

MEETING MINUTES

Unified Zoning Ordinance-Technical Committee Meeting
Metropolitan Planning Commission
Jerry Surrency Room
December 16, 2009
3:00-5:00 PM

Members Present: Gregori Anderson, Downer Davis, Bill Dawers, Dennis Goldbaugh (for Suzanne Cooler) MarRonde Lotson, Tiras Petrea (for Randolph Scott), Peter Shonka, Lise Sundrila, Ellen Wyatt (for Martin Fretty), Brian White, Shedrick Coleman

Members Absent: Beth Blalock, Daniel Carey, Rob Brannen, Bill Dempsey, Alderman Jeff Felser, Harvey Gilbert, Lee Grimes, Robin Haddock, Bridget Lidy, Joe Marshall, Bob Sebek, Ken Spriggs, Commissioner Helen Stone, Ryan Thompson, Jon Todd, Malik Watkins

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

I. November Minutes

Bill Dawers made a motion to approve with changes the minutes from November. Gregori Anderson seconded the motion.

II. Update on Status

Charlotte Moore thanked the committee for all their time and hard work through this long process. Ms. Moore stated that the next step is to wrap up this phase of the project. She stated that the committee will need to continue to meet into the new year to review the few remaining portions of the UZO. There are four categories of zoning districts yet to be brought before the committee, as well as the measurements, signage, and use conditions sections. Staff has completed a draft of the use conditions section but has been making changes to it as warranted as other sections have been drafted. Staff will bring the draft to the committee at next month's meeting.

Ms. Moore stated that after the Technical Committee has completed their review, the Advisory Committee will review the document. The Advisory Committee will include members appointed by the elected officials. Staff is currently gathering those names and meeting with the elected officials to go over the zoning maps for their areas.

Ms. Moore stated that staff has been meeting with other departments to discuss the portions of the draft UZO that pertain to them. Ms. Moore will be meeting with MarRonde Lotson targeted corridors identified by the City's Economic Development Department. Staff has been meeting with the Stormwater, Water and Sewer, and Sanitation departments regarding screening of dumpsters.

Tom Thomson thanked the committee for all their hard work. Mr. Thomson stated that this work is critical in order to get all the issues worked out prior to the document going to the public. Staff wants to have as many issues resolved as possible when the whole document is made public. It is staff's intention to have the project completed next year.

III. Zoning Map

One map area was presented for review. The area included **Thomas Square/ Midtown/ Baldwin Park (Map #19)**. Ms. Moore stated that the Mid-City part of the map was rezoned in 2005. Geoff Goins stated that all those districts have been held over from the Mid-City zoning. The districts have maximum footprints. The TN-2 district is a residential district that allows some commercial on corner lots. Mr. Dawers clarified that the commercial use is only permitted on the ground floor. Ms. Moore stated that the existing zoning along Montgomery Street is a hodge-podge of the original zoning from the 1960's. The proposed zoning will fix a decades old problem. Mr. Goins stated that most of the properties will retain the same zoning with the exception of those zoned CIV. The proposed draft eliminates the CIV district, which was created solely to exempt monumental buildings from the footprint maximums. Staff's proposal is to exempt monumental buildings from the footprint maximums of the districts and zone those sites as indicated on the Future Land Use Map. Amanda Bunce stated that the proposed Ordinance clearly defines monumental buildings as "an institutional building such as a church, sanctuary, governmental building, school or institution of higher learning with the primary use as education, theater or museum, having special or unique form because of the nature of its use." Ms. Moore stated that this is the only situation where these types of buildings are called out in a separate zoning district. Mr. Anderson asked what the benefit of handling monumental buildings that way is. Ms. Bunce stated that there is no benefit, which is why they are proposing to eliminate the footprint maximums for those structures in all the districts and eliminate the CIV district. Mr. Anderson asked how new monumental buildings would be handled. Mr. Goins stated that they could be located in any of those districts and not be subject to the footprint maximums. Ms. Bunce stated that the proposed fire station on 32nd Street is an example of a monumental building that does not meet

the footprint maximum. They will have to rezone the property to CIV in order to construct the building on that site. Mr. Anderson clarified that the only reason to rezone property to CIV is if the footprint is too big. Ms. Bunce stated that is correct. Mr. Dawers asked what the Fire Department is going to do. Ms. Bunce stated that they have requested a rezoning.

Mr. Goins stated that for the most part, the zoning has been left as it is. In the Midtown area, which is outside of the Mid-City rezoning, staff is proposing TR districts to meet the existing development patterns. Mr. Dawers stated that some big properties, like the one on Broad Street, have raised issues with any zoning changes proposed, even well-meaning ones. It is his suggestion that staff meet with them. Mr. Goins stated that the main core of the Midtown area is proposed to be mostly TR-2. Mr. Dawers asked if the proposed TN districts end at Broad Street. Mr. Goins stated that they do. Mr. Dawers stated that there will be resistance from the Baldwin Park neighborhood to having Mid-City zoning applied to their neighborhood because they opposed it years ago. Mr. Thomson stated that some people may not have understood. They believed that the Mid-City zoning was going to result in shopping centers being built in traditional neighborhoods. It is similar to the misunderstanding surrounding reverting one-way streets back to two-way streets.

Mr. Goins stated that staff is considering developing a TN-3 district for some uses because the TC-1 district may be too intense. He stated that Waters Avenue is much like Montgomery Street in that it is a hodge-podge of districts. Staff has currently applied TC-1 zoning to that area. Tiras Petrea stated that it is his understanding that the properties in that area were zoned as they are in order to keep alcohol sales from being allowed. Mr. Goins stated that he has also heard that. The TC-1 allows alcohol sales, but only as a special use.

Ms. Moore asked MarRonde Lotson where the City is in the redevelopment planning process (Waters Avenue Revitalization). Mrs. Lotson stated that they are in phase one: looking at the present zoning, organizing the owners, looking at crime in the area. Ms. Moore asked if there is any concern that the UZO is getting out ahead of that process. Mrs. Lotson stated that she has not detected any concerns. She stated that the Technical Resource Team, which is a staff level team, is working to pull together all the background information at this time. Ms. Moore stated that it may be best if an "interim zoning" is applied to the area until the plan is finished. Mrs. Lotson agreed, adding that the challenge of the community is the lack of parking. It was laid out as a walkable community, but it is not very walkable. That needs to be dealt

with. Brian White stated that Landis Faulcon is the individual heading up the redevelopment plan.

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 raised some concerns regarding specific parking ratios. In particular there were concerns with the ratio proposed for indoor sports facilities. Staff checked the Islands and Habersham YMCA parking ratios and found that Islands YMCA provides parking at a ratio of 1 per 200 sq ft of gross floor area and Habersham provides parking at a ratio of 1 per 225. Staff is proposing the parking ratio for indoor sports facilities to be consistent with the Habersham site.

Mr. Goins stated that the staff is proposing an increase in the number of parking spaces that can be held in a reserved area as permitted in Section 9.3.4.e, Reservation of Required Parking, from 10 to 20 percent. Ms. Bunce stated that there had been some confusion in the previous discussion regarding this section. This section is not a variance; rather it allows the area to be reserved if parking is needed in the future. Mr. Anderson asked if they would have to make it a parking lot. Mr. Goins stated that it would not have to be paved, but it would have to be reserved. Ms. Bunce stated that this will probably mostly be used for industrial/warehousing sites. Mr. Goins clarified that this can only be used for a single use, so a development such as a shopping center would not be able to use this option.

Mr. Goins stated that he discussed the section of the UZO pertaining to parking rooms with the Transportation Engineers. They indicated that the required vehicle access lane discussed in last month's Committee meeting needs to remain a requirement for internal circulation purposes. The standard has been left unchanged.

Mr. Goins stated that the issues of parking maximums have been debated internally by staff with no resolutions and now staff is looking for direction from the Committee. One of the reasons that parking maximums are typically proposed is in an effort to address stormwater concerns associated with large expanses of asphalt. The Stormwater Department is creating an ordinance with an anticipated completion date of 2012 that will address pervious pavers, which may address some of the stormwater concerns. Ms. Moore stated that one of the dilemmas of staff, in discussing parking maximums, is determining how much parking is enough. Mr. Anderson stated that he does not understand the problem that staff is trying to address. Ms. Bunce stated that staff is looking at ways to create disincentives to providing excessive parking,

which produces negative impacts such as heat islands, additional stormwater runoff, etc. Mr. Anderson asked how often this is an issue. Ms. Bunce stated that it is mainly a problem with larger users on greenfield sites. Dennis Goldbaugh stated that those types of establishments plan their parking for Black Friday and the spaces sit vacant the rest of the year. Mr. Thomson stated that he made a point of driving around on Black Friday and did not see any parking problems while he was out. He stated that he has directed staff to look at the proposed parking minimums and not require as much, let the banks make them provide more if it is needed. Mr. Thomson stated that he worked on a project in Pembroke Pines, Florida called Century Village and they were able to reduce the amount of paved parking by 10 acres by allowing them to provide "overflow parking" and keep it grass. Generally speaking, there is usually too much parking provided, especially in the urban areas where mass transit and walking should be encouraged. Ms. Bunce stated that most other ordinances do not have an absolute cap, but rather put disincentives in place to discourage excessive parking. Mr. Dawers stated that he agrees with Mr. Thomson. He stated that the Twelve Oaks shopping center seems to be about perfect in regards to the number of parking spaces provided. He is not aware of whether it ever reaches its saturation point, but whenever he has visited one of the businesses in the shopping center there has been adequate parking for all the other patrons within close proximity to each of the businesses. Mr. Anderson asked if there is a problem that staff is trying to address. Ms. Moore stated that it is a problem with the larger establishments, such as big box stores. Downer Davis stated that allowing overflow parking that is not paved would address some of the concerns with excessive paving and meet the needs of Black Friday patrons. He added that the cities and counties are required to adopt additional stormwater regulations in order to comply with NPDES permits. Incorporating parking maximums and allowing unpaved parking will assist in meeting the NPDES standards. Mr. Goldbaugh asked Mr. Davis how the overflow parking areas would be laid out. Mr. Davis stated that they would be laid out as overflow parking, a grassed area for parking without any paving or curb and guttering.

Mr. Goins asked the Committee if they are okay with the idea of parking maximums in the UZO. Ms. Bunce asked Mr. Davis if the development community would be accepting of this standard. Mr. Davis stated that he thinks they would welcome it. Pete Shonka stated that big box retailers may be resistant to parking maximums because they have business plans that call for a certain number of parking spaces. Mr. Davis stated that they could get around that by having unpaved overflow spaces. Mr. Goins asked again if the Committee is okay with parking maximums. Mr. Dawers stated yes. Mr. Goins indicated that staff will develop those standards and bring them to the Committee in the future.

Mr. Goins stated that language has been added to the Pedestrian/Bicycle Circulation and Access design standards to require a texture or color change to crosswalks to delineate the pedestrian path on the paved area. This change was made as a result of last month's discussion regarding this section. Mr. Anderson asked if there are ADA regulations that apply. Ms. Bunce stated that the ADA requirements are separate from the Zoning Ordinance. Mr. Goins stated that the UZO references state and federal standards, but does not include those standards in the Ordinance.

Mr. Goins provided new information regarding parking in the downtown area. The part of the downtown that is currently zoned BC-1 and exempt from parking requirements is proposed to be expanded. The area just beyond that will have lesser standards than the suburban standards, but there will still be parking required for those areas. Lise Sundrila asked if the proposed maximums will apply to these areas. Ms. Bunce stated that staff will have to investigate how other communities handle those types of situations. It would not seem fair to hold them to a maximum, though, when they have a lower amount required to begin with (because the maximums are based on a percentage of the minimums, such as 125 percent). Ms. Sundrila asked if there is a development that is now BC-1 that would like to provide 1,000 spaces that are not needed, would that be permitted? Ms. Bunce stated that in the BC-1 district it would have to be structured, either above or below ground, which would not have the visual impact of a surface lot. Mr. Dawers asked if, in the parking reduction area, there is an existing restaurant with no parking and a new restaurant moves into that space, would they be required to provide parking? Mr. Goins stated that the use would be grandfathered in.

Ms. Sundrila stated that the proposed Ordinance does not talk about using on-street parking to count for some of the required off street spaces. Mr. Goins stated that unless those spaces are going to be assigned to the specific property/use then it will be problematic. Anybody could park in those spaces leaving an inadequate amount of parking for that property. Ms. Bunce explained that in the reduced areas, the numbers are reduced partly because of the presence of on-street parking spaces.

Mr. Dawers stated that there are specific restaurants in the reduced area that have little or no parking spaces. There is a long history of businesses relying on on-street parking spaces in this area. There is plenty of parking, with a lot of on-street parking in some of these corridors. If parking was to be required on site, many of these lots would be undevelopable. Mr. Goins stated that as businesses come in

and parking demand increases the lack of on-site parking will become a problem. Mr. Dawers stated that holding them to a stricter standard might render the lot useless. Ms. Bunce stated that staff has tried to provide alternatives in the Ordinance to on-site parking, such as extending the distance requirements for remote parking. Mr. Dawers stated that his concern is that when the economy recovers from the financial down turn, the area won't be able to develop because of the parking requirements. Ms. Bunce asked the Committee to think about what would happen if the Sears building was to redevelop with no parking. Would there be adequate parking in the area if developers maxed out the on-street potential in this area? Ms. Sundrla stated that there is no way of knowing the answer to that question at this time. There are a lot of spaces that are not lined. The City needs to look and see if there are ways to improve parking in this area similar to the project that was done with Rick Hall. Mr. Dawers stated that the south end of Forsyth Park is very active and does not rely on parking. He does not know how to handle that in the Ordinance. Shedrick Coleman asked if there is currently a standard in the Mid-City Ordinance that ties the size of the building to the amount of parking, if the building is smaller than a certain size then there is no parking required. It seems like that is the best way to handle the urban environment. Mr. Dawers stated that there is a TC-2 building next to his home that does not have any parking and it functions just fine. Ms. Sundrla stated that people will find parking by parking on the side streets. Mr. Dawers suggested that the TC-2 zoning district be extended to that area.

Mr. Coleman recommended that a parking inventory be done for the area to determine what the area can handle because finding land for parking will always be a challenge. Mr. Dawers stated that if the City would look at changing existing on-street parking they might be able to come up with more spaces. He indicated that he would hate to see these standards prohibit small scale redevelopment. Ms. Moore stated that, unfortunately, there are no parking studies in the area. The parking section of the UZO will have to evolve more often than other portions of the Ordinance. The UZO needs to be adopted and then see how to fix some of the more complex issues such as this later. The Comprehensive Plan calls for more density in this area. Staff may need to look at this proposed zoning to determine if it is dense enough. Ms. Sundrla suggested that staff look at the highest and best use for the DFCS building and determine what amount of parking would be required for that use to evaluate if there is adequate parking in the area. Mr. Goldbaugh stated that this area has more people that live with no car, that walk and bicycle, than any other part of the City.

Mr. Petrea stated that the most common question that he gets from individuals doing infill development is why do they need two parking

spaces when the Ordinance only requires one space for residential in certain areas. Ms. Moore stated that staff is addressing that. Mr. Goins asked what area of the city Mr. Petrea is getting those comments from. Mr. Petrea indicated that the question comes from property owners all over the city, but most of them come from the West Savannah and Cuyler-Brownville neighborhoods. Mr. Goins stated that one way the UZO will address this issue is by allowing tandem parking. Mr. Petrea stated that will not work on lots that are 30 feet by 100 feet. There is not enough depth when you take into consideration the Traffic Engineering standard that requires parking to be setback at least 25 feet from the back of curb. Ms. Moore stated that the standard does not work and staff will need to discuss that with the Traffic Engineering Department. Mr. Petrea stated that between the required two parking spaces and the minimum separation from the property line, those are the main complaints he receives regarding infill projects. Ms. Moore state that the standard is a suburban standard and it does not work everywhere.

Mr. Dawers stated that there needs to be a residential overlay along Broughton Street in regards to parking. If the current City standard of providing each resident a parking permit that allows them to park within two blocks of their home continues after the residential capacity has been met in the area, there will be no parking left for the businesses. Ms. Moore stated that is a problem that Parking Services will need to address, but it is a very good point.

Mr. Dawers asked about valet parking. Mr. Goins stated that the Alternative Parking Plan section deals with valet parking, as well as remote and shared parking. Staff is considering not allowing shared parking in the downtown area because they have already been given a reduction. Ms. Sundrla asked if Georgia Power's five acre site is in the exempt area. Mr. Goins answered that it is and also stated that whatever use goes on that site will provide parking. It is a large enough site that they can provide it on site. Mr. Goins asked the Committee if there should be a maximum distance established between a business and the associated valet parking, or will that issue take care of itself. Mr. Dawers stated that the problem with valet parking is that they take up on-street parking spaces to do the valet parking. Mr. Sundrla stated that there are four restaurants that she knows of that do real, constant valet parking and asked if there were any others. Mr. Goins stated that the proposed Ordinance requires stacking to be provided on-site unless an encroachment permit is obtained from the City. Mr. Dawers stated that the problem is probably more of an issue with the City. Ms. Sundrla asked who currently manages valet parking in the city. Mr. Shonka stated that the Film and Tourism Department is responsible for valet

parking. Mr. Petrea stated that it was his understanding that Parking Services was the responsible department.

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

Ms. Bunce introduced the Landscaping, Screening and Buffers section. Ms. Burke gave an overview of Sec. 9.5.3 Screening of Service Areas, which includes screening of loading docks, utility service areas, mechanical equipment, refuse storage facilities, and yellow grease bins. Mr. Anderson questioned where mechanical equipment (for single-family detached, two-family, and attached dwellings) could be located when Sec. 9.5.3.e.i does not allow the equipment to be located between a principal structure and an accessory structure. Ms. Burke clarified that the proposed language would prohibit the equipment from being located between the principal or accessory structure and any public right-of-way, not between the principal and accessory structures. Mr. Anderson stated that he did not disagree with the intent of the standard, but asked that the language be clarified in order to make it easier to understand.

Ms. Sundrla asked how the situation would be handled for sites in places like Thomas Square or the National Landmark District that do not have adequate space to place a dumpster on site, let alone screen them. Ms. Burke agreed that was a potential problem that she had not thought of before. One option for addressing that concern would be to allow an exemption for the Downtown districts. The option would address the issue of screening, but not the issue of dumpsters in the right-of-way. Mr. Thomson stated that one of his pet peeves is that the dumpsters located in the lanes downtown are placed haphazardly. If they were to all be located on one side of the lane that could vastly improve the view down the lane. Ms. Sundrla stated that they are usually just placed immediately adjacent to the back door of the establishment they serve. Mr. Shonka stated that part of the problem in dealing with dumpsters in downtown is that there is a difference in policy between the Streets Maintenance and Sanitation Departments. The Sanitation Department requires a certain type and number of dumpsters based on use and the Street Maintenance Department does not want them located in lanes, but there is not anywhere else to place them. Mr. Davis asked why they do not use the three by three by six roll out dumpsters. There may be some resistance to that from the business owners because of additional costs associated with those dumpsters needing to be collected more frequently, but they can be stored inside and rolled out. Ms. Burke stated that she will include an exemption in this section for properties located in the downtown area.

Ms. Bunce stated that there are three types of buffers: Use, Off-Street Parking Lot and Street Yard Buffers. In the proposed UZO, uses are grouped into six classes. There is no buffering requirement between uses within the same class and the buffer requirements become greater as the separation between classes increases.

Ms. Sundria asked if there is a requirement for a certain size planting. Ms. Bunce stated that the planting requirements are based on the City or County requirements, which do not require the planting of mature trees. The proposed Ordinance does require a mix of trees and shrubs, and details the number of each required per 100 linear feet, to create a buffer. Ms. Bunce also pointed out that a more mature tree grows slower at first. Mr. Goldbaugh agreed, explaining that the larger the tree, the more time it takes to acclimate to the new setting and begin growing. Ms. Bunce stated that most ordinances do have planting standards for buffers and she worked closely with the City and County Arborists, as well as some private sector landscape architects to draft this section.

Ms. Bunce stated that the Off-Street Parking Lot Buffer is currently known as the "Type G" buffer. This buffer requires a three-foot high wall or hedge along parking lots. There are no changes proposed from the current standards for this buffer.

The Street Yard Buffer is required for all new multi-family and nonresidential projects. Plantings are required along any public or private right-of-way, with driveways being exempt from the calculations. The proposed language encourages tree preservation by allowing credit for existing vegetation.

Mr. Dawers asked, with regards to currently unbuffered parking lots, is there anything that will trigger the buffering requirement if the use stays a parking lot. Ms. Bunce stated that if there is an expansion of the parking area or when there is a change of use to a higher use classification, the buffer will be required to be installed. If the use stays the same or a change of use to a lesser use classification, there is no requirement to retrofit the site. The reason being is that it is remaining at a level of intensity that people are used to.

Ms. Bunce stated that signage, bike paths, walkways, etc. will be permitted within the Street Yard Buffer. Driveways and swales will be permitted to cross the buffer. Ms. Bunce stated that staff has addressed the buffer issue that Mr. Petrea brought up at last month's meeting in regards to uses such as salvage yards and vehicle repair. Ms. Bunce stated that proposed language requires these intense uses provide a Type D Use Buffer along any street right-of-way, with an exception for

those sites located within a “unified/common development”. The Use Buffer section has been strengthened as well in regards to these types of uses.

Mr. Davis asked if 40 feet is the widest buffer required. Ms. Bunce stated that currently that is the widest buffer proposed.

Ms. Sundrila asked about buffering of auto sales lots. Ms. Bunce stated that the Outdoor Storage and Display section of the Ordinance would address those uses. Ms. Burke clarified that was previously the case, but that section had been eliminated because the standards associated with Parking Rooms in the Off-Street Parking and Loading section were very similar and addressed all uses, not just vehicle sales. Ms. Bunce agreed and stated that all parking lots that are larger than 200 parking spaces will be required to meet the parking room standards. Ms. Sundrila asked what would be required for an auto sales lots that had fewer than 200 spaces. Ms. Bunce stated that they would be held to the Off-Street Parking Buffer.

Ms. Bunce stated that the proposed Ordinance includes an Alternative Compliance section that allows the MPC to approve a plan that meets the intent if not the letter of the Ordinance. An example would be to allow the meandering of the Street Yard Buffer, with established minimum and maximum widths to meet the overall required amount of buffer.

Mr. Anderson questioned the standard in the Buffer Design Standards, Fences and Walls (Sec. 9.5.4.i.i(1)), that requires a manufacturer’s warranty of 40 years for the wood used for a required fence. Ms. Bunce stated that it is from the current County Ordinance. Mr. Anderson stated that he has seen warranties for 20 years, but never for 40 years. He does not know how that standard will be enforced after the fact, but the warranty can be checked at the time the initial permit is issued. Ms. Bunce stated that she only included that standard because it is the current standard. The requirement can be changed to set the warranty at 20 years or the sentence can be changed so that it ends after “treated”.

Mr. Davis pointed out that Sec. 9.5.4.i.v(3) states that, at maturity, hedges shall be a minimum of at least six feet in height, but the Ordinance allows a three foot hedge. Ms. Bunce clarified that Sec. 9.5.4.i, Buffer Design Standards, only apply to Use and Street Yard Buffers. The three foot hedge requirement pertains to the Off-Street Parking Lot Buffer requirement.

Ms. Bunce stated that two of the hedge species were removed from the list that the Committee received due to the fact that these species are not attractive when pruned during regular maintenance.

Next Meeting: Wednesday, January 20, at 3:00 PM.

DRAFT