

PLANNING COMMISSION BIG BOX REVIEW SUBCOMMITTEE MINUTES
Comprehensive Planning Task Force Conference Room
MacArthur Building, 345 East Toole Avenue, 3rd Floor
October 29, 2002

Attendance

Members: Rob Tomlinson; Grace Evans; Joyce Joosten; and Thomas Sayler-Brown

Staff: Sarah More, James Maurer, and Kathy Buchanan, Comprehensive Planning Task Force; Michael McCrory, City Attorney's Office

Interested Parties: Connie Damos; Ila and John Rupley; Frank Bangs; and Uwe Fink; Karen Leone, Ward II Council Office

1. **Call to Order:** Mr. Tomlinson, the Subcommittee Chairperson, called the meeting to order at 3:10 p.m.
2. **Minutes for Approval:** Motion by Ms. Evans; seconded by Mr. Sayler-Brown; and carried on voice vote (4:0) to approve the minutes of the October 22, 2002, meeting.
3. **Discussion of Large Retail Establishments Ordinance:**

Mr. Rupley pointed out several differences between the minutes of the October 22 meeting and the "Subcommittee Draft" dated October 29, 2002. Staff explained the revisions made to the draft, and following discussion of each item, motions were made concerning the various items. These items were agreed to by the Subcommittee, with minor changes.

Mr. Bangs suggested revised wording to Sec. 3.5.9.7.D as follows:

3.5.9.7.D Large Retail Establishments – Type V Administrative Special Exception Land Use. * * *

A Large Retail Establishment proposal on a specific site may require more or less stringent criteria to achieve the purpose of the performance criteria. The Zoning Examiner may approve modifications to the performance criteria and/or alternative means of substantially achieving the purpose of the performance criteria, based on evidence in the record.

The Subcommittee members and staff agreed with the revised wording.

Mr. Bangs pointed out that subsection d.4 on page 14 should use consistent wording concerning the use of the words "areas" and "spaces." After discussion, it was agreed to return to the previous wording, which was "delivery areas" and "loading spaces." Mr. Sayler-Brown pointed out that the requirement for screening of Delivery Areas and Loading Spaces required a screen to block the view of the loading area from the internal pedestrian walkway at the Lowe's on Oracle. **Ms. Evans moved that the phrase "internal pedestrian walkways" be deleted; Mr. Sayler-Brown seconded the motion; and the motion carried on voice vote (4:0).**

Mr. McCrory asked for a revision to subsection e., *Hours of Operation*, subsection 3., *Outdoor Retail and Public Assembly Uses*. He suggested that the words "retail and public assembly" should be added to the sentence following the title.

Mr. Bangs suggested clarifying the words "and other parties as necessary" under subsection f., *Monitoring Operations of the Site*, subsection 1., *Ongoing Committee*. After discussion, it was decided to rephrase this to ". . . and other affected parties."

Ms. More stated she wanted to go on record that staff is still recommending certain sections be deleted. These are: Page 12, subsection 6., *Other Structures and Uses*; Page 13, Table 3.5.9.7-I; and Page 15, subsection e.3, *Outdoor Retail and Public Assembly Uses*.

The Subcommittee began discussion on page 18 with *On-Site Traffic Circulation*. After discussion, it was determined references to walls were redundant and that this section should read:

- a. *Delivery Truck Circulation Route*. Delivery truck circulation shall be located a minimum of one hundred twenty-five (125) feet from the adjacent residential boundaries. Truck circulation routes shall be a minimum of thirty (30) feet in width.

Ms. Evans moved approval of the changes; Mr. Sayler-Brown seconded the motion; and the motion carried on voice vote (4:0).

Discussion moved to subsection 3.b, *Customer Vehicle Circulation*. After discussion, the following language was decided upon.

- b. *Customer Vehicle Circulation*. Parking area access lanes (PAALs) shall be designed to discourage on-site through traffic within one hundred twenty-five (125) feet of a site boundary which abuts residentially zoned or residentially developed property.

Mr. Sayler-Brown moved this language be approved; Ms. Evans seconded the motion; and the motion carried on voice vote (4:0).

It was decided by the Subcommittee to delete subsection 3.c, *Paving*, because the Subcommittee was informed that the surface paving treatment referred to in this subsection was effective only at high speeds.

After discussion on subsection 3.d, *Overnight Parking*, on page 19, it was decided to delete mobile homes from the list included.

Discussion moved to subsection j., *Outdoor Lighting*. The revisions recommended included changing the word "consistent" in the third paragraph to "coordinated" and referring to the lighting as "full cutoff."

Subsection k., *Noise Abatement*, was discussed next. Following discussion, it was determined that the word "left" should not be overstruck.

Ms. Joosten moved that page 19 be approved as revised; Mr. Sayler-Brown seconded the motion; and the motion carried on voice vote (4:0).

Discussion moved to page 20 and continued with *Noise Abatement*. The Subcommittee discussed the decibel levels set in the first paragraph on page 20 and compared them to the County regulations. The revisions recommended to this section were to add the word "line" after property; to delete the word "screen" from the third paragraph; to delete the fourth paragraph; and to revise the fifth paragraph:

The noise levels measured at the residential property lines . . .

The noise levels from devices, including, but not limited to, vehicle warning beepers, that emit impulse sounds or pure tones shall be no greater than a level determined to correspond to the averaged noise level of 55 dB(A) measured at the residential property lines . . .

Walls designed for noise abatement shall be . . .

The uses and locations of outdoor loudspeakers on the site shall be addressed in the noise mitigation plan.

The Subcommittee next discussed subsection l., *Grade Differentials*. Staff presented a diagram demonstrating incremental increases in the grade of a big box pad above the residential pads. After discussion, revised language, as follows, was agreed upon.

1. *Grade Differentials*. Grade differentials of three (3) feet or more between a site higher than adjacent residentially used or residentially zoned property shall be mitigated with additional landscape buffer width, increased landscaping within the landscape buffer, and/or increased building setbacks.

After a short discussion on the legality of subsection m., *Nonconforming Uses*, it was determined this section should be deleted.

Ms. Evans moved that page 20 be approved as revised; Mr. Saylor-Brown seconded the motion; and the motion carried on voice vote (4:0).

After discussion of subsection n.1, *Sound Attenuating Walls*, on page 21, it was determined that staff would prepare a graphic that would be added to this section to demonstrate the cap needed to attenuate the sound.

Mr. Bangs asked what the sentence, "Screen walls shall be finished on both sides," meant in subsection n.2, *Interior Site and Boundary Screen Walls*. After discussion, it was determined this sentence should read: "Screen walls shall have the same finish on both sides."

Discussion moved to subsection o., *Preapplication Meetings*. Ms. More mentioned that staff disagreed with the requirement for two meetings, as well as the with the statement concerning achieving consensus. After discussion, including the recommendation for several revisions to the language, the following wording was agreed upon:

- o. *Neighborhood Meetings*. Meetings shall be as described in Sec. 5.4.5.2 and shall be additionally compliant with the following procedures. The developer shall invite property owners within three hundred (300) feet of the project site, neighborhood association(s) within one (1) mile of the project site, and members of the applicable

City Council Ward Office at least two (2) times prior to submitting an application. The developer may have additional meetings as needed. The developer or his/her agents shall be responsible for distributing written summaries of the meetings to everyone in attendance, to neighborhood association(s) within one (1) mile of the project site, and to the applicable City Council Ward Office. The meeting summaries shall be submitted with the application.

Discussion moved to subsection o., *Special Criteria and Procedures*, and began with 1., *Identification of Historic Districts and Historic Structures on the National Register of Historic Places*. Staff recommended that this paragraph be deleted, and the Subcommittee agreed.

Ms. Evans moved that page 21 be approved as revised; Ms. Joosten seconded the motion; and the motion carried on voice vote (4:0).

Next, the Subcommittee moved on to a discussion of page 22, subsection 2., *Special Submittal Requirements*. After discussion of specific submittal items that might be of interest to neighbors, the following language was agreed upon for this section.

2. *Special Submittal Requirements*. The applicant shall provide copies of the following items to the applicable City Council Ward Office: the site/development plans with grade differentials; lighting plans; noise mitigation report; traffic report; and landscape plan. Grading plans with cross sections are to be submitted to the Council Office once available.

Mr. Rupley suggested that the sentence deleted previously from the *Site Characteristics* section be relocated to subsection o.1 where the language had just been deleted. It was agreed to add that language as follows.

1. *Siting*. Siting of a Large Retail Establishment adjacent to historic districts or structures shall be subject to special scrutiny.

Mr. Tomlinson stated that his plan concerning the issue of the *Combination of Retail With Food and Beverage Sales* was to write a cover letter to the Planning Commission, which all four of the current Subcommittee members would feel comfortable in signing. Then, it would be up to the Planning Commission to decide the issue. He stated votes would be taken at this meeting, and those votes would be forwarded to the Planning Commission. **Ms. Evans moved that the *Combination of Retail With Food and Beverage Sales* be removed from the amendment; Mr. Sayler-Brown seconded the motion; and the motion carried on voice vote (3:1; Ms. Evans, Mr. Sayler-Brown, and Mr. Tomlinson, aye; Ms. Joosten, nay).**

Discussion moved to subsection 2., *Aesthetic Character of Buildings*. Paragraph a., *Building Façades*, was revised to read as follows.

- a. *Building Façades*. The Large Retail Establishment shall be designed in such a way as to reduce the perceived mass of the building and be sensitive to the existing context of the surrounding urban environment. The building shall provide visual interest.

The sentence concerning parapet walls was revised as follows and moved to subsection .c, *Roofs and Parapets*: “The height of the parapet walls should be minimized while providing a visual screen to the rooftop mechanical units.”

Ms. Evans moved that page 22 be approved as revised; Mr. Sayler-Brown seconded the motion; and the motion carried on voice vote (4:0).

Discussion moved to page 23, and Ms. More stated that staff had no comment on this page.

Ms. Evans moved page 23 be approved; Mr. Sayler-Brown seconded the motion; and the motion carried on voice vote (4:0).

Subcommittee discussion moved to page 24. Ms. More stated that subsection g. should be called *Safe by Design* rather than *Safety by Design*. Mr. Tomlinson suggested this subsection be reworded as follows.

- g. *Safe by Design*. The design of the project shall provide for the safety of those on the site and may include, but is not limited to, security camera surveillance, visibility from inside the facilities, adequate site lighting, and careful selection and placement of landscaping.

A discussion ensued on subsection 3., *Development Review Board (DRB)*. The following wording was agreed upon.

3. *Development Review Board (DRB)*. All proposed Large Retail Establishments shall be reviewed by the Development Review Board (DRB) for recommendation to the Development Services Department (DSD) Director, who will make a recommendation to the Zoning Examiner on whether it complies with the performance criteria. The DRB will base its recommendation on whether or not the project complies with the performance criteria related to aesthetics, elevations, and landscaping on-site, as provided in Sec. 3.5.9.7, where specific requirements are not provided.

Ms. Evans moved approval of page 24 with the suggested revisions; Mr. Sayler-Brown seconded the motion; and the motion carried on voice vote (4:0).

Mr. Maurer showed a map that indicated sites which may or may not be “by right” sites. He stated there are 5-10 sites that may fit within this category.

Mr. McCrory stated there were two other items that would need to be added. One was a provision which clarifies that if there is a change in an approved plan it is processed basically the same as a rezoning condition is processed, because there is no provision for a change in a plan approved through the Zoning Examiner process. The second provision says that if you have already gone through this process you do not have to go back through it again. If you have an approved rezoning or if you are going through a full rezoning process, you don’t need to then go back through a Special Exception process. He stated the existing Code says, if you comply with all the provisions and go through a rezoning and Mayor and Council approve it, you don’t have to then go through the Special Exception process.

Mr. Sayler-Brown requested that staff look at the possibility of allowing Food and Beverage Sales as a permitted use in the I-2 zone. Mr. Tomlinson suggested that staff look at the possibility of allowing it as Large Retail Establishment only. **Ms. Evans moved that staff be asked to look at an amendment concerning this issue, stating that it has been identified in the course of these discussions as something which could be brought forth as a separate amendment; Mr. Sayler-Brown seconded the motion; and the motion carried on voice vote (3:0; Ms. Joosten had left the meeting when this vote was taken).** Ms. More stated that staff would explore this issue.

4. **Next Meeting:** Mr. Tomlinson stated that the Subcommittee should plan to meet again in December following the draft being presented at the Planning Commission Study Session on December 4, in the event the Planning Commission members have any questions or comments which could be addressed by the Subcommittee.
5. **Adjournment:** 6:15 p.m.