



Planning Commission Meeting
700 Doug Davis Drive
Hapeville, Georgia 30354

Brian Wismer, Chairman
Lucy Dolan, Vice Chairman
G. Leah Davis
Larry Martin
Jeanne Rast
Cliff Thomas

March 8, 2022 6:00 PM

MINUTES

1. Called to order at 6:01 p.m.

2. Roll Call

Brian Wismer, Chairman
Lucy Dolan, V. Chairman
G. Leah Davis
Larry Martin
Jeanne Rast, Absent
Cliff Thomas

3. Approval of Minutes

3.I. Minutes of February 8, 2022

MOTION ITEM: Cliff Thomas made a motion, Leah Davis seconded to approve the minutes of February 8, 2022. Motion Carried: 4-0.

4. Old Business

4.I. 609-627 College Street (Pod B)

Site Plan Review

Background:

Tiffany Hogan of D.R. Horton, LLC and representative for Theo Stone of Atwell, LLC requested approval of a revised site plan for the properties located at 609 College Street, 613 College Street, 623 College Street and 627 College Street, Parcel Identification Numbers 14-0098-0020-036-4, 14-0098-0020-037-2, 14-0098- 0020-038-0, and 14-0098-0020-052-1 for the purpose of constructing townhomes. The properties are zoned RMU, Residential Mixed Use. *The Planning Commission approved this item on November 16, 2021.*

The previous approval was subject to the Board of Appeals granting a variance to reduce the buffer requirement. The Board of Appeals denied the buffer variance request. Ms. Hogan stated the revised site plan includes the removal of several units to eliminate the buffer encroachment.

Findings:

Staff recommends approval of the site plan with the following conditions that meet code requirements.

1. Provide impervious surface detail and total.
2. Provide detail for required continuous wall, fence, hedge or retaining wall.
3. Provide detail for required landscape area.
4. Provide required buffer between single family attached and single family detached (west of project).
5. Provide intervening driveway materials detail.
6. Provide heights for townhomes.
7. Provide location and parking for mail kiosk.
8. Address any outstanding issues with the Tree Conservation Ordinance as per City Arborist report.
9. Address any outstanding issues on the Engineer's Report.

Any approval of the site plan requires the applicant shall comply with all other zoning rules, regulations, covenants, and easements of record.

MOTION ITEM: Cliff Thomas made a motion, Leah Davis seconded to approve the site plan request for 609-627 College Street (Pod B) subject to the conditions outlined in the Planner's Report. Motion Carried: 4-0.

4.II. 3608-3622 Georgia Ave., 3619-3637 Union Ave. (Pod D) Site Plan Review

Background:

Tiffany Hogan of D.R. Horton, LLC and representative for Theo Stone of Atwell LLC is requesting approval of a revised site plan for the properties located at 3608 Georgia Avenue, 3614 Georgia Avenue, 0 Georgia Avenue, 3619 Union Avenue, 3627 Union Avenue, and 3637 Union Avenue, Parcel Identification Numbers 14- 0097-0008-011-4, 14-0097-0008-010-9, 14-0097-0008-009-8, 14-0097-0008-002-3, 14-0097-0008-003-1 and 14-0097-0008-004-9 for the purpose of constructing townhomes. The properties are zoned RMU, Residential Mixed Use. *The Planning Commission approved this item on November 16, 2021.*

Findings:

Staff recommends approval of the site plan with the following conditions that meet code requirements.

1. Provide impervious surface detail and total.
2. Provide detail for required continuous wall, fence, hedge or retaining wall.
3. Provide required buffer between single family attached and single family detached (west of project).
4. Provide intervening driveway materials detail.
5. Provide heights for townhomes.
6. Provide location and parking for mail kiosk.

7. Address any outstanding issues with the Tree Conservation Ordinance as per City Arborist report.
8. Address any outstanding issues on the Engineer's Report.

Any approval of the site plan requires the applicant shall comply with all other zoning rules, regulations, covenants, and easements of record.

Motion Item: Cliff Thomas made a motion, Larry Martin seconded to approve the site plan request for 3608-3622 Georgia Avenue and 3619-3637 Union Avenue (Pod D) subject to the conditions outlined in the Planner's Report. Motion Carried: 4-0.

4.III. 3636-3654 Union Avenue & 511-579 Chestnut Street (Pod F) Site Plan Review

Background:

Tiffany Hogan of D.R. Horton, LLC and representative for Theo Stone of Atwell LLC is requesting approval of a revised site plan for the properties located at 3636 Union Avenue, 0 Union Avenue, 3644 Union Avenue, 3650 Union Avenue, 3654 Union Avenue, 579 Chestnut Street, 0 Chestnut Street, 573 Chestnut Street, 511(573) Chestnut Street, 569 Chestnut Street, 567 Chestnut Street and 565 Chestnut Street, Parcel Identification Numbers 14-0096-0002-026-9, 14-0096-0002-025-4, 14-0096-0002-024-4, 14-0096-0002-023-6, 14-0096-0002-022-8, 14-0096-0002-032-7, and 14-0096-0002-012-9 for the purpose of constructing townhomes. The properties are zoned RMU, Residential Mixed Use. *The Planning Commission approved this item on November 16, 2021.*

Findings:

Staff recommends approval of the site plan with the following conditions that meet code requirements.

1. Provide impervious surface detail and total.
2. Provide dimensions for rear entry concrete driveways.
3. Provide dimensions for sidewalk.
4. Provide detail for required continuous wall, fence, hedge or retaining wall.
5. Provide detail for required landscape buffer area, specifically the fence/wall and enhanced landscaping as proposed at Board of Appeals.
6. Provide nearest setback dimensions for all vertical elements.
7. Provide intervening driveway materials detail.
8. Provide heights for townhomes.
9. Address any outstanding issues with the Tree Conservation Ordinance as per City Arborist report.
10. Address any outstanding issues on the Engineer's Report.

Any approval of the site plan requires the applicant shall comply with all other zoning rules, regulations, covenants, and easements of record.

Motion Item: Cliff Thomas made a motion, Lucy Dolan seconded to approve the site plan request for 3636-3654 Union Avenue & 511-579 Chestnut Street (Pod F) subject to the conditions outlined in the Planner's Report. Motion Carried: 4-0.

5. New Business

5.I. 461 North Central Avenue

Final Plat Review

Background:

Joseph Latimer requested final plat review for a 2.642-acre property located at 461 N. Central Avenue, Parcel Identification Number 14-0095-0003-015-2. The property is zoned U-V, Urban Village. The property has been redeveloped as the Dwarf House restaurant and associated parking.

Recommendation:

The final plat may be approved conditional upon the satisfaction of all the City Engineer's comments.

MOTION ITEM: Larry Martin made a motion, Leah Davis seconded to approve the final plat for 461 North Central Avenue subject to the deficiencies outlined in the Engineer's Report.

Motion Carried: 4-0.

5.II. 3112 Grove Circle

Site Plan Review

Background:

William Brooks Kay and Brett M. Reichert requested site plan review to construct a 3,241 single-family dwelling at 3112 Grove Circle, Parcel Identification Number 14-0094-0010-061-8. The property is zoned R-SF, Residential Single Family and is subject to the Neighborhood Conservation Area of the Architectural Design Standards.

Discussion ensued regarding the proposed front driveway. Dr. Patterson stated that the Design Review Committee would consider a modification request related to the location of the driveway.

Recommendation:

The applicant should provide the following information:

- The north side setback should be provided and must include any roof overhang.
- The gravel guest parking must be removed.
- Gravel may not be used as a finishing material for the driveway and must be replaced with either porous concrete, asphalt, plain concrete, brick and concrete pavers, or other permeable pavements.
- Provide development schedule.

MOTION ITEM: Cliff Thomas made a motion, Lucy Dolan seconded to approve the site plan request for 3112 Grove Circle subject to the conditions outlined in the Planner's Report.

Motion Carried: 4-0.

5.III. 601 Coleman Street

Special Use Permit

Background:

Stacyann Wint-Barnes requested a Special Use Permit to operate a personal care home within an existing structure located at 601 Coleman Street, Parcel Identification Number 14-0099-0003-120-6. The property is zoned V, Village and is subject to the zoning regulations under Section 93-11.1-5 (Special uses) of the City of Hapeville Zoning Ordinance.

The structure has previously operated as a nursing home and is currently vacant. A hand drawn site plan, not to scale, shows the property has fourteen parking spaces. The parking lot may include two handicapped spaces; however, these are not shown on the site plan provided. The application refers to 7,500-square feet which is assumed to be the square footage of the building, but this is not clear.

Ms. Wint-Barnes stated 24 beds will occupy the building. The residents will not have vehicles but there is a day program that will provide transportation to activities and events. The clients are more independent and do not require staff licensed physicians.

Commissioner Davis asked the applicant to explain why she is requesting to operate as a personal care home versus a nursing home. Ms. Wint-Barnes stated based on the existing structure and the required equipment a personal care home is best versus a nursing home which would require more access for emergency vehicles and various other obstacles.

Dr. Patterson stated that should the facility be classified as a personal care home, and not a nursing home, then 1 space per dwelling unit is required. There is currently 14 parking spaces on site. A parking variance from the Board of Appeals is required to reduce the required number of required parking spaces.

Review:

Sec. 93-3.2-6. - Special use permit criteria and standards.

- (a) *Special use permit criteria.* Special uses are compatible uses of land or the improvement of structures within a zoning district that reasonably require special consideration and therefore, are not allowed "by right." The following standards shall be considered in evaluating the appropriateness of all proposed special uses of property:
 - (1) Impact on the use or development of adjacent properties, or the surrounding area, as concerns public health, safety or general welfare;

Use of the property as a personal care home should have no negative impact on the use or development of adjacent properties or the surrounding area as concerns public health, safety or general welfare. The property was previously operated as a nursing home.

- (2) Capacity of the lot to accommodate the use and satisfy the dimensional requirements of the ordinance; ***The Code does not provide guidance for dimensional requirements placed on personal care homes. The minimum space per dwelling unit for personal care homes is mandated by state law as 80 square feet; the provided floor plan does not***

detail square footage. The use would occupy an existing structure and as such would not be required to meet the setback requirements of the Village district. The facility would provide 14 parking spaces, which is not sufficient to meet the minimum of one parking space per dwelling unit required by the Arts District overlay for residential uses.

- (3) Compatibility with adjacent properties and other land uses in the vicinity;

Personal care homes are a residential use, which are compatible with the Village district and the Arts District Overlay.

- (4) Potential nuisance or hazardous characteristics, specifically as concerns the number of individuals projected to use such facility or nature of the activity;

The applicant has not indicated the number of residents. The number of residents is limited to those imposed by State law and the occupancy load as determined by the fire marshal during his inspection of the facility.

- (5) Impact on traffic movement, availability of off-street parking, options for buffering or protective screening, hours and manner of operation, lighting, signs and access to the property; and

Sufficient parking is not provided off-street for the facility if classified as a personal care home. As the use is primarily residential, no buffers, protective screening, or additional lighting are recommended, nor are restrictions on the hours and manner of operation. Any proposed signs will need to comply with the city's sign ordinance.

- (6) Conformance of the special use to other requirements of the ordinance.

See below

Sec. 93-2-21. - Use regulations regarding personal care homes.

- (a) Personal care homes, as defined herein, may be permitted in any RMU, V, U-V, C-R, N-C, C-1 and C-R zone, subject to special use permit and the following conditions:

- (1) Any exterior modifications to an existing structure or construction of a new structure shall be consistent with the character of the surrounding area;

No exterior modifications have been proposed at this time.

- (2) The personal care home provides on-site parking and/or drop-off space adequate to meet the needs of the proposed facility;

Per the provided floor plan and site plan, the site has 14 off-street parking spaces. This is not compliant with the requirements of the Arts District overlay for one parking space per dwelling unit. Further, per the applicant, the residents of the personal care home will generally not have their own vehicles, and the provided parking will mainly be used by staff, guests, and deliveries. The provided parking is adequate to meet the needs of the facility.

- (3) The personal care home provides to the Hapeville fire and police departments a current list of residents living in the facility who have disabilities, and information concerning special needs, so as to ensure each resident's safety and evacuation from the premises in the event of a fire or other emergency within the home; and

The applicant must furnish this information to the Hapeville fire and police departments with every new admission to the facility.

- (4) The personal care home has obtained all federal and/or state permits or licenses required for its operation.

The applicant must provide copies of all relevant federal and/or state permits to the Department of Community Services prior to obtaining a Certificate of Occupancy.

Recommendation:

The proposed use may be more akin to that of a nursing home rather than a personal care home and should be clarified. In either case, the use is compatible with the Village Zoning District and poses no foreseeable conflict with the intent of the district. The special use application is recommended for approval with the following conditions:

1. The number of total residents should be provided and meet any limits imposed by State law.
2. The number of all occupants, including guests and staff, should be restricted by the occupancy load as determined by the fire marshal during his inspection of the facility pursuant to its acquisition of an Occupational Tax Permit.
3. The owner must furnish a list of all residents living in the facility with disabilities and special needs to the Hapeville Police and Fire Departments with every new admission to the facility.
4. The owner must provide copies of all relevant federal and/or state permits to the Department of Community Services prior to obtaining a Certificate of Occupancy.

MOTION ITEM: Cliff Thomas made a motion, Larry Martin seconded to recommend the Mayor and Council approve the Special Use Permit request to operate a personal care home at 601 Coleman Street subject to the conditions outlined in the Planner's report. Motion Carried: 4-0.

5.IV. 3309, 3319, and 3327 Dogwood Drive Rezoning Request

Background:

Monte Hewitt and Briana Garcia of Green River Construction Georgia, LLC requested approval to rezone the properties located at 3309 Dogwood Drive, 3319 Dogwood Drive, 3327 Dogwood Drive, Parcel Identification Numbers 14-0098-0016-010-5, 14-0098-0016-011-3, 14-0098-0016-012-1 from V, Village to U-V, Urban Village for the purpose of constructing a residential townhome development.

Recommendation:

The proposed zoning is required for the assemblage and development of the project in its entirety. The difference between V, Village and U-V, Urban Village are negligible for single family attached dwellings. Staff recommends approval of the rezoning.

Commissioner Martin asked regarding the transition between V, Village and U-V, Urban Village. Dr. Patterson stated the existing zoning serves as a buffer between the U-V and V zoning designations. Further, Commissioner Martin expressed concern with setting a precedent for

other areas within the city. Chairman Wismer stated each rezoning request is particular to a parcel and existing conditions.

MOTION ITEM: Lucy Dolan made a motion, Cliff Thomas seconded to recommend Mayor and Council approve of the request to rezone the properties located at 3309, 3319, and 3327 Dogwood Drive from V, Village to U-V, Urban Village. Motion Carried: 3-1; Larry Martin opposed.

6. Open Discussion

6.I. Parking Study Discussion

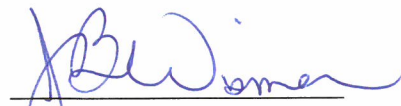
Dr. Patterson stated the survey for the Comprehensive Plan Update is active and the Atlanta Regional Commission is collecting the data. Dr. Patterson encourage the members to complete the online survey.

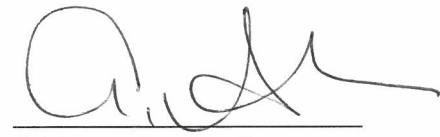
7. Next Meeting Date – Tuesday, April 12, 2022 at 6:00PM

8. Adjourn

MOTION ITEM: Larry Martin made a motion, Lucy Dolan seconded to adjourn the meeting at 7:17 p.m. Motion Carried: 4-0.

Respectfully submitted by,



Brian Wismer, Chairman

Adrienne Senter, Secretary