



Chairman, Brian Wismer
Vice Chairman, Jeanne Rast
Leah Davis
Lucy Dolan
Larry Martin
Charlotte Rentz
Cliff Thomas

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

November 10, 2020 6:00PM

MINUTES

- 1. Call to Order**
- 2. Roll Call**

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

MOTION ITEM: Jeanne Rast made a motion, Cliff Thomas seconded to move agenda item 5.IX (Zoning Map Amendment) to 5.I. Motion Carried: 5-0.

- 3. Approval of Minutes**

3.I. Minutes of October 13, 2020

MOTION ITEM: Cliff Thomas made a motion, Charlotte Rentz seconded to approve the minutes of October 13, 2020 as submitted. Motion Carried: 5-0.

- 4. Old Business**

4.I. 244 Mt. Zion Road

Site Plan Review

Background:

Justin Honore submitted a request for site plan review to construct a new single-family dwelling with a detached garage at 244 Mt. Zion Road, Parcel Identification Number 14-0094-0009-009-0. The property is zoned R1, One-Family Detached and is subject to the Neighborhood Conservation Area of the Architectural Design Standards.

The application, as submitted, is deficient. Staff recommends deferral.

MOTION ITEM: Jeanne Rast made a motion, Charlotte Rentz seconded to table the application for 244 Mt. Zion Road. Motion Carried: 5-0.

Commissioner Martin entered the meeting during discussion of the following item:

5. New Business

5.I. Zoning Map Amendment Text Amendment

Background:

Consideration of a text amendment to update the zoning map and to rezone parcels bound by North Avenue, Hope Street, and I-85 from R-3, Two-Family Residential to R-1, One-Family Detached.

Staff Comments: The City is initiating a zoning map amendment for the properties bounded by the interstate to the west and a single-family neighborhood to the east and a planned unit development has been approved to the south. The properties include single family dwellings and vacant parcels. Five of the parcels do not have road frontage.

The location of the proposed parcels is shown on the City of Hapeville Zoning Map. According to the City of Hapeville Future Land Use Map, the properties are identified as Residential.

The difference in the permitted uses for the current R-3 Zoning and the proposed R-1 Zoning are R-3 allows for two family residential buildings and patio homes/attached single family dwellings with a limit of 4 attached units.

Chairman Wismer asked if the property owners were notified.

City Planner, Dr. Patterson, stated certified letters were sent to all of the affected property owners and postcards were sent to all property owners located within 500' of the subject properties.

Public Comments.

Cliff Christiansen, authorized representative for property owner Noe Sanchez, explained that Mr. Sanchez desires to construct a duplex or quadruplex for accessible and handicap housing. Mr. Christiansen stated that the owner does have a vested right to develop the property and the owner will abide by all City codes and regulations for tree preservation. Mr. Christiansen expressed a desire to meet with the City and neighborhood association for guidance and to discuss the plan.

Linda Williams stated her property abuts the proposed development and she is concerned with increased pollution from the airport and traffic. Ms. Williams stated that the Cofield Park Neighborhood Association voted to support the proposed rezoning.

Joseph Shorter is the President of Cofield Park and expressed concerns regarding the developer speaking with the neighborhood. Mr. Shorter does not support keeping the current zoning as R-3.

Elizabeth Limon stated her home abuts the proposed development and she does not support the removal of the natural noise barrier provided by the existing trees. She also expressed concerns related to safety and access.

Emailed public comments read into the record by Secretary, Adrienne Senter:

A.F. Trundle, Jr. expressed concerns related to tree conservation, increase emissions from traffic on I-85, water management and potential for increased crime.

Terriann Neundorfer concerned with the potential impact to the existing property owners on Hope Street. Does not support removal of the existing trees as this would impact the natural sound barrier from I-85. In addition, Ms. Neundorfer expressed concerns related to increase of traffic and potential sewer issues.

Colleen McMahon concerned that any development will significantly impact the character of the immediate area. In addition, she expressed concerns related to loss of habitat, additional traffic, impact to the visual and sound barrier between her home and I-85.

Janalynn Jones is concerned with the loss of the existing wooded area and the impact to the habitat for wildlife that is beneficial to the community.

End of public comments.

Chairman Wismer asked Dr. Patterson if legal was consulted regarding the proposed rezoning.

Dr. Patterson stated the City Attorney attended the October 6, 2020 Council meeting and provided information regarding the procedures for a city-initiated rezoning.

City Attorney, Priya Patel, joined the meeting via teleconference. Mrs. Patel gave guidance to the Commission members as it relates to regulatory taking (striping of economic value) and zoning powers.

After brief discussion, the following action was taken:

MOTION ITEM: Jeanne Rast made a motion, Larry Martin seconded to recommend the Mayor & Council approve the Zoning Map Amendment to rezone the properties bounded by North Avenue, Hope Street, and I-85 from R-3 (Two-Family Residential) to R-1 (One-Family Detached). Motion Carried: 6-0.

5.II. 236 Mt. Zion Road

Site Plan Review

Background:

Justin Honore submitted a request for site plan review to construct a new single-family dwelling with a detached garage at 236 Mt. Zion Road, Parcel Identification Number 14-0094-0009-011-

6. The property is zoned R1, One-Family Detached and is subject to the Neighborhood Conservation Area of the Architectural Design Standards.

The dwelling will have 2,268 square feet of living area, four bedrooms and three bathrooms and will be 26' 2" high.

MOTION ITEM: Jeanne Rast made a motion, Cliff Thomas seconded to approve the site plan request for 236 Mt. Zion Road provided the applicant correct building height and correct any deficiencies outlined in the arborist report. Motion Carried: 6-0.

Due to technical difficulties, Commissioner Dolan was not in attendance for the following item:

5.III. 560 Lake Drive

Site Plan Review

Background:

Asha Pittman, representing Gregory Evans of GDK Investments, LLC, requested site plan review to construct a two-story single-family dwelling at 560 Lake Drive, Parcel Identification Number 14 00940001 0635. The property is zoned RSF, Residential-Single Family.

The dwelling will be 1,786 square feet and will include three bedrooms and three bathrooms. Parking will be provided by a 9' driveway at the rear of the dwelling. The west side setback encroaches in the required 15' setback. A variance is required.

Staff recommends approval subject to the following deficiencies:

- Variance for the side (west) setback from 15' to 11' from the Board of Appeals.
- The east side setback roof eave encroaches in the required 5' setback and a Design Exception must be granted for the dwelling height as required in the Architectural Design Standards.
- Tree replacement plan must comply with the Tree Conservation Ordinance.
- The applicant should provide general design cross section characteristics for the sidewalk and driveway.

MOTION ITEM: Cliff Thomas made a motion, Leah Davis seconded to approve the site plan request for 560 Lake Drive subject to the deficiencies outlined in the planner's report. The Planning Commission gave a favorable recommendation to the Board of Appeals to grant relief from the required setback. Motion Carried: 5-0.

Commissioner Dolan reentered the meeting during discussion of the following item:

5.IV. Property bounded by N. Central/LaVista/Sunset/King Arnold St. Conditional Use Permit

Background:

Will Casaday of SCP Acquisitions, LLC requested a Conditional Use Permit to construct a mixed-use, multi-family development at 369 North Central Avenue, 377 North Central Avenue, 383 North Central Avenue, 397 North Central Avenue, and 400 King Arnold Street, Parcel

Identification Numbers 14009600060125, 140096 00060133, 14009600060059, 1400960006-0042, 14009600060034, and 14009600060026. The properties are zoned UV, Urban Village.

Multi-family uses are permitted as a Conditional Use within the U-V Zoning District. The properties are developed with multiple structures which will be demolished as part of the project.

The Master Plan for the project includes property between North Central and King Arnold, bounded by LaVista Drive and Sunset Avenue with apartments, retail and commercial space as well as single-family attached homes and a single-family home across King Arnold Street. The total acreage is 9.435 acres with a maximum residential of 377 units across all parcels. The proposed multi-family project will have approximately 275 to 295 residential units and 5,000 square feet of retail and 20,000 square feet of commercial space across 7.93 acres, which is compliant. An additional 22 to 25 townhomes and a single-family home are planned across King Arnold Street.

Public Comment

Daniel Ray supported the project.

Melvin Traynum supported the project.

Commissioner Rentz inquired regarding the location of 369 North Central Avenue. Chairman Wismer stated 369 North Central Avenue is shown as tract 1.

MOTION ITEM: Jeanne Rast made a motion, Leah Davis seconded to recommend the Mayor and Council grant the request for a Conditional Use Permit to allow construction of a multifamily development at the properties bounded by N. Central Avenue, LaVista Drive, Sunset Avenue, and King Arnold Street. Motion Carried: 6-0.

5.V. 461 North Central Avenue

Preliminary Subdivision Plat

Background:

Joseph Latimer of Dwarf House Group requested preliminary plat review for the properties located at 451 North Central Avenue, 461 North Central Avenue, 436 King Arnold Street, 440 448 King Arnold Street, 466 King Arnold Street and 3580 Sherman Road, Parcel Identification Numbers 14009500030301, 14009500030152, 14009600030250, 1400960003 0243, 140096-00030276, 14009600030268. The properties are zoned UV, Urban Village.

The subdivision will combine four parcels to form one parcel of 2.678 acres. The proposed use of the property is the redevelopment of the Dwarf House restaurant and associated parking.

MOTION ITEM: Jeanne Rast made a motion, Larry Martin seconded to approve the preliminary subdivision plat for 461 North Central Avenue subject to the deficiencies outlined in the planner's and engineer's reports. Motion Carried: 6-0.

5.VI. 461 North Central Avenue

Special Exception Request

Background:

Joseph Latimer of Dwarf House Group is requesting a special exception to permit a drive-through window at 461 North Central Avenue, Parcel Identification Number 1400950003 0152. The property is zoned UV, Urban Village.

There is currently a drive-through for the restaurant, which will be demolished and rebuilt as an expanded facility on-site. The drive-through would be in the same location as the current building (west side) and queuing capacity will be increased.

Sec. 93-11.2-3 Permitted uses.

(9) Restaurants or carry-out restaurants but not including drive-through/drive-in restaurants with a maximum size of 6,000 square feet. Such restaurants shall be allowed to operate no more than six billiard tables upon the premises. Drive-through or drive-in restaurants may be allowed through special permit. The desired configuration for a drive-through or drive-in restaurant in this district is not a stand-alone building but rather part of a larger development and the site plan specifically addresses pedestrian orientation and safety.

Sec. 93-24-10. - Special exceptions.

(a) Special exceptions and special property use permits shall be decided by the mayor and council.

(b) The planning commission shall review and make nonbinding recommendations to the mayor and council on special exceptions and special property use permits.

(c) Special exceptions may be sought for: (1) Reduction of the number and size of parking spaces and off-street loading space requirements; (2) Location of off-street parking space and off-street loading spaces; and (3) Location and number of drive-throughs.

(d) When acting upon an application for a special exception, in addition to the requirements listed under the above references, the planning commission and the mayor and council shall give consideration to the following factors where applicable: (1) The proposed design and location of the particular development; (2) The possible traffic generating characteristics of the proposed development; (3) The effects the proposed development will have on the present or intended character of the area in which it proposes to locate; (4) The availability of public utilities, facilities and services; and (5) The character, and effect of the parking demands of the proposed development.

(e) After considering the above-listed factors and after reviewing the planning commission recommendation, the mayor and council shall take any actions or establish any reasonable conditions of approval, such as planted buffers, as will accomplish the intent and purpose of this chapter.

The intent of the U-V zoning district is to encourage pedestrian and neighborhood uses in the commercial area of Hapeville while discouraging land uses that are automobile or transportation related. While the U-V district does permit drive-through restaurants with special exception, it requires that such a drive-through must address pedestrian orientation and safety in their design. During design of the site, staff worked closely with the Chick Fil A team to reduce potential pedestrian conflicts along North Central Avenue.

As the site of the original Dwarf House, the expansion and originality of the new design, and the incorporated public space, this redevelopment of the Chick Fil A restaurant will be a tourist destination for the City. The project will aid in the revitalization of the main entry corridor to Hapeville adding to the welcoming gateway that showcases the office, hotel and mixed-use potential along North Central Avenue and provides a smooth transition and wayfinding into downtown Hapeville. As the redevelopment of the site emphasizes pedestrian safety, better queueing and traffic flow, and public space, the site plan specifically addresses pedestrian orientation and safety and the drive-through is a continuation of the previous structure/use, staff recommends approval.

The Board of Appeals will hear the request for the expanded restaurant footprint at their November 2020 meeting.

MOTION ITEM: Jeanne Rast made a motion, Cliff Thomas seconded to recommend the Mayor and Council grant the special exception request as submitted. Motion Carried: 6-0.

5.VII. 461 North Central Avenue

Site Plan Review

Background:

Joseph Latimer of Dwarf House Group requested site plan review to construct a 10,642 square foot building at 461 North Central Avenue, Parcel Identification Number 140095 00030152. The property is zoned UV, Urban Village and is subject to the requirements for Commercial/Mixed Use Area of the Architectural Design Standards.

Findings:

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

1. Install 6' to 8' opaque wall for buffer between residential and property along northwest property line as part of the buffer.
2. Reduce 30% of parking spaces to compact size (9'x 15') parking space size.
3. All parking, except for the bus parking spaces, are shown as 10'x 18' parking spaces. Code requires 30% of parking be 9'x 15'.
4. Continue paving materials across intervening driveway.
5. Remove 12 parking spaces located in the supplemental zone along North Central Avenue to the east of the building or request a variance.
6. Reduce 26' driveway to 24' or request a variance.
7. Address any outstanding issues with Tree Conservation Ordinance as per City Arborist report.

8. Address any outstanding issues on the Engineer's Report.

Variances required for Board of Appeals consideration:

1. Allow for excess of 110% parking.
2. Allow for adjoining lot parking.
3. Increase front build to line to 20'.
4. Increase driveway width on King Arnold to 26' (if not addressed).
5. Allow for parking spaces along North Central (if not addressed).
6. Increased maximum restaurant size to exceed 6,000 SF.

Special Permit required:

1. Drive-through

Further, it is understood the building elevations will be reviewed by the Design Review Committee for compliance with the Architectural Design Standards and the sign permit applications will be reviewed separately.

MOTION ITEM: Jeanne Rast made a motion, Charlotte Rentz seconded to approve the site plan request at 461 North Central Avenue subject to the Board of Appeals granting variances for parking, off-site parking and increase in building size. The applicant must address the deficiencies outlined in the planner and engineer's reports. Motion Carried: 6-0.

5.VIII. 3165 and 3167 Dogwood Drive and 0 Lake Avenue Preliminary Subdivision Plat

Background:

W. Barry Dunlop requested preliminary plat review for the properties located at 3165 and 3167 Dogwood Drive and 0 Lake Avenue, Parcel Identification Numbers 14009900031123, 140099-00030422, 14009900031131. The properties are zoned V, Village and R-1, One-Family Detached.

Two of parcels are currently zoned Village while the rear parcel is zoned R-1. The recombination of the lots will take on the V, Village Zoning District Classification. The proposed use of the property is a 23-unit townhome development with 2-car garages. The townhomes are clustered in 3 groupings/buildings. Each unit will be approximately 2,200 SF and a maximum height of 35 feet. A private driveway will encircle the property to provide access and rear entry to the dwellings. The parcels are also located within the Arts District Overlay.

Sec. 90-1-3. – General requirements and minimum standards of design.

(h). Variances. Where the subdivider can show that a provision of these standards would cause unnecessary hardship if strictly adhered to, and where, because of topographical or other conditions peculiar to the site, in the opinion of the planning commission, a departure may be made without destroying the intent of these provisions, the planning commission may authorize

a variance. Any variance thus authorized is to be stated in writing in the minutes of the planning commission with the reasoning on which the departure was justified set forth.

The V, Village Zoning District requires a 15' buffer between residential uses. As the proposed use is single family attached dwelling units adjacent to a mix of commercial and residential potential uses, the applicant is requesting a variance to remove the side buffer requirements as required in the V, Village District.

MOTION ITEM: Jeanne Rast made a motion, Cliff Thomas seconded to approve the preliminary subdivision plat at 3165, 3167 Dogwood Drive and 0 Lake Avenue and grant the requested variance to remove the 15' side buffer requirement. Motion Carried: 6-0.

5.IX. 3165 and 3167 Dogwood Drive, 0 Lake Avenue

Site Plan Review

Background:

W. Barry Dunlop requested site plan review to construct a 23-unit townhome development at 3165 and 3167 Dogwood Drive and 0 Lake Avenue, Parcel Identification Numbers 14 00990003-1123, 14009900030422 and 14009900031131. The properties are zoned V, Village and R1, One Family Detached.

Commissioner Rentz asked if development is planned for the Lake Avenue property. Mr. Dunlap stated they intended to provide a path/sidewalk to the park located on Lake Avenue.

Findings:

To complete the site plan application, the Applicant must provide, and/or the site plan must be revised to address the following:

1. Correct setbacks on site plan under site data.
2. Provide cross section of driveway and sidewalk.
3. Obtain approval for variance of side buffer.
4. Address any outstanding issues with Tree Conservation Ordinance as per City Arborist report.
5. Address any outstanding issues on the Engineer's Report.

Further, it is understood the building elevations will be reviewed by the Design Review Committee for compliance with the Architectural Design Standards. Staff recommends approval of the Site Plan with necessary revisions.

MOTION ITEM: Cliff Thomas made a motion, Charlotte Rentz seconded to approve the site plan request for 3165, 3167 Dogwood Drive, 0 Lake Avenue provided that the applicant address the deficiencies outlined in the staff reports. Motion Carried: 6-0.

5.X. 2021 Planning Commission Meeting Schedule

Background:

Consideration and action to approve the 2021 Planning Commission meeting schedule.

MOTION ITEM: Leah Davis made a motion, Larry Martin seconded to approve the 2021 Planning Commission meeting schedule as submitted. Motion Carried: 6-0.

6. Open Discussion

6.I. Master Sidewalk Plan Discussion

Background:

Discussion regarding the City's Master Sidewalk Plan.

MOTION ITEM: Larry Martin made a motion, Charlotte Rentz seconded to table this item until the next meeting. Motion Carried: 6-0.

7. Next Meeting Date – Tuesday, December 15, 2020 at 6:00 PM

8. Adjourn

MOTION ITEM: Larry Martin made a motion, Jeanne Rast seconded to adjourn the meeting at 9:11PM.

Respectfully submitted by,

Brian Wismer, Chairman

Adrienne Senter, Secretary