



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

Planning Commission Meeting  
700 Doug Davis Drive  
Hapeville, Georgia 30354

June 15, 2021 6:00PM

## MINUTES

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

### 2. Roll Call

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

### 3. Approval of Minutes

#### 3.I. Minutes of April 13, 2021

MOTION ITEM: Larry Martin made a motion, Jeanne Rast seconded to approve the minutes of April 13, 2021 as amended. Motion Carried: 3-0.

### 4. New Business

#### 4.I. 493 North Avenue

#### Site Plan Review

#### Background:

Roger Fisher requested site plan review to construct a new single-family dwelling at 493 North Avenue, Parcel Identification Number 14-0094-0003-048-8. The two story 1600 square foot dwelling will have three bedrooms and two and a half bathrooms. There is an existing single-family dwelling on the property which will be demolished, and the driveway will be relocated.

The property is zoned R-SF, Residential Single-Family, and is subject to the Neighborhood Conservation Area, Subarea E of the Architectural Design Standards.

#### Staff Comments:

City Planner, Dr. Lynn Patterson, stated the Applicant must provide, and/or the site plan must be revised to address the following:

- Rear setback dimensions
- Allocation of site area by type
- Development Schedule
- Outstanding items on the arborist report

Mr. Fisher stated he would clarify with the arborist the existing trees on the site. He stated that there are no trees on the site and the plan includes the trees allocated to meet the code requirements.

There being no further discussion, the following action was taken:

**MOTION ITEM:** Lucy Dolan made a motion, Jeanne Rast seconded to approve the site plan request for 493 North Avenue subject to the following conditions:

1. Add the rear setback dimensions.
2. Include allocation of site area by type.
3. Provide a Development Schedule.
4. Address any outstanding items on the arborist report.

**Motion Carried: 3-0.**

#### **4.II. 3381 Dogwood Drive**

#### **Conditional Use Permit Request**

##### **Background:**

Juanita Thompson is requesting approval of a conditional use permit to operate a Wellness Spa at 3381 Dogwood Drive, Parcel Identification Number 14-0098-0017-012-0. The property is zoned U-V, Urban Village and is subject to the zoning regulations under Section 93-11.2-5(8) of the City of Hapeville Zoning Ordinance.

Ms. Thompson stated she intends to operate a holistic wellness spa with natural products. The business hours of operation will be 7 days a week, 10 a.m. – 7 p.m. by appointment.

##### **Staff Comments:**

Dr. Patterson outlined the regulations for conditional uses.

ARTICLE 11.2. - U-V ZONE (URBAN VILLAGE)

##### **Sec. 93-11.2-5. - Conditional uses.**

Specific uses may be permitted as conditional uses, provided conformance to the purpose and intent of the applicable code. Such uses are:

(8) Spas. For the purpose of this section, a spa shall be defined as a business location where massages by certified masseurs, makeovers, body wrapping, hair removal, saunas,

manicures, pedicures, and non- surgical cosmetic procedures are performed. Any combination of at least three or more of the above listed uses shall occur in the location.

**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 as a spa has no foreseeable negative impact regarding adjacent properties or the surrounding area.**
- (2) Capacity of the lot to accommodate the use and satisfy the dimensional requirements of the ordinance;  
**The property was previously used as a salon.**
- (3) Compatibility with adjacent properties and other land uses in the vicinity;  
**The area has been designated as medium intensity mixed use in the future land use map, the zoning is Urban Village and the Arts District. The intent of the district is to:**
  - (1) Accommodate a mixed-use, urban fabric that preserves neighborhood scale;
  - (2) Accommodate residents in the district with pedestrian access to services and employment typical of a live/work community;
  - (3) Promote neighborhoods established near shopping and employment centers;
  - (4) Encourage pedestrian and neighborhood uses in the commercial area;
  - (5) Discourage land uses that are automobile or transportation related;
  - (6) Exclude industrial uses such as manufacturing, processing, and warehousing;
  - (7) Promote retail and related commercial uses such as business offices, florists, card shops, antique shops, new apparel shops and banks; and
  - (8) Encourage intensified mixed-use with commercial uses on the ground floor and dwellings above.

**A wellness spa is consistent with this intent and is compatible with adjacent properties and other land uses.**

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

There are no expected nuisance or hazardous characteristics associated with this use.

- (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

The property has limited parking and circulation. No circulation or parking plan was received. Code does not allow parking in the supplemental area, however, as this property has been developed for over 20 years and no changes are being made, the parking non-conforming condition persists. The parking lot should be properly surfaced and striped, however with grass/weeds removed from the existing asphalt. There is no expected negative impact on traffic movement, hours and manner of operation, lighting, signs, and access to the property.

- (6) Conformance of the special use to other requirements of the ordinance.  
Not applicable.

#### **RECOMMENDATION**

The proposed use of a wellness spa is compatible with the U-V Zoning District and meets the intent of the district. The conditional use application is recommended for approval.

**MOTION ITEM:** Jeanne Rast made a motion, Lucy Dolan seconded to recommend the Mayor & Council grant the Conditional Use Permit request to operate a Spa at 3381 Dogwood Drive as requested. Motion Carried: 3-0.

#### **4.III. Food Truck Ordinance**

#### **Text Amendment**

##### **Background:**

Consideration of a Text Amendment to Chapter 93 (Zoning), Article 1 (Title, definitions and application of regulations), Section 93-1-2 (Definitions and application of regulations), Section 93-1-2 (Definitions) and Section 93-2-27 (Food truck courts and food trucks, special provisions) of the Code of Ordinances to amend and update the regulations for mobile food vendors and food truck courts.

##### **Staff Comments**

Dr. Patterson stated at the City Council meeting on May 18, 2021, the City Council discussed the food truck ordinance and requested staff provide a draft revised food truck ordinance to clarify food trucks, food truck courts and mobile food vendors.

Staff reviewed the current food truck ordinance and mobile food vendor sections of the City Code and proposed the following modifications based upon four food truck scenarios.

1. Food Truck Court as a primary use. This scenario entails a vacant or undeveloped lot used solely as a food truck court.
2. Food Truck Court as an accessory use. This scenario may entail the use of a portion of a site for food trucks in addition to an alternate primary use.
3. Food Trucks located in a City-sponsored food truck court or in the public right-of-way. This scenario allows food trucks to locate in City lots designated as food truck courts, public parking lots or parking spaces / within the City's right-of-way.
4. Food Trucks as an ancillary use. This scenario allows for a property to have a food truck on-site for limited periods or special events.

A draft ordinance was presented to the City Council on June 8, 2021, which eliminated the restriction of Food Truck Courts from the Arts District and allowing it in all commercial and mixed-use locations.

Commissioner Rast asked if there is a limit for the number of times a food truck can operate in a certain area. Dr. Patterson stated Sections 4(c)7 and 4(c)8 outlines the hours and times a food truck can be in the public right of way.

Chairman Wismer suggested staff consult with someone in the food truck industry to review the proposed ordinance.

Commissioner Martin expressed concern regarding the regulations which prohibit overnight parking. Mr. Martin stated food truck operators should be allowed to park overnight as some events may extend over 2 – 3 days.

There being no further discussion, the following action was taken:

**MOTION ITEM:** Jeanne Rast made a motion, Lucy Dolan seconded to recommend the Mayor and Council approve the revised Food Truck Ordinance Text Amendment subject to the following:

1. Add the following language to Section 93-2-27(c)9: Food trucks may not violate any parking ordinances or rules.
2. Recommend staff consult with someone in the food truck industry to review the proposed ordinance.

**Discussion:** Commissioner Martin stated with proper arrangements, food truck operators should be allowed to park the mobile food truck overnight. Additionally, Mr. Martin made the following motion:

**MOTION ITEM:** Larry Martin made a motion to amend the previous motion by striking the language in Section 2(f): *A mobile food vendor may not be allowed to park overnight on any public or private property.* Motion died for lack of second.

The original motion carried: 3-0.

5. Next Meeting Date – Tuesday, July 20, 2021 at 6:00PM

6. Adjourn

MOTION ITEM: Jeanne Rast made a motion, Lucy Dolan seconded to adjourn the meeting at 7:20 p.m. Motion Carried: 3-0.

Respectfully submitted by,

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Chairman, Brian Wismer

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Secretary, Adrienne Senter