



**Planning Commission Meeting
700 Doug Davis Drive
Hapeville, Georgia 30354**

April 12, 2022 6:00 PM

MINUTES

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

1. Called to order at 6:06 p.m.

2. Roll Call

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

3. Approval of Minutes

3.I. Minutes of March 8, 2022

Commissioner Davis asked to amend the minutes for item 5.3, 601 Coleman Street – Special Use Permit to include a question she asked regarding the applicants intended use of the facility.

MOTION ITEM: Leah Davis made a motion, Cliff Thomas seconded to approve the minutes of March 8, 2022 with noted corrections. Motion Carried 4-1; Jeanne Rast abstained.

4. Old Business

4.I. 3347 Myrtle Street

Final Plat Review

Background:

Don May requested final plat review to divide one parcel into two to form Parcel 1 (0.23 acres) and Parcel 2 (0.20 acres) for the property located at 3347 Myrtle Street, Parcel Identification Number 14-0098-0013-007-4. The property is zoned R-1, One Family Residential.

There are two existing sheds are in the rear in the rear setback and would require Board of Appeals approval. Furthermore, only one accessory building per lot is allowed.

Staff also recommends the Planning Commission grant the applicant a variance to allow the use of the existing pins.

Staff Recommendation

Planning has the following comments for the proposed subdivision:

1. Street address not shown for lot 2.
2. Location map should be provided.
3. Concrete monument placements should be provided.
4. Certification of ownership block should be provided.
5. Trees should be planted in accordance with the City standards.
6. The existing sidewalk should be shown on the plat.
7. The setbacks should be corrected (rear and side).

A variance will be required for the sheds encroaching in the setback. Only 1 shed is allowed per lot.

Staff also recommends the Planning Commission grant the applicant a variance to allow the use of the existing pins.

With the resolution of these items and barring any items required by the City Engineer, the final plat may be approved.

MOTION ITEM: Larry Martin made a motion, Jeanne Rast seconded to approve the final plat request for 3347 Myrtle Street subject to the conditions outlined in the Engineer's and Planner's reports and grant a variance to allow the use of the existing pins. Motion Carried: 5-0.

MOTION ITEM: Lucy Dolan made a motion, Jeanne Rast seconded to recommend the Board of Appeals deny the variance request to allow two accessory structures on Tract 1.

Discussion:

Commissioner Martin commented that the Board of Appeals should consider public input and that the structures are existing. Commissioner Rast stated the existing accessory structures do not meet code and the subdivision process requires the properties are brought into compliance. Dr. Patterson explained the definition of legal nonconforming; however, any changes to the property, either by site plan or subdivision, must be brought into compliance with code or obtain a variance. Motion Carried: 4-1; Larry Martin opposed.

4.II. 3114 Sylvan Road

Conditional Use Permit

Background:

John Azar of Azar & Company and representative of Alex Grandoit requested a Conditional Use Permit to operate a luxury vehicle rental facility at 3114 Sylvan Road, Parcel Identification Number 14 0099-0004-127-0. The property is zoned C-2, General Commercial and is subject to the zoning regulations under Article 3.2, Section 93-3.2-6.

Automobile rental agencies are permitted as a Conditional Use within the C-2 Zoning District and are subject to the provisions of Article 3.2.

Sec. 93-3.2-5. - Special use permit procedures.

Mayor and council may in considering a special use permit following a public hearing impose reasonable conditions deemed necessary to the protection or benefit of owners of adjacent and nearby properties to ensure compatibility of the proposed development or use with surrounding uses. The decision of mayor and council concerning consideration of a special use shall be given to the applicant in writing, by certified U.S. mail to the address indicated in the application. Aggrieved applicants shall have 30 calendar days from the date of receipt of the notice in which to petition the superior court of Fulton County for writ of certiorari.

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;

The use of the property for a car rental agency would not adversely affect the public health, safety or general welfare of the surrounding area.

- (2) Capacity of the lot to accommodate the use and satisfy the dimensional requirements of the ordinance;

The lot may be sufficient to accommodate the car rental agency use, however, more detail is required to determine the capacity required - specifically the number of vehicles that would be available for rental. All vehicles must be parked in striped spaces, no stacking is allowed nor is parking in non-designated areas. Any cleaning of vehicles must occur in the garage. No service of vehicles beyond simple cleaning may be allowed. The applicant should clarify how cleaning of vehicles will be conducted (e.g., waterless, etc.).

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

The surrounding properties are a long-term parking lot, a recently approved vehicle rental agency, and a long-term storage facility. The proposed use for car rental agency is compatible.

- (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 states there will be 50 cars available, however, no detail for hours or security have been provided. Since 2018 (previous luxury car rental operation was approved), there have been 21 filed police reports ranging from criminal trespass to stolen cars to code violations.

- (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

No details regarding lighting, hours, sign placement or access to the property have been provided, thus no evaluation can be made. Note: Barbed wire or razor wire is not permitted in the City.

- (6) Conformance of the special use to other requirements of the ordinance.
See below regarding car rental agency standards.

(c) *Car rental agency standards.*

- (1) Car rental agencies may only be established on properties zoned C-2.
The subject tract is zoned C-2.

- (2) Only minor mechanical repairs shall be conducted on-site; no body work shall be performed in association with a car rental agency.

The Application states the location would be used for luxury vehicle rentals. Only minor mechanical repairs and routine cleaning of rental vehicles will be conducted on-site and they must be conducted within the building.

- (3) Perimeter landscaped areas abutting a public right of way shall be the lesser of ten percent of the linear feet of road frontage or 30 horizontal feet. Perimeter landscaping along the common boundary of any residential use shall have a minimum horizontal dimension of 30 feet. All perimeter landscaping shall conform to the landscaping requirements of the ordinance and evergreen tree and shrub species shall comprise one-half or more of the planting requirement.

A previous application included approval of limited perimeter landscaping. As the site was previously developed, there is not enough of a landscape strip to accommodate of the required perimeter landscaping and the four street trees required per Code. Based on the linear feet of road frontage (125'), the landscaped area abutting the Sylvan Street right-of-way should be no less than 12.5' in width. In order to meet this criteria, existing asphalt and subgrade would need to be removed to create a suitable planting area. A previous approval allowed for limited perimeter landscaping.

Staff Recommendation

While the use as proposed is consistent with the Conditional Use Permit requirements, the application is missing key information for complete analysis of the conditional use requirements, namely security concerns to avoid a nuisance. The applicant should provide additional information as outlined above regarding the intended use of the property prior to approval of this request.

Mr. Azar stated the rear parking area is striped to accommodate 47 vehicles. There is one handicap space in the front and four spaces for parking. The hours of operation will vary depending on flight schedules. The applicant will provide the hours of operation to staff. The

vehicles will be cleaned and serviced offsite. Security cameras and additional lighting will be installed to address security concerns.

Leah Davis asked if the fencing is screened? The applicant believed the fencing along the perimeter is screened. The fencing along the front of the property is not screened but will be replaced.

Mr. Grandoit stated the proposed hours of operation is 7 a.m. – 10 p.m. but may vary. Mr. Grandoit also stated the landscaping will be addressed to meet code.

Motion Item: Larry Martin made a motion, Lucy Dolan seconded to recommend Council approve the Conditional Use Permit request for 3114 Sylvan Road subject to the following conditions:

1. The applicant must provide a lighting plan.
2. The applicant must provide a landscape plan.
3. The applicant should work with staff to install an aesthetically pleasing fence.

Motion Carried: 5-0.

4.III. 3473 Harding Avenue

Site Plan Review

Background:

Erica Morgan on behalf of Cortney Newmans requested site plan review to construct a single-family dwelling at 3473 Harding Avenue, Parcel Identification Number 14-0098-0002-007-7. The property is zoned U-V, Urban Village and is subject to the Neighborhood Conservation Area section of the Architectural Design Standards.

The proposed 2,608-sf, 2-story Norfolk Style home will feature a rooftop terrace and an attached 2 car garage. The dwelling has a front porch and a front balcony.

Recommendation

- The Planning Commission may consider approval of the increased front setback from 15' to 21.76'.
- Planning Commission may consider approval of the 5' existing sidewalk (6' is required).
- A continuous wall, fence, hedge, or retaining wall between six and 30 inches in height should be included behind the sidewalk.
- Existing and proposed grades should be shown.
- Address all deficiencies from the arborist report.

In addition, the applicant should understand the building elevations will be reviewed by the Design Review Committee for compliance with the Architectural Design Standards and significant changes may be required which could affect the site plan.

The applicant stated all comments have been addressed and the revised plans were submitted to staff for review.

Motion Item: Lucy Dolan made a motion, Cliff Thomas seconded to approve the site plan request for 3473 Harding Avenue subject to the conditions outlined in the Planner's report. Motion Carried: 5-0.

4.IV. 556 Oak Drive

Site Plan Review

Background:

Joseph A. Espinosa requested site plan review to construct a rear addition and front porch to an existing single-family dwelling located at 556 Oak Drive, Parcel Identification Number 14-0094-0002-023-8. The property is zoned R-SF, Residential Single Family and is subject to the Neighborhood Conservation Area section of the Architectural Design Standards.

The rear addition will include a master bedroom and bath suite, front porch, sunroom, and rear deck. The existing home is 1,421 SF. With the rear addition and rear deck (736 SF) and front porch (130 SF), the home will be 2,287 SF. The lot is shown to be .248 acres or 9,376 SF.

Mr. Espinosa commented regarding the two comments listed in the staff report.

Dr. Patterson stated the plan must reflect the west and front setback dimensions. The lot coverage calculations are also required.

Recommendation

Prior to approval, the Applicant must provide, and/or the site plan must be revised to address the following:

- *Provide front setback and west setback dimensions.*
- *Provide detailed lot coverage by type.*

In addition, the applicant should understand the building elevations will be reviewed by the Design Review Committee for compliance with the Architectural Design Standards and changes may be required.

With resolution of these items, and any others the Planning Commission may deem necessary, approval of the site plan is recommended.

MOTION ITEM: Cliff Thomas made a motion, Lucy Dolan seconded to approve the site plan for 556 Oak Drive subject to the deficiencies outlined in the Planner's report.

Motion Carried: 5-0.

4.V. 325 Sunset Ave., 376 King Arnold St., and 3394 LaVista Drive Rezoning Request

Background:

Jim LaVallee of Epic Development and on behalf of Alex Popham requested approval to rezone three parcels located at 325 Sunset Avenue, 376 King Arnold Street, and 3394 LaVista Drive, Parcel Identification Numbers 14-0096-0006-014-1, 14-0096-0006-009-1, and 14-0066-0001-007-6 from U-V, Urban Village and R-1, One Family Residential to PUD, Planned Unit Development. The parcels are currently vacant.

Mr. LaVallee stated the new residential community would feature 25 single family homes that would front public or private streets. Each home would include a private exterior space and the common areas would be maintained by a Homeowners Association. Guest parking would be added to King Arnold Street. The development contemplates utilizing the abandoned street known as Arnold Street.

Findings:

According to the City of Hapeville Future Land Use Map, the properties are identified as Medium Intensity Mixed Use. Should the property be developed under the current zoning, the minimum lot size would make it difficult for development of single-family homes. The site would likely be developed as townhomes with up to 40 units per acre or commercial use. The desire for a lower intensity residential development transitioning between the multi-family on King Arnold/ N Central and the single-family residential neighborhood to the north. The rezoning allows for a desired lower residential density and more control for the site planning for the property to ensure a smooth transition between zoning districts.

The P-D (Planned Unit Development) zoning district requires a minimum 2-acre land assemblage. The proposed development is 1.47 acres. The applicant has submitted a variance request to the Board of Appeals to reduce the required acreage.

MOTION ITEM: Larry Martin made a motion, Lucy Dolan seconded to recommend Council approves the request to rezone the parcels located at 325 Sunset Avenue, 376 King Arnold Street, 3394 LaVista Drive from R-1, One Family Residential and U-V, Urban Village to P-D, Planned Unit Development as requested and recommend the Board of Appeals grant the variance request to reduce the minimum required acreage for P-D.

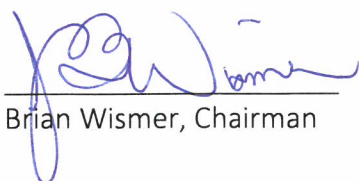
Motion Carried: 5-0.

7. Next Meeting Date – Tuesday, May 10, 2022 at 6:00PM

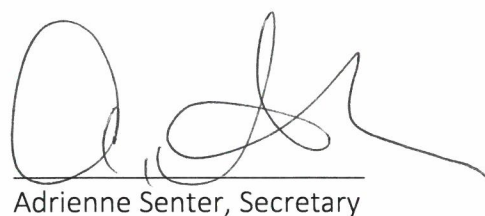
8. Adjourn

MOTION ITEM: Larry Martin made a motion, Lucy Dolan seconded to adjourn the meeting at 7:45 p.m. **Motion Carried: 5-0.**

Respectfully submitted by,



Brian Wismer, Chairman



Adrienne Senter, Secretary