic properties. Ms. Harris stated that is correct, they would be shown as an overlay. Ms. Moore stated that the Ordinance does not identify how the district will be shown on the map. This will need to be included in the Ordinance.

Mr. Carey asked if a compound could constitute a historic property for landmark designation. Ms. Harris indicated that multiple structures can qualify as a "property", but at some point it would become a district. Mr. Carey asked if there was a plantation that was once 1,000 acres and it is now 15 acres with vacant adjacent properties that were once a part of the domestic complex, could the entire 1,000 acres be designated a historic property or historic district? Mr. Spriggs stated that is an unlikely situation. Ms. Harris stated that, even with the historic district designation process, there must be a majority of property owners in favor of the designation to apply.

Bill Dawers asked if any historic properties have been denied by County Commission yet. Ms. Harris stated that there have been two applications and both have been approved.

IV. Drive-thru Facilities

Debbie Burke presented the Drive-thru Facilities section. Ms. Burke stated that the Ordinance had previously been reviewed by the Technical Committee. When last reviewed, the Committee did not come to a decision in regards to where to allow/prohibit drive-thrus. Since then staff has researched additional communities, looked at existing drive-thrus in the downtown area, and discussed the issue more thoroughly with MPC's Historic Preservation Department. Based on the new information obtained, Ms. Burke presented three options to the Committee: 1) allow in all districts except where currently prohibited in the Thomas Square Ordinance; 2) prohibit in all downtown districts; or, 3) prohibit in specific downtown districts and allow in others as a special use with criteria. Of the three options, staff's preference is to prohibit drive-thrus in certain downtown districts and allow them as special uses in others.

Mr. Spriggs asked about the “air rights” to build over a drive-thru, which would make the use look more like a building. Mr. Carey stated that would address some of the concerns with form.

Mr. Dawers stated that he is in favor of making drive-thrus more restrictive in terms of design. Using a bank on Wright Square as an example, he asked if it would work to flip the drive-thru so that cars would enter in the lane and exit to the street. That could reduce the size of the curb cut on Bull Street and bring the “building” up closer to the street. Ms. Burke stated that Traffic Engineering probably would not approve that, as stacking would take place in the lane.

Mr. Thompson asked if the curb cuts would be “grandfathered” if the site was to be redeveloped. Ms. Harris stated that the Historic Preservation Commission would not review the curb cut, as it is existing. Ms. Bunce stated that the curb cut would be grandfathered, but the building would have to meet the standards.

Ms. Moore stated that vehicles exiting from buildings that are in close proximity to the street can be a concern. She cited the parking garage exit in the MPC building as an example and stated that she has almost been hit on several occasions walking in that area because motorists do not see pedestrians.

Mr. Carey stated that the third option (staff’s preference) is good, but it would be helpful to see a map. Mr. Dawers stated that it may make sense to make drive-thrus a special use in the TC-2 districts as well. He stated that the building at Henry and Drayton would be good for a drive-thru, but you would want to see certain design criteria met at that site. Geoff Goins verified that that property is proposed to be zoned TC-2.

Mr. Dawers stated that he agrees that the third option is going in the right direction.

V. Zoning Map Areas

Two map areas were presented for review. The areas included: Cloverdale/ Carver Heights/ Cuyler-Brownville and West Savannah.

a. Cloverdale/Carver Heights/Cuyler-Brownville

Ms. Bunce reviewed the proposed changes to this map. Ms. Moore stated that this area is challenging because there are a lot of residential and industrial uses mixed together in close proximity. Ms. Bunce stated that a portion of the Carver Heights neighborhood was difficult to convert. Upon analysis of the existing lot sizes and

housing types, the majority of the neighborhood meets the RSF-5 standards. This designation allows single family and duplexes. Ms. Bunce stated that the Cuyler-Brownville neighborhood will be given a TR district so that most of those lots will be conforming.

Mr. Carey asked if we have the rough number of lots that are vacant in Cuyler-Brownville. Ms. Bunce stated that we could obtain that number if necessary, but that the proposed designation will make it easier to develop the undeveloped lots in this neighborhood because the zoning designation will have the appropriate lot dimensions. The current classification requires the property owners to request variances to be able to build on their lots.

Mr. Dawers asked about the proposed TC-2 areas. Ms. Bunce indicated that those areas are currently zoned B-C. Staff is attempting to make as few properties nonconforming as possible, so the TC-2 district has been proposed. Mr. Goins clarified that the intent of the TC-2 district is to locate major uses on major corridors. Mr. Dawers stated that he is not sure that part of MLK is appropriate for that intense of uses. Ms. Bunce stated that the vacant site at MLK and 41st Street is not large enough to accommodate the more intense uses of the district. Mr. Dawers stated that he would like to see the proposed list of permitted uses in the TC-2 district to determine if it is appropriate or not. Staff agreed to take another look at the TC-2 areas.

b. West Savannah

Ms. Moore reviewed the proposed changes to this map. Ms. Moore stated that this area developed before zoning and there are a lot of industrial uses mixed in residential areas. Staff cannot fix this situation, but is attempting to make it better.

Mr. Spriggs asked if the intent is to try to make what is there conform to the proposed districts rather than making it nonconforming. Ms. Moore stated that, where possible, staff is trying to make as many properties conforming. In some instances that is not possible because the zoning designation that would be necessary to make a property conforming would allow for some really intense, inappropriate uses if the use changed. Some residents want all industrial uses to go away, but that is not feasible. Staff is attempting to reach a middle ground.

Mr. Dawers asked about the B-L zoned property on Augusta Avenue. Ms. Moore stated that is Limited-Business. That neighborhood has a master plan and in that process the neighbors identified areas where

they want to see neighborhood business. This district reflects those areas.

Ms. Moore stated that on Louisville Road staff has applied the I-L designation where most existing uses would be allowed and left the areas with more intense uses zoned I-H. Mr. Dawers asked what happens if one of those property owners fight the lower designation and wants the more intense district. Ms. Moore stated that staff would address that issue as it comes.

Downer Davis asked if staff has had any talks with the Port Authority in regards to any future expansion or a possible rail hub. Ms. Moore stated that she would look into that.

VI. Off-Street Parking and Loading (Sec. 9.3)

Mr. Goins presented the Off-Street Parking and Loading section. Mr. Goins stated that staff has not finalized the approach for the Historic District. Staff will be meeting with stakeholders in November.

Robert Sebek asked if there will be a definition for "heavy vehicles". Mr. Goins stated that there will be a definition. Mr. Sebek stated that this issue was "thrown out" of court in regards to the way the current Ordinance deals with tractor trailers in residential districts. He asked if the proposed ordinance will address this. Ms. Bunce stated that Sec. 9.3.3.b.iii prohibits tractor trailers from parking in residential districts, even on private property. Mr. Sebek asked how we will deal with existing situations. Ms. Bunce stated that the individual would have to prove that they were there prior to the new Ordinance. Mr. Sebek stated that he likes the way the proposed language is written, as it takes restrictive covenants out of it.

Tiras Petrea asked if bicycle and motorcycle parking is mandatory. Mr. Goins stated that bicycle parking is required, motorcycle parking is not. Mr. Sebek asked if the bicycle racks will be on private property. Mr. Goins stated that in the suburbs it will have to be on private property, but in the urban areas it may need to be in the right-of-way.

Nick Milionis stated that Sec. 9.3.4.a.ii.3 states on "any given shift", but it should be based on shift change. Ms. Bunce asked if we should be requiring businesses to provide that much parking for 30 minutes in the day. Mr. Milionis stated that it should be taken in to consideration because there may not be adequate parking to meet the needs of that timeframe. Ms. Moore stated that could result in a lot of wasted space. Mr. Goins stated that he will look at that. Rob Brannen stated that the

wording should be changed from “any shift” to the shift with the most employees.

Mr. Brannen asked if Sec. 9.3.4.a.iii should be changed to read that the Planning Director “may take into consideration”, rather than “shall take into consideration” so that he does not have to look at all in making his determination.

Mr. Goins stated that staff decided to err on the side of caution with not establishing parking maximums.

Mr. Millionis asked what a “Community Correctional Center” is. Ms. Bunce stated that is a transitional center for housing offenders prior to their release back in to the community.

Mr. Thompson asked Mr. Goins if he had said there were not going to be any parking maximums. Mr. Goins stated that staff is not currently proposing maximums but have looked at that as a possibility because there has been pressure to institute maximums. Staff is considering establishing standards for uses that exceed a certain percentage over the required minimums.

Mr. Petrea asked why the “Office, medical” ratio has been changed from 1 per 175 square feet to 185 square feet. Ms. Bunce that the current Ordinance is based on net square feet and the proposed is based gross square feet.

Downer Davis stated that the current standard for “Day care center” is 1 space per each 2 employees and the proposed standard is 1 per employee plus 1 per 6 persons served. The State has changed their requirements based on the drop off/pick up area, why is staff proposing to double the number of spaces in light of the drop off/pick up area. Did staff consider that area? Mr. Goins stated that there is a difference between a day care center and a home day care. The commercial establishment may not have or need a drop off/pick up area. Mr. Dawers asked if that means that a home day care has to provide parking. Ms. Bunce stated that parking is currently required.

Mr. Davis stated that he thinks it will be a firestorm if the parking requirement for churches is increased from 1 per 8 seats to 1 per 5 seats. He agrees that the increase is probably more reflective of the parking needs, but there will be many churches that will be nonconforming in regards to the amount of required parking and there will be a lot of angry people. Mr. Millionis asked if this parking is required to be paved. Ms. Bunce stated that it is not.

Mr. Dawers stated that he is not sure how "Places of worship" should be addressed. You are talking about an awful lot of spaces for a few hours one day a week. That is not good environmentally speaking. A better model is where churches park on the street and take over for a few hours. Ms. Bunce stated that some neighborhoods don't want that. Mr. Dawers indicated that they may want that when a church in their neighborhood starts buying up properties and tearing them down for parking. Ms. Moore stated that staff is encouraging shared parking and a church would be the ideal use for that. Mr. Dawers asked if we are requiring an Orthodox church that does not allow members to drive to church to have parking spaces. Ms. Bunce stated that we cannot treat different denominations differently. Mr. Milionis reiterated that the parking spaces do not have to be paved. Mr. Dawers stated that surface parking is the worst, most inefficient use of land.

Mr. Sebek stated that the requirement for "College, university" is very low. Mr. Goins stated that these are minimums and they can provide additional parking. Ms. Bunce pointed out that not all of the classes are used all of the time and many universities provide on campus transit. Mr. Sebek stated that he feels that the proposed ratios will make a bad situation worse. Ms. Moore stated that the State schools can do what they want without consideration to local zoning.

Veleeta McDonald asked if these standards will apply to SCAD. She stated that a lot of the time they take over a building that does not have any parking and then rely on the City to provide parking. Ms. Moore asked if the City is in discussions with SCAD. She stated that they are, but SCAD is not doing anything about it. Ms. Bunce stated that it needs to be addressed at the time of a Certificate of Occupancy. If adequate parking is not provided, a CO should not be issued.

Mr. Milionis asked why there is a standard for "Detention and Correctional Facilities". Ms. Bunce stated that parking is required because there are employees, visitors, and such that need to park. Mr. Milionis stated that the County and State look at the needs of these facilities from a safety standpoint. Why does zoning need to look at this? Ms. Bunce stated that the Ordinance looks at all uses. Mr. Spriggs stated that zoning should definitely address it because there has been a move to privatize these facilities and somebody needs to make sure they are providing adequate parking.

Mr. Goins asked Mr. Sebek if he feels that the parking standards for "College, university" should remain what they currently are instead of the proposed change. Mr. Sebek stated that the standards are low and from what he has been hearing, new State law is requiring State

agencies to comply with local ordinances. Therefore, we should make the standard appropriate.

Mr. Thompson stated that when the University of Phoenix campus was constructed, the school wanted a parking ratio of 1 per 150 square feet. Ms. Bunce stated that makes sense because that is a commuter school and they do not have dormitories. Ms. Moore stated that staff will need to look at those standards.

Mr. Dawers stated that the one size fits all standard for indoor sports facility doesn't seem appropriate for all the different uses that fall under that category. Mr. Dawers stated that staff should look at the Habersham YMCA and see if they would meet the standard. Mr. Goins stated that he did compare that ratio to the Islands YMCA and he will look at the Habersham YMCA.

Mr. Davis asked if gas stations are allowed to count the space next to the fuel island. Mr. Goins stated that was correct. Mr. Davis also stated that for auto repair you used to be allowed to count the space in front of the bay if you could pull through, plus the bay. Can you still count that? Mr. Goins stated that the proposed Ordinance does not allow you to count the bay or maneuvering area. Mr. Davis stated that it should be clarified that you can't count the bay.

Ms. Moore pointed out that the proposed ordinance changed the "Bars" ratio from seats to square footage and "Restaurants" went up from 1 per 4 seats to 1 per 3 seats. Mr. Petrea suggested that "Bars, nightclub, taverns" be based on life safety maximum occupancy to determine the number of spaces. Staff should look at how that corresponds with the 1 per 75 square feet proposed. Mr. Goins asked if Mr. Petrea knows the square footage that they use for calculating the maximum capacity. Mr. Petrea suggested Mr. Goins talk to Craig Landolt, Fire Marshal. Mr. Dawers stated that would be logical because you may require a site to have a lot of parking even if most of the building is office space. Mr. Petrea stated that a major problem with bars/taverns is parking which has led to them not being allowed within a certain distance of a residence. There were a lot of problems with parking overflowing into residential neighborhoods.

Mr. Brannen asked how parking is calculated for a business that is a restaurant and a bar. Mr. Goins stated that is considered a bar or a restaurant and that is determined based on the amount of food versus alcohol sold. Mr. Petrea stated that the time of closing differs also.

Mr. Dawers asked if the proposed standards for a Funeral Home will be a problem. What will happen if there are multiple viewings? Where did

this number come from? Mr. Goins stated that this use is not currently listed in our Ordinance. Mr. Goins stated that a standard was established with the last funeral home approved, but the standard was never codified. Mr. Goins checked that standard against other funeral homes in the area and it worked, so that is the proposed standard.

Lee Grimes stated that she has been to a funeral where the parking was on a property adjacent to the site, not on-site. Is this permissible? Mr. Goins stated that is permitted if they have a shared parking agreement. The Committee will discuss this later.

Mr. Dawers stated that he is concerned that so much of what will have to do with the downtown has yet to happen. The Committee has dealt with everything around the downtown, but needs SDRA to complete their plans. Mr. Spriggs suggested that Ms. Moore use one of the regularly scheduled Technical Committee meetings to have all the agencies that have ongoing plans that will impact the UZO to come and discuss their plans. Getting them on the agenda will make them show up and put them on the spot. Ms. Moore stated that she has been sending them the information and is hoping that they are keeping up with it. Mr. Spriggs stated that they probably need more of a "deadline", maybe the December meeting. Ms. Moore indicated that she will think about the best way to handle it.

Next Meeting: Wednesday, November 18, at 3:00 PM.