

MEETING MINUTES

Unified Zoning Ordinance-Technical Committee Meeting
Metropolitan Planning Commission
Jerry Surrency Room
November 18, 2009
3:00-5:00 PM

Members Present: Beth Blalock, Suzanne Cooler, Downer Davis, Bill Dawers, Alderman Jeff Felser, Tiras Petrea (for Randolph Scott), Bob Sebek, Ken Spriggs, Ryan Thompson, Ellen Wyatt (for Martin Fretty)

Members Absent: Gregori Anderson, Daniel Carey, Rob Brannen, Bill Dempsey, Harvey Gilbert, Lee Grimes, Robin Haddock, Bridget Lidy, MarRonde Lotson, Joe Marshall, Peter Shonka, Commissioner Helen Stone, Lise Sundrla, Jon Todd, Malik Watkins, Brian White

Staff Present: Amanda Bunce, Debbie Burke, Geoff Goins, Charlotte Moore, Tom Thomson

I. October Minutes

Ken Spriggs made a motion to approve the minutes from October. Bill Dawers seconded the motion.

II. Update on Status

Charlotte Moore updated the committee on the UZO status. Ms. Moore stated that Amanda Bunce has been working on the Landscaping, Screening and Buffers section with the City and County Arborists. If time permits, Ms. Bunce will begin reviewing the section with the Technical Committee today. Ms. Moore stated that she has been working on some design standards for commercial development with the help of a consultant. Staff is working to address the problems with the Access Management section and will, hopefully, bring that section back to the Committee in December. Ms. Moore stated that she is drafting a section regarding protected roadways that will be brought before the Committee in December. Staff is also working on the Measurements section, which will hopefully be ready for the December meeting as well. Ms. Moore stated there are two maps of the downtown left to review. Ms. Moore has been working with staff to complete the remaining two maps and hopes to have those prepared for the December meeting.

III. Zoning Map

One map area was presented for review. The area included **Wheaton Street/Ben Van Clark Park/Savannah River Landing (Map #23)**. Ms. Moore reviewed the proposed changes to this map. Ms. Moore stated that she is going to share the map with the City for their input as to whether the proposed zoning is consistent with their plans for some of these areas.

Tom Thomson stated that his understanding is that what is proposed is mostly status quo and asked if this is correct. Ms. Moore stated that for most properties, this is correct. Ms. Bunce stated that the biggest change, for the most part, is the areas proposed to be Traditional Residential (TR) districts. Geoff Goins clarified that the proposed TR district will match what is currently on the ground in regards to lot sizes and types. Suzanne Cooler asked if that district will allow churches and schools. Ms. Moore stated that it will.

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

Mr. Goins continued the discussion regarding Off-Street Parking and Loading from last month's meeting. Mr. Goins indicated that the Committee was in the process of reviewing the proposed parking ratios at the end of last month's meeting. At that meeting, there were some concerns regarding specific uses. In particular, Tiras Petrea suggested that Mr. Goins discuss the proposed parking ratios for "Bars, nightclubs, taverns" with Craig Landolt, City Fire Marshall and consider basing the parking calculations on occupancy load. Mr. Goins stated that, for the "nightclub" use, the occupancy load results in one parking space per 50 square feet. Mr. Goins is now proposing that "nightclub" be separated from "bars, taverns" in the parking ratio chart. Mr. Petrea asked if that requirement is based on gross square footage. Mr. Goins stated that it is. Mr. Petrea stated that, since it's based on gross instead of net, the standard should be appropriate and compensate for the number of individuals that arrive alone.

Ken Spriggs asked why "nightclubs" are separated. Mr. Goins stated that it is because that use typically has more open floor space and can have a higher occupancy.

Alderman Jeff Felser asked about "hybrids". Ms. Moore stated that she has asked Buddy Clay for additional information regarding "hybrids" so that she can address them in the UZO but has not obtained this information. Alderman Felser stated that "hybrids" are restaurants that morph into a nightclub after a certain time. Alderman Felser stated that

his concern is that these uses will be able to slip through because they are not either use. Ms. Moore stated that she will look into this matter.

Mr. Dawers asked about a particular club. Mr. Petrea stated the club in question caused City Council to begin addressing bars and taverns separately from nightclubs.

Ryan Thompson asked if all parking is based on gross square footage rather than net and indicated that may be inappropriate in certain circumstances, such as a nightclub that has a lot of storage or employee area and not much area open to the customers. Mr. Goins stated that it is based on gross unless otherwise specified. Mr. Goins asked if the preference would be to change the standard from "one space per 50 square feet" to "one space per 50 square feet of assembly area". Mr. Petrea stated that his preference is to base it on gross floor area, which includes bathrooms, kitchens, etc. because that should result in an adequate number of parking spaces.

Alderman Felser asked if this ordinance is passed, and a business exists that is not compliant, when would they have to comply. Ms. Moore stated that they would be considered nonconforming, so unless the use is changed or they cease the nonconforming use they would be grandfathered. If the use changed they would have to come into compliance. Alderman Felser asked how long the use would have to cease for to lose its grandfathered status. Ms. Moore stated that she believes the proposed ordinance allows a year before the status is lost.

Mr. Goins asked the Committee if they prefer, in regards to nightclubs, the standard to be based on gross floor area or "assembly" area. Mr. Dawers asked where, besides the club he had questioned, parking has been an issue. Alderman Felser stated that there are problems everywhere and that these uses are not set up with adequate parking. He stated that the City Manager has recommended stricter parking standards for another nightclub if its alcohol license is to be renewed.

Mr. Spriggs asked for clarification as to what "assembly area" includes. Ms. Moore stated that staff will have to work on crafting a definition for that and make sure that there is a definition for "gross floor area". Mr. Goins stated that he will work on that. Mr. Petrea stated that in a previous conversation he had with Mr. Goins, Mr. Goins questioned how the MPC would know the occupancy load for a business. Mr. Petrea stated that he believes that using the gross floor area would make it easier for the MPC staff to calculate parking requirement rather than trying to first determine the occupancy load. He stated that keeping it simple is most appropriate.

Mr. Goins stated that there was some discussion at the last meeting regarding "Vehicle services" as to whether the bays should be permitted to count as parking spaces or not. He stated that he looked at a few of those types of businesses and it appeared that some would meet the proposed parking standards and others would not. Mr. Thompson indicated that it should not be a problem to allow them to use the bays for parking as long all vehicles can be stacked out of the flow of traffic. Downer Davis asked if there has been a problem with this practice resulting in the proposed change to the current ordinance. Ms. Bunce stated that it is not a problem if the bays are the drive/pull thru type. Mr. Davis stated that the customers are not the ones driving into the bays. The customer hands the keys over to an employee and the employee does all the maneuvering. Tom Thomson stated that he does not want to see any more parking required than necessary. He indicated that these types of businesses have a lot of opportunity to stack vehicles and that the employees are doing the driving and managing the lay out of the site. Ms. Bunce stated that, in actuality, the parking demand for these businesses is usually driven by the number of employees. Ms. Moore stated that staff may need to change the name of this use category.

Mr. Davis stated that he sees a potential problem with the "Water-oriented" category if there is a hoist or a ramp on site. If those are on site and anybody can use them, there may be several trailers in the parking lot resulting in a deficiency in needed parking. This problem needs to be looked at because it pushes people onto adjacent parcels for parking. Mr. Spriggs asked if there should be a distinction between trailer storage versus boat storage. Mr. Davis stated that he has done research regarding this matter and has not found anything consistent but knows that where there is water access, if a hoist or ramp is present, additional parking spaces are necessary.

Mr. Dawers asked if Administrative Parking Reductions are revisited when there is a change of use or owner. Mr. Dawers cited the example of one restaurant changing to another and questioned whether they would have to go through the approval process again if it was simply a change of ownership, not use. Ms. Bunce stated that there is a standard that the Planning Director can require additional parking if the reduced amount is not sufficient. Ms. Moore stated that if a CO is required, it should be reviewed. Bob Sebek stated that, if it comes across his desk, a "restaurant is a restaurant" and it will be hard to verify the parking. Ms. Bunce stated that something could be set up in the County's ACS system to indicate a parcel has been granted a parking reduction. Mr. Sebek stated that if it is the same use on the same land, they do not look at the parking. Mr. Thompson stated that it may be problematic because a property owner is going to make the assumption that

additional parking will not be required because it is the same use. Mr. Spriggs stated that the problem is that a zoning ordinance does not address what actually drives parking demand, which is table turnover. Mr. Sebek stated that he is not sure that he will be able to check whether every project has been granted a parking reduction. Ms. Bunce stated that it will only entail checking the parcel in ACS to see if there are any "flags" associated with it. Ms. Moore mentioned that may work for the County but will not work for the City. Mr. Sebek added that as long as there is the standard that requires additional parking to be added if the Planning Director deems it appropriate then it may work.

Mr. Goins asked if the standard is too problematic. Ms. Bunce questioned how much it will be used, as it is only saving the cost of paving a few spaces and that is minimal when already paving a parking lot. In addition, the land necessary to accommodate the parking spaces not provided is required to be reserved as green space and the stormwater facilities will be required to be designed and built as if those spaces were impervious in case they do need to be paved.

Mr. Thompson asked what happens when a variance is approved if there is a change of use or ownership. Ms. Bunce stated that a variance runs with the land. Ms. Moore added that staff is trying to "tighten up" variances in the UZO. Ms. Bunce stated, in regards to the Administrative Parking Reduction, that the major problems are with tracking and enforcement, not the standard.

Mr. Dawers asked if anybody else feels that the Design Standards for drive aisles are too wide. Mr. Davis agreed that 25 feet is too wide for a drive aisle and stated that the requirement was previously 24 feet. He stated that certain traffic patterns may require 25 feet, but in many places 24 feet is adequate. It depends on where the drive aisle is located and what it is utilized for. Mr. Spriggs stated that 25 feet is required because of larger vehicles. Mr. Thomson asked what the minimum is. Ms. Bunce stated 25 feet. Mr. Thomson stated that a 25 foot drive aisle with 90 degree parking spaces gets tight. Mr. Davis stated that is all arguable. Ms. Moore suggested adding language to the end of the requirement stating "unless approved by the City or County Engineer".

Mr. Davis stated that the section regarding compact parking spaces has a great graphic. He would like to see such a graphic for the typical parking spaces as well. Mr. Thompson asked why the drive aisle is required to be 24 feet wide when there are no parking spaces on the aisle. Ms. Bunce agreed that might be excessive and indicated that staff should discuss that with the Engineers. Mr. Goins stated that it might have come from the Fire Code. Ms. Cooler state that the Fire Code

requires 20 feet. Mr. Thompson clarified that the 20 feet required is cleared area for the outriggers, not necessarily driving surface.

Mr. Goins stated that the next section is in regards to "parking rooms" and requires parking facilities with more than 200 spaces to be segmented into smaller "rooms". Mr. Thompson stated that he has concerns with this requirement because it requires additional asphalt and creates "drag strips". Ms. Bunce stated that speed bumps could be used to reduce speeds. Mr. Thompson stated that he worked on a project in Mt. Pleasant, South Carolina where this type of standard was applied, basically because the residents wanted more landscaping, and it resulted in more paving and faster speeds. Mr. Goins stated that any suggestions on ways to adjust the current language to address these concerns would be appreciated.

Mr. Dawers asked if the parking rooms have to be separated by a drive aisle or can they be broken up by something else. Mr. Goins stated that the proposed language requires that they be separated by a drive aisle with an access point to each parking room. Ms. Bunce stated that what is proposed is similar what is on the ground at the South Chase shopping Center (Lowe's, Home Depot, Pet Smart), so it is not a completely foreign concept in this area. Mr. Goins asked Mr. Dawers for clarification regarding his earlier question about whether the parking rooms have to be separated by a drive aisle. Mr. Goins asked if Mr. Dawers was suggesting that instead of the drive aisle there should be a buffer. Mr. Dawers stated yes. Ms. Moore asked if the parking rooms do need to be separated by a drive aisle. Mr. Dawers stated that, per the proposed language, a drive aisle is required. Mr. Goins stated that the benefit of the drive aisle is to have that additional access to the parking room. If that is not provided, there are issues with access to those "rooms". Ms. Moore stated that, even if you don't require the parking rooms, the speeding concern that Ryan Thompson mentioned still occurs. Ms. Bunce stated that the question is whether the Ordinance makes it a mandate or not.

Beth Blalock asked if the landscape strips could be utilized as a Best Management Practice method for stormwater management. Ms. Cooler stated that the new ordinance will allow for that.

Mr. Thomson stated that in commercial developments a pedestrian safe area should be provided at a minimum, if not a sidewalk, from each street to the front door. Mr. Goins stated that is a requirement, but not in this section. Mr. Thomson stated that needs to be shown in this diagram.

Mr. Goins stated that he will discuss the speeding issues and how to address the concerns raised with the Traffic Engineering Department. Mr. Dawers asked which parking lots are not conforming to this design requirement. Ms. Bunce stated that the parking lots at Staples, Kmart, and the mall do not conform, but that would not prevent a change of use at these sites.

Ms. Cooler asked if the Metro Police have commented on the safety issue of landscaping in the parking lots. Ms. Bunce stated that they have not reviewed this yet.

Mr. Thomson questioned, in regards to the section pertaining to Pedestrian and Bicycle Circulation and Access, why the access is not required for parking lots where the property line is less than 100 feet from the building entrance. Ms. Bunce stated that distance is the equivalent of ten spaces. Mr. Goins indicated that is an arbitrary number, but when developing that number he was thinking of something like a CVS. Mr. Dawers stated that what is a bigger concern is what happens to pedestrians between the parking spaces and the building, along the drive aisle. Mr. Goins stated that the Ordinance does require a crosswalk where walkways cross a driveway. Mr. Thomson stated that he does not like the design at a newer shopping center because it causes you to focus more on the speed "bump" than on the people in the crosswalk. He asked if there was something in the Ordinance that is a standard for those types of speed controls and, if so, recommended that it be required to be painted a bright color such as yellow. Mr. Dawers agreed that color and texture changes to the surface of those areas are very helpful. Mr. Goins stated that he can add in language about color and texture. Mr. Dawers stated that the Target shopping center and City Market both work very well.

Mr. Thompson asked if there is something in the access management section that requires a setback of 125 feet, which would make all lots at least 100 feet between the property line and building. Mr. Goins stated that pertains to sites with outparcels, not individual buildings.

Mr. Goins stated that staff is still working on the portion of the Ordinance that pertains to the Historic District Parking Overlay. Mr. Goins stated that the Alternative Parking Plan section is mostly enhancing the shared and remote parking standards in the current Ordinance. Mr. Thompson asked if the six uses listed in the *Shared Parking Calculations by Use and by Time of Day* table are the only uses that can do shared parking. He stated that he does understand that they are very general classifications and cover a lot of uses. Mr. Goins asked if there are other uses that could share parking. Ms. Bunce suggested that an industrial use could share parking with a nightclub. Ryan

Thompson questioned if this (sharing parking) is for one property or if adjacent properties could share parking. Mr. Goins stated that the intent of the standard is mainly for one property.

Ms. Cooler asked how the shared parking will be enforced if there is a change in use or ownership. Mr. Goins stated that the new use would have to comply with the Ordinance standards. Ms. Cooler asked how it would be enforced if a use was moving into an existing building and the parking was shared with another use. Ms. Blalock asked if the information about the agreement could be shown on a zoning document or entitlement. Mr. Goins stated that the parking agreement is required to be recorded on a plat. Ms. Bunce stated that a change of use or ownership would then require the plat to be rerecorded.

Mr. Dawers stated that his greater concern is about the business that has not changed and has such an agreement and the owner of the lot that provides the parking for that business decides to do something different with their property. Where would that leave the business with no parking? Ms. Moore stated that the property owner with the parking lot could not make a change to eliminate the parking for the business because the property is tied up with deed restrictions. Mr. Sebek stated that if there is a recorded plat, then all those involved would have to agree to any changes. Mr. Dawers stated that he is supportive of shared parking but he wants all the "what ifs" looked at. Ms. Bunce stated that staff will walk through all the scenarios and think about them and make any adjustments as necessary.

Mr. Dawers asked who determines valet parking. Mr. Goins stated that the Zoning Ordinance currently doesn't address valet parking. Ms. Bunce stated that the City is addressing or trying to address it if it is in the City right-of-way. This part of the Ordinance is dealing with valet parking on private property. Mr. Goins asked if valet parking should be permitted for only a certain percentage of required parking or all. For example, should parking spaces for employees be allowed to be valet spaces? Mr. Sebek stated that standard "iv. The design of the valet parking shall not cause customers who do not use the valet service to park off-premise or cause stacking in the right-of-way" would imply that some parking spaces would need to be provided other than valet spaces. Mr. Dawers asked if valet parking will be permitted downtown. Mr. Goins stated that it will be, but that section has not been drafted yet. Mr. Sebek stated that downtown is the prime place for valet parking. Mr. Dawers stated that the problem is that they are taking up public spaces with valet parking for private businesses.

Mr. Goins asked if allowing tandem parking makes sense for any uses other than residential uses, such as employee parking. Ms. Moore

indicated that "single family" needs to be added to the list for applicability so that it does not imply that single family residences cannot have tandem parking. Mr. Dawers asked why tandem parking is only permitted for multi-family units with three or more bedrooms. Mr. Goins stated that three or more bedrooms require two parking spaces per unit, whereas fewer bedrooms require fewer spaces per unit. Tandem parking will only work where both tandem spaces are assigned to one unit.

Alderman Felser asked if temporary tandem parking is permitted for such things as funerals or church events. Mr. Goins stated that is permissible for any overflow parking.

Mr. Thompson asked if someone is doing a site plan for a multi-family project and all the units have three or more bedrooms, then they could identify tandem spaces for each of the units. Mr. Goins stated that is correct. Mr. Petrea stated that is what Bougainvillea Bluff has done.

Mr. Goins stated that the next section is the Off-Street Loading Requirements. Ms. Moore asked if this section has changed much from the current Ordinance. Mr. Goins stated that it has, as the current Ordinance is very minimal in regards to loading requirements and the proposed section fleshes it out a lot more. Mr. Thompson stated that his office, which is 20,000 square feet, would be required a loading space marking for loading only. Mr. Goins stated that staff has talked about that issue, that some particular uses may not need a loading space regardless of the size. Mr. Davis agreed and stated that for a lot of businesses, the deliveries are done in vehicles that fit in a parking space. Mr. Thompson stated that he understands the difficulty in establishing these standards because different uses can be in an office building and some may need loading spaces while others do not. Mr. Davis stated that he knows of some areas of town where there are no loading spaces and the trucks park in the median creating a real hazard. Ms. Moore asked the Committee what they think should be done, should the Ordinance require an empty area that sits vacant 23 hours of the day or should it only require that it be shown on the plan how loading/unloading of vehicles will be accommodated without blocking parking spaces or drive aisles? Mr. Thompson asked if it's an office building is it really that big of a deal if the vehicle being loaded/ unloaded takes up one of the drive aisles if it is not blocking any parking spaces? Ms. Cooler indicated that she does not think that it is a problem if it is out of the public right-of-way. Ms. Bunce stated that it should also be out of the way of any access points to the site, so as not to cause any problems in the public right-of-way as vehicles attempt to access the site. Ms. Cooler agreed and stated that it would not matter even if the vehicle blocks parking spaces on the site. Mr. Dawers stated that most

deliveries to bars and restaurants typically come when parking lots are not filled. Ms. Bunce stated that is not the case at most fast food establishments, which may cause problems if those vehicles block cars in their parking space. Ms. Moore stated that staff may need to rethink this issue and make alterations to this section.

Mr. Thompson asked if there are any screening requirements for loading areas. Debbie Burke stated that there are screening requirements for loading docks, not loading areas. The screening requirements for loading docks are found in Sec. 9.5, Landscaping, Screening and Buffers. Mr. Goins stated that he will change Sec. 9.3.9.f from "Screening for Loading Areas" to "Screening for Loading Docks".

Mr. Dawers asked if the historic standards will be a part of this Section or another. Mr. Goins stated that those may or may not be changed and will be brought before the Committee in December.

Alderman Felser stated that Mr. Dawers brought up a good point last month about bringing SDRA and other organizations/ groups to these meetings to discuss the plans they are working on and how those will relate to the UZO. He asked Ms. Moore if she had made a decision as to how to handle the situation and get them to the meetings. Ms. Moore stated that she is having trouble getting some to attend the meetings. Alderman Felser stated that she should write a letter to the City Manager indicating each individual/ agency that she would like to see attend and that should assure their attendance. Mr. Spriggs stated that he does not think that all of these different groups know what each other is doing. Ms. Moore verified that the City Manager is who Alderman Felser thinks should get the letter. He stated that she should tell him who she is suggesting attend the meetings, but send the letter to him not to them.

V. Landscaping, Screening and Buffers (Sec. 9.5)

Ms. Bunce gave a brief overview of the Landscaping, Screening and Buffers section. Ms. Bunce stated that the portion pertaining to landscaping is a reference to the City and County Ordinances. The proposed section regarding screening is mainly beefing up the existing screening standards. The buffers section is somewhat different than the current Ordinance, which establishes buffers between residential uses and adjacent dissimilar uses. Currently, the buffer width increases with increasing intensity of adjacent uses, but nowhere are there standards established for minimum number of plantings in these buffers. Most ordinances have minimum planting standards. The proposed ordinance would establish planting standards and will have three different types of buffers: Use Buffers, Off-Street Parking Lot Buffers, and Street Yard

Buffers. There are five different buffers of varying widths within the Use Buffers section.

Mr. Spriggs asked if the term "hedge" is defined anywhere. Ms. Bunce stated that it is defined in the proposed Ordinance. Mr. Spriggs stated that it needs to be continuous because what is trying to be accomplished is visual as opposed to the tree and landscape points. There needs to be definitions as to what buffers means, such as "inability to see up to X feet in height..." Ms. Bunce stated that is very difficult to do because some buffers are more aesthetic in nature while others provide opacity to buffer incompatible land uses. This is why there are differences in buffer widths and planting requirements. Alderman Felser stated that Ms. Bunce's statement was great and asked if it was included in the Ordinance. He stated that what she said really explained the purpose of the section. Mr. Spriggs agreed that the way she explained it ensures that everybody will understand the purpose of the Ordinance.

Mr. Thomson stated that the Type G buffer that is three feet in height is too low, it will not be to the top of the car. Ms. Moore stated that it is not intended to be to the top of the car, but rather to the top of the headlights. Mr. Thomson suggested that the height be increased to five feet. Ms. Bunce stated that if the height is increased then problems regarding safety arise, as well as complaints with retailers about visibility from the street. Mr. Spriggs clarified that the current Ordinance requires three feet. Ms. Bunce stated that this standard is currently in both Ordinances and staff is not proposing a change.

Ms. Bunce stated that the Street Yard Buffer is an aesthetic buffer and is not intended to screen the view of properties from the street.

Mr. Dawers asked if there is somewhere that easily identifies the land use classes for the Use Buffers. Ms. Bunce stated that there is a chart in the draft. She indicated that the Committee members really need to study the chart between now and the meeting in December to get it into their minds what types of uses would require which buffers. She stated that this section can be somewhat difficult to quickly understand.

Mr. Petrea stated that there are a lot of complaints from neighbors regarding industrial service yards. He expressed concerns that it appears that existing service yards would be exempt and would not even be required a fence. Ms. Bunce stated that Sec. 9.7, Principal Use Outdoor Storage and Display Areas, will cover screening for those types of uses. Ms. Burke clarified that it will address newly proposed or expansions of existing, but not existing industrial service yards. Ms. Bunce stated that the current Ordinance required certain uses to come into compliance with the buffer requirement within a certain time

period of adoption. That standard was not comprehensively enforced at that time. Mr. Petrea stated that they are enforcing it now.

Ms. Bunce stated that the proposed buffer standards require very intense uses (Class 6 land uses) to provide a buffer along any right-of-way unless the use is located within a "unified/common development". In those cases, the use shall only be required to provide the Arterial/Collector Street Yard Buffer along any public right-of-way.

Mr. Dawers stated that, maybe just with the Street Yard Buffer, require the buffer be installed in some amount of time for existing uses because there are so many parking lots that are inadequately buffered. Mr. Spriggs asked what the Ordinance will require of them. Ms. Bunce stated that it will not require immediate compliance, but if there is a change to a higher use class then they will have to bring it up to code. Also, for some expansions compliance will be required. Mr. Spriggs asked about how the maintenance of required landscaping will be enforced. It is not a zoning issue, but it is necessary to ensure the survival of the landscaping. Ms. Bunce stated that the MPC does not do enforcement. That would either be the City or County Arborist and they have been very involved in the drafting of this Ordinance. Mr. Spriggs stated that the City and County both require a bond for a certain amount of time to ensure that any required landscaping survives.

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