



Brian Wismer, Chairman
Lucy Dolan, Vice Chairman
G. Leah Davis
Rob Hall
Miller Radford
Jeanne Rast
Cliff Thomas

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

May 9, 2023 6:00 PM

MINUTES

1. Called to Order at 6:05 PM.

2. Roll Call

Brian Wismer, Chairman
Lucy Dolan, Vice Chairman
G. Leah Davis
Rob Hall - Absent
Miller Radford
Jeanne Rast
Cliff Thomas

MOTION ITEM: Lucy Dolan made a motion to amend the agenda to add discussion of the proposed development moratorium to New Business, Item 5. IV. Leah Davis seconded the motion.

3. Approval of Minutes

3.I. Minutes of April 11, 2023

MOTION ITEM: Cliff Thomas made a motion to approve the minutes of April 11, 2023, as submitted. Lucy Dolan seconded the motion. Motion carried: 5-0.

4. Old Business

4.I. 3034, 3038, and 3044 Springdale Road

Site Plan Review

Background:

Zain Farishta of Kimley-Horn requested site plan review to construct 59 single-family attached homes at 3034, 3038, and 3044 Springdale Road (Parcel ID: 14-0099-0001-088-7, 14-0099-0001-023-4, 14-0099-0001-022-6) for the purpose of constructing a townhome development. The properties are zoned V, Village. *This item was tabled at the April 11, 2023 meeting.*

The proposed project includes three and four bedroom units ranging in size from 1,936 SF to 2,147. The heights provided are 35' and the site includes 12 guest parking spaces, and a tree save area.

The applicant stated that any issues related to fire access and installation of the required 8" water line.

Findings

The site plan provided has the following deficiency per Code:

- Include driveway cross section.

At the previous Planning Commission review, the Planning Commission did not request a traffic study. Per the City Engineer, this should be included in the final motion as well as whether the Planning Commission will require accel/decel lanes. Staff recommended conditional approval based upon resolution of the above items and any outstanding Arborist comments.

Public Comments (Via Email):

Carolyn Routh, 2132 Argo Drive, does not support the development.

Joan Shorter does not support the development.

Tyler Tarwater, 3364 Sunset Avenue, supports the development.

Katherine Beno-Valencia does not support the development.

Brett Reichert, 3420 Harding Avenue, does not support the development.

Carole Augris, 3040 Oakdale Road, does not support the development.

Peggy Hardy, 201 Victoria Lane, does not support the development.

MOTION ITEM: Cliff Thomas made a motion to approve the site plan for 3034, 3038, and 3044 Springdale Road provided the applicant submits the required cross sections. In addition, a traffic study is not required. Lucy Dolan seconded the motion. Motion carried: 5-0.

5. New Business

5.I. 601 Coleman Street

Special Use Permit

Background:

Lonise Dorante requested a Special Use Permit to operate a personal care home 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.

A conditional use permit was approved in 2022 for a personal care home for StacyAnn Winn Barnes. The structure previously operated as a nursing home. A hand-drawn site plan, not to

scale, shows the property has fourteen spaces. The parking lot may include two handicapped spaces, however, these are not shown on the site plan provided. The application also refers to the property size as 7,500 SF which is assumed to be the square footage of the building, but this is not clear. The applicant has indicated the number of residents between 25 and 34. Thirteen (13) staff are expected to serve the facility, including 3-6 CNAs during the day, 3 CNAs during the evening, 2 CNAs at night, 1 cook, and 1 maintenance.

The applicant stated the proposed use is for a personal care home offering non-medical assistance, meal preparation, bathing, and assisted living. Staff will include LPNs, RNs, CNAs. Certified staff to dispense medicine will be onsite daily.

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 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 the Occupational Tax Permit.

Public Comment: None.

MOTION ITEM: Jeanne Rast made a motion to recommend to the Mayor and Council approve the special use permit request to operate a personal care home at 601 Coleman Street subject to the deficiencies outlined in the Staff reports. Cliff Thomas seconded the motion.

Motion carried: 5-0.

5.II. 260 Birch Street

Site Plan Review

Background:

Daniel Love representative for Thomas Davis III requested site plan review to construct a single-family dwelling at 260 Birch Street, Parcel Identification Number 14-0094-0009-124-7. The property is zoned R-1, One Family Residential.

The proposed two-story 2,305 SF dwelling will have four bedrooms and three bathrooms and a rear side entry attached garage. The lot is currently vacant.

Recommendation:

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

- ***Development schedule***
- ***Outstanding items on 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 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.

Public Comment: None.

MOTION ITEM: Cliff Thomas made a motion to approve the site plan application for 260 Birch Street subject submittal of the development schedule and any outstanding items on the arborist report. Lucy Dolan seconded the motion. Motion carried: 5-0.

5.III. 0 Colville Avenue Site Plan Review

Shanon Michael Hudson requested site plan review to construct a single-family dwelling at 0 (3356) Colville Avenue, Parcel Identification Number 14-0098-0008-018-8. The property is zoned R-SF, Residential Single Family.

The proposed dwelling is a 2,555 SF single family residence with an attached 2 car garage and has 5 bedrooms and 4 ½ baths. The height of the residence is 34'.

The applicant stated that the plans would be revised to meet the setback requirements, but the front porch would remain 6' as submitted.

Recommendation:

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

- *The side setback is shown as 6.8' (a 5' setback is indicated). Side yards on corner lots require the same side setback as the front. The Applicant must either adjust the building (shift to the south) or request a variance.*
- *The front porch is also shown as 6' deep and Design Standards require 8' depth. The correct porch dimension would encroach on the front setback and may impact the north setback as well.*
- *Show rear setback dimensions.*
- *Revise tree conservation plan per arborist report.*
- *Provide individual impervious surface coverage.*

- *Update a development schedule.*

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.

Upon remedy of the aforementioned deficiencies (with particular attention paid to setback encroachment of the dwelling), the site plan is compliant. A variance for encroachment in the side setback would require conditional approval from the Planning Commission.

Public Comment: None.

Motion Item: Jeanne Rast made a motion to approve the site plan request for 0 Colville Avenue subject to the following:

1. **Must ensure that the house is outside of the 15' setback and easement on Willingham Drive.**
2. **Show rear setback dimensions.**
3. **Revise tree conservation plan per the arborist report.**
4. **Provide individual impervious surface coverage.**
5. **Update the development schedule.**

In addition, the Commission recommends the Design Review Committee grant a design exception to allow a 6' front porch. Lucy Dolan seconded the motion. Motion carried: 5-0.

5.IV. Discussion of Development Moratorium

The City has experienced a recent rapid increase in multifamily developments over the last several years. The growth is placing an added burden on public utilities, public infrastructure, public safety services, and has caused an increase in traffic congestion. Mayor and Council recognizes there may be negative impacts to health, safety and welfare to the citizens of the city and the burdens on the city should the City not take immediate measures to protect against additional commercial and residential multifamily housing developments. Mayor and Council request the Planning Commission review, comment, and consider action on the drafted ordinance to restrict review and approval of Multifamily Developments for a period of no less than 6 months.

In all, the Commission expressed the following concerns related to the proposed moratorium including property rights, the Comprehensive Planning process, demonstrated need for the moratorium, next steps, and larger implications to Hapeville's desired growth.

Should the City be concerned with the legality and concerns of taking away property rights with such a moratorium?

The City is following the Comprehensive Plan which outlined the need for density. The plan was created by the community and why wasn't this brought up during the most recent comp plan

update led by the Atlanta Regional Commission in 2022? The interest from developers allows the Comp Plan to come to fruition which is the intention. Many communities develop Comp Plans and just wait, and no one shows up to create the vision. How much land is really left for large developments?

In addition, the Commission wanted to know what evidence is there that the public infrastructure and public safety and traffic are overburdened. Is this a real concern or just public opinion by a few? The Commission has requested traffic studies on large projects and has received no negative reports. Fire and Community Services review projects and have not indicated anything to the contrary to Planning Commission. What is the plan of action for the 6 months? Will there be a staff-led study or an outside study? Why aren't departments asking in the annual budgets for what they need re: equipment, personnel, infrastructure if it is necessary?

What will happen next once information on infrastructure, public safety and traffic are presented. Will the moratorium be extended? There is a housing shortage in Metro Atlanta and more housing is needed (contrary to last whereas on page 1). To get the services people want (like a grocery store), we need a bigger population base.

In addition, there were concerns over potential for bad press. The city has just been highlighted as a top 10 city / city making great development strides. What message does this send?

The Planning Commission is asking the Council to consider the above questions carefully prior to instituting a moratorium on multi-family housing, townhomes, duplexes, and multiplexes.

6. Next Meeting Date – June 13, 2023 at 6:00 p.m.

7. Adjourn

MOTION ITEM: Lucy Dolan made a motion to adjourn the meeting at 7:08 p.m. Leah Davis seconded the motion. Motion carried: 5-0.

Respectfully submitted by,

Brian Wismer, Chairman

Adrienne Senter, Secretary