

OVERVIEW OF THE PROPOSED AMENDMENT

Zones. The Subcommittee examined the zones in which big box development is permitted, and it concluded that the RVC and C-1 zones are primarily intended for neighborhood scale commercial development and that the C-1 zone is the commercial zone most frequently located adjacent to residential development. In order to protect residential development from big box development, therefore, the Subcommittee recommends that big box development not be permitted in either of those two zones.

Site Characteristics. The Subcommittee proposes in their amendment that the characteristics of the site establish the process required for review and approval. Three levels of review are proposed, with each level being more restrictive than the previous process. These levels are:

- Permitting development “by right,” with staff review only.
- Permitting development through a Special Exception Land Use review process through the Development Services Department (DSD).
- Permitting development through a Special Exception Land Use review process through the Zoning Examiner.

The first two levels share the same characteristics of a minimum separation of five hundred (500) feet from residential zones or uses, other than residentially zoned rights-of-way, and separation from historic zones, districts, or any structure listed on the National Register of Historic Places. The “by right” process may also be utilized if an existing six-lane roadway separates the site from residentially zoned or developed property. The “by right” process is utilized only when the site has access exclusively to an existing adjacent arterial street with a minimum of four existing lanes. The DSD process is utilized when the access to the site is either exclusively from a designated arterial street proposed for development with four lanes within the next five-year Capital Improvement Program or through a local street within an existing commercial or industrial park, which leads directly to an existing arterial street. Staff suggests that because of the similarity of the two levels they may be combined into one section to eliminate redundancy and make the *Code* more user friendly.

The Zoning Examiner process is used when the proposed development is: adjacent to or within five hundred (500) feet of residential zoning or uses; adjacent to a historic zone, district, or structure listed on the National Register of Historic Places; adjacent to vacant residentially zoned property; or for any other site not eligible for consideration through the “by right” or DSD review process. The development utilizing this process has primary access from a designated arterial street.

Traffic Impact. All proposals for big box development are required to analyze the traffic impact of the development on traffic flow on adjacent streets, recommend mitigation measures to address adverse conditions, and show how improvements will be provided.

To address parking requirements, the draft includes revisions to the parking section of the *LUC*, acknowledging that a big box development specializing in larger items, such as furniture or appliances, or a mix of smaller and larger items, such as a home improvement center, should not have to provide the same parking as a standard retail outlet. Therefore, for these uses, a lesser parking requirement is recommended. Any application utilizing the Zoning Examiner process has the option of requesting a modification to the parking requirement of the *LUC* by providing a parking generation report.

Setbacks. In the existing *LUC*, setbacks are based on the height of buildings on a site and the zoning of the adjacent properties. A typical setback for commercial development adjacent to residential zoning is one and one-half times the building height. The draft proposes keeping this method of requiring setbacks for the “by right” and DSD processes.

The proposed amendment, however, changes the method of determining setbacks when the Zoning Examiner process is utilized. For this process, the gross floor area of individual buildings on the site and the zoning of the site determine the setbacks. These setbacks apply to all buildings on the site and uses associated with the buildings, such as loading, delivery, and trash collection areas and areas for outdoor storage or sales. Larger setbacks are proposed for uses that may have a greater impact on adjacent residential development, such as live entertainment, swap meets, fuel sales, and automotive service.

It is important to realize that these setbacks are proposed to provide protection to existing neighborhoods, and in the preliminary meetings with developers, adjacent residents have a specified starting point for discussion of setbacks. It is equally important to realize that these setbacks can be just that--starting points--during the Zoning Examiner process. The Examiner has the authority to modify setbacks, based on testimony offered by nearby residents at the public hearings and in consideration of alternative methods of mitigating impacts of the big box development.

Site Amenities. All big box development must provide pedestrian circulation systems meeting minimum design widths, anchored by design features, such as towers, outdoor plazas, and courtyards, that define the pedestrian circulation path. Development utilizing the Zoning Examiner process should also provide convenient access to nearby residential neighborhoods.

Aesthetic Character of Buildings. All big box development must be designed to mitigate the massive scale and uniform appearance of facades along public streets by design measures, such as projections or recesses, and inclusion of windows, glass block, arcades, or awnings. Architectural features, such as color or texture changes and wall offsets or projections, must also be provided to all building walls, not just the street façade. Roof and parapet lines must be varied, and entryways must be provided that clearly define pedestrian entrances. All mechanical equipment must be screened, whether ground or roof mounted, unless an elevated roadway is adjacent to the site.

Additional Requirements in the Zoning Examiner Process. As previously stated, the Subcommittee based this proposed amendment on maximum protection of existing and future residential development adjacent to any proposed big box development. In order to provide that protection, the requirements following are in addition to those required for development in the “by right” and DSD review processes.

Landscaping and Screening. For development adjacent to residential uses or zoning, a wider landscape border is required at the property boundary of the development site, containing groundcover, an eight (8) foot high wall, and canopy trees at twenty (20) to thirty (30) foot intervals, so that canopies touch at maturity. Outdoor storage and trash collection areas must be screened with an eight (8) foot high wall adjacent to the edge of the area. Delivery areas and loading areas must be screened with a ten (10) foot high sound attenuating wall located at the edge of the area. Walls over seventy-five (75) feet in length must be designed to provide variation in the linearity of the wall.

Hours of Operation. Hours of operation are proposed for trash collection and delivery and loading operations as in the existing Code and are established for outdoor retail and public assembly uses.

Monitoring Operations of the Site. The proposed amendment requires establishment of a committee consisting of the owner/operator of the big box site, nearby neighbors, neighborhood association representatives, the applicable Council Ward Office, and other affected parties. This committee is responsible for monitoring ongoing compliance with conditions of approval of the project. To aid in monitoring violations, the owner/developer must post signs listing contact people to whom violations can be reported. In addition, a security management plan must be submitted and approved by DSD and the Police Chief addressing methods of security on the site and inside the building.

Traffic Impacts. In addition to the requirements of all big box development stated above, development near residential uses or zoning must mitigate the impact of truck and motor vehicle traffic on nearby neighborhoods by means of a setback for the delivery truck circulation route. Overnight parking of cars, recreation vehicles, and boats is limited to those owned by employees or businesses on the site.

Outdoor Lighting. A lighting plan and report is required to address the design of proposed lighting and to ensure that such lighting does not affect adjacent residential uses or properties. Included as requirements are design requirements, hours of operation, and height of light poles in the parking lot.

Noise Abatement. A noise mitigation plan is required to address impacts of any noise generated by the site, which includes limitations on idling trucks, trucks with generators running, measurement of noise levels at property lines, location of sound attenuating walls, and impacts of outdoor loudspeakers. The design of sound attenuating walls is also specified.

Grade Differentials. If the big box development site is higher than three (3) feet above existing residential uses or property, additional mitigation measures are required, such as greater setbacks, greater landscape buffer width, or increased landscaping volume.

Neighborhood Meetings. This type of development requires the developer to meet a minimum of two times with neighbors, neighborhood association representatives, and Council Ward Office members prior to submitting an application for development.

Aesthetic Character of Buildings. In addition to the performance criteria proposed for all big box development, the following are also required for the Zoning Examiner review process. All building façades, not just those visible from the street, must be designed to offer a variety of projections, recesses, textures, and/or colors. Parapet walls should be minimized, while still screening rooftop mechanical equipment. Building colors and materials must be compatible with those used in nearby residential neighborhoods.

Safe by Design. The project must provide for the safety of those on the site by use of design elements, such as security camera surveillance, visibility from inside the buildings, adequate lighting, and careful use of landscaping.

Development Review Board. Those developments utilizing the Zoning Examiner process must be reviewed by the Development Review Board (DRB), which will recommend to the DSD Director whether the development complies with the performance criteria.

/s/Coderev/Big Box Review Subcommittee/Analysis.doc