

STAFF REPORT

DOCKET # UDO-284
STAFF: [Aaron King](#)

REQUEST

An ordinance amendment proposed by Planning and Development Services staff revising Chapter B of the *Unified Development Ordinances* to establish building material requirements for the use Retail Store.

BACKGROUND

Currently the UDO has no restrictions on building siding materials for the use Retail Store (under 75,000 square feet). Over the past several years, Planning staff has observed that some new retail buildings are being constructed with metal siding. In the vast majority of retail developments, more attractive exterior materials are used; however, there have been a few over the last several years where the retailer decided to have metal siding. In those cases, the retail buildings are located in close proximity to existing residential neighborhoods and the metal siding has a negative aesthetic impact on the surrounding area. Staff believes that there are many suitable siding materials for retail buildings other than metal siding.

Staff has reviewed requests for retail buildings over the past few years in which the property was commercially zoned and no rezoning was required. Without any design standards in the UDO, these properties were allowed to choose the siding material of their choice; often metal siding. Planning staff reached out to developers on several occasions to encourage the use of a masonry product rather than metal siding. Each time, staff was told that until metal siding was prohibited, they would continue to use said material.

ANALYSIS

The subject text amendment would establish a list of allowed siding materials for the use Retail Store. Staff believes the materials included provide a range of alternatives without the allowance of metal siding. The list of approved materials should help to mitigate the negative aesthetic impacts that occur when metal-sided retail buildings locate in close proximity to residential areas. Staff notes that the UDO does currently have a requirement that “big box” stores meet certain design criteria. This text amendment would provide a standard that would regulate retail stores that fall below the big box standard of 75,000 square feet.

RECOMMENDATION

APPROVAL

CITY-COUNTY PLANNING BOARD PUBLIC HEARING MINUTES FOR UDO-284 FEBRUARY 8, 2018

Aaron King presented the staff report. Aaron also referenced two emails received; one in support, and another with concerns about not allowing for more creativity with metal.

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

- There is some great creativity going on with metal siding in the area, much beyond just the small retail stores that are expanding in the area. A percentage could be put on metal siding, or a good way of using metal siding that could provide some variance. Ziggy's, which is totally done in metal siding, it is not retail, but it does use decorative barn wood around it.
- Could staff come up with a way to allow that creativity to work with building types? Or maybe there should be Special Use Zoning for all retail?

Aaron King explained to the Board that it is hard to regulate to prevent bad design. When we start accommodating every scenario in order to prevent the bad, the UDO gets harder and harder to use and understand when you start adding pages.

Paul Norby shared with the Board that one option used with the Text Amendment several years ago concerning Infill Residential Development in GMA 2 is to set out standards for how residential buildings could be placed when you already have your relationship established between existing buildings on the block and the street; but then you have a safety valve providing that if somebody doesn't want to do that but they think they can make a case for making it compatible, then go Special Use District Zoning for that, which can be considered on a case-by-case basis.

- Perhaps up to 15 percent could be allowed under Special Use Zoning and restrict it, instead of having it open ended.
- But we might end up with an unintended consequence of people who want to do bad design up to a certain percentage, getting that through under the Special Use Zoning. It is a possibility we have to consider.

- Perhaps we can put the onus on the staff as to what is acceptable.

Paul Norby stated that that would go through the Planning Board and the elected body, it wouldn't just be a staff decision. It would be Special Use District Rezoning. Whenever someone submits a Special Use Rezoning, then we can have discussions before it ever gets to the Board, but it's ultimately up to the Board and the elected body as to what to approve.

Aaron King expressed that to be a good tool to have because the examples that have been shown, those retailers are going to comply with the Ordinance before they go through Special Use District Zoning. If we do have somebody that is genuinely trying to do something that is creative and acceptable in the community, then they are more likely going to be the ones that are going to take that approach rather than the examples we have shown. So including a provision through Special Use Zoning, you can do metal or a material not listed in that list, probably provides that creativity to someone who is genuinely trying to do something creative.

- So the standard provisions would apply administratively, but that other materials would be considered under Special Use District Zoning?

To include this change in the Board's consideration, Chris Murphy provided language: Add a number 2 - a retail store which does not meet the requirements of (B) 2-5.66 (B.1), shall require a Special Use District Rezoning. Additional site plan review items demonstrating the character of the proposed development, including building elevations, shall be required.

Melynda Dunigan requested the language reflect the fact that the alternative compliance is something that should meet the intent of the Ordinance.

MOTION: George Bryan moved approval of the UDO 284 as amended.

SECOND: Allan Younger

VOTE:

For: George Bryan, Melynda Dunigan, Jason Grubbs, Tommy Hicks, Arnold King, Chris Leak, Brenda Smith, Allan Younger

AGAINST: None

EXCUSED: None

A. Paul Norby, FAICP
Director of Planning and Development Services