

Planning Commission Meeting
700 Doug Davis Drive
Hapeville, Georgia 30354

October 8, 2019

AGENDA

6:00 pm

1. Welcome And Introduction

2. Approval Of Minutes

- September 10, 2019

Documents:

[MINUTES 9-10-2019 \(DRAFT\).PDF](#)

3. New Business

3.I. 600 South Central Avenue Special Exception Request

Michael Foster on behalf of Regions Bank is requested approval of a special exception to authorize the installation of an Automated Teller Machine (ATM) at 600 South Central Avenue, Parcel Identification Number 14 009800200513. The property is zoned RMU, Residential Mixed Use and is located in the Arts District Overlay (A-D).

Staff Comment

Applicant Comment

Public Comment

Documents:

[600 SOUTH CENTRAL AVENUE - SPECIAL EXCEPTION _REDACTED.PDF](#)
[PLANNERS REPORT SPECIAL EXCEPTION 600 S CENTRAL AVE ATM \(002\).PDF](#)

4. Next Meeting Date - November 12, 2019 At 6:00PM

5. Adjourn



Planning Commission Meeting

700 Doug Davis Drive
Hapeville, Georgia 30354

September 10, 2019 6:00PM

MINUTES

1. Welcome and Introduction

Chairman Brian Wismer called the meeting to order at 6:00 p.m. in the municipal annex located at 700 Doug Davis Drive, Hapeville, Georgia 30354. Members in attendance included Leah Davis, Lucy Dolan, Larry Martin, Charlotte Rentz, and Cliff Thomas. City Planner Michael Smith and Secretary Adrienne Senter were present.

Commissioner Jeanne Rast was unable to attend the meeting.

2. Minutes of August 13, 2019

MOTION ITEM: Lucy Dolan made a motion, Charlotte Rentz seconded to approve the minutes of August 13, 2019 with noted correction. Motion Carried: 5-0.

3. New Business

a. 257 Birch Street

Site Plan Request

David Cook requested site plan approval to construct a 3-bedroom, 2.5-bath, 1,777-sf, 1.5 story single-family home at 257 Birch Street, Parcel Identification Number 14 009400091767. The property is zoned R-1, One-Family Detached and is .05 acres. Parking will be provided by an 11' wide driveway running along the west side of the house.

Mr. Cook submitted a revised site plan to address the deficiencies outlined in the Planner's Report. The height of the proposed home will be 30.08'+/-. The setbacks are 8'8" on the east, 9.1" on the west, 16'1" on the front and 75'8" on the rear. The curb cut will be located on the east side. The concrete and driveway and walkway have been added to the site plan for a total of 29% of impervious surface.

According to Mr. Cook, a permit to remove 12 trees from 261 Birch Street was issued on November 12, 2018. At the time the permit was issued, they did not have an address for 257 Birch Street – that lot was listed as 0 Birch Street. The trees were removed in 2 phases: Phase 1 – 2 cottonwoods approximately 10 inches in diameter, 1 crape myrtle bush, five sapling trees – oak and maple which were all less than 5 inches in diameter. Prior to Phase 2, the lots were cleaned to make it safer and more economical to remove the remaining trees. Phase 2: 1 34" oak tree, one 33" oak tree, one 28" oak tree, and one 30" oak or maple tree were removed. During phase 2 one additional 28" oak tree was removed at 261 Birch Street.



Mr. Smith stated that any tree 30" or larger is considered a landmark tree and requires tree planting or payment into the tree bank. Mr. Cook proposes to plant 4 crape myrtle trees and 2 oak trees.

- Public Comment – None.

MOTION ITEM: Larry Martin made a motion, Lucy Dolan seconded to approve the site plan for 257 Birch Street provided that the applicant plant 2 oak trees to replace the 2 landmark trees that were removed. Motion Carried: 5-0.

b. 261 Birch Street

Site Plan Request

David Cook requested site plan approval to construct a 3-bedroom, 2.5-bath, 1,777-sf single-family home at 261 Birch Street, Parcel Identification Number 14 009400091130. The property is zoned R-1, One-Family Detached and is .05 acres. Parking will be provided by an 11' wide driveway running along the west side of the house.

The existing driveway is dilapidated and is connected to the driveway of the neighboring property. The curb cut will remain the same, but the applicant has proposed to add a 1' 2" grassy barrier to separate the 2 driveways. The driveway will be 11' wide.

All the deficiencies have been addressed. The applicant must submit revised drawings showing the change to the driveway.

- Public Comment – None.

MOTION ITEM: Larry Martin made a motion, Lucy Dolan seconded to approve the site plan for 261 Birch Street provided the applicant submit a revised plan showing an accurate depiction of the final driveway plan and plant 2 specimen trees to replace the removed landmark trees. Motion Carried: 5-0.

c. 449 Walnut Street

Site Plan Request

Bernard Vigilance requested site plan approval to construct a 4-bedroom, 3-bath, single-family home at 449 Walnut Street, Parcel Identification Number 14 009400040400. The property is zoned R-SF, Residential-Single Family and is .16 acres.

The structure will be built on a hill, with a height of 1.5 stories at the front and 2.5 stories in the rear. The dwelling will have 2,337-sf of heated floor area, a 1,358-sf unheated basement, and a 484-sf two-car garage, with a total roofed area of 4,275-sf including a porch. The plan will include a grass strip to separate the driveways.

The following deficiencies were identified:

- The applicant should provide the height of the structure from grade at both the front and rear in feet.
- The applicant should indicate the width of the proposed driveway and curb cut.



- The applicant should provide design cross sections for the driveway, sidewalk, and curb cut.
- The applicant should provide the type of trees to be planted.

Public Comment – None.

MOTION ITEM: Larry Martin made a motion, Lucy Dolan seconded to approve the site plan for 449 Walnut Street subject to the deficiencies outlined in the planner's report.
Motion Carried: 5-0.

d. 451 Walnut Street

Site Plan Request

Bernard Vigilance is requesting site plan approval to construct a 4-bedroom, 3-bath, single-family home at 451 Walnut Street, Parcel Identification Number 14 009400040392. The property is zoned R-SF, Residential-Single Family and is .18 acres.

The structure will be built on a hill, with a height of 1.5 stories at the front and 2.5 stories in the rear. The dwelling will have 2,337-sf of heated floor area, a 1,358-sf unheated basement, and a 484-sf two-car garage, with a total roofed area of 4,275-sf including a porch. The plan will include a grass strip to separate the driveways.

The following deficiencies were identified:

- The applicant should provide the height of the structure from grade at both the front and rear in feet.
- The applicant should indicate the width of the proposed driveway and curb cut.
- The applicant should provide design cross sections for the driveway, sidewalk, and curb cut.
- The applicant should provide the type of trees to be planted.

Public Comment – None.

MOTION ITEM: Lucy Dolan made a motion, Cliff Thomas seconded to approve the site plan for 449 Walnut Street subject to the deficiencies outlined in the planner's report.
Motion Carried: 5-0.

e. 591 King Arnold Street

Site Plan Request

Danny England of Office of Design Architect and representative of Miller Lowry Developments, LLC requested site plan approval to construct 18 townhomes at 591 King Arnold Street, Parcel Identification Number 14 003500040383. The property is zoned U-V, Urban Village and is approximately 0.993 acres.



Planner's Report (Summary)

All townhomes will be three stories tall but will vary in height from grade at the street or entrance from two and a half stories to three stories. Heights in feet have only been provided for six of the townhomes, at 35' each. Twelve 3 bed/3.5 bath townhomes with approximately 1,830-sf of heated floor area each will be built directly along King Arnold Street in two blocks of six townhomes. An additional six 2 bed/2 bath townhomes will approximately 1,239-sf of heated floor area each will be built in the rear in two blocks of three townhomes. All units will have first floor two-car garages facing a shared alley. The site is developed and currently occupied by a one-story structure which will be removed.

The project as proposed will require the following variances from the Board of Appeals. Staff supports these variances.

1. Increase the number of permitted townhomes in the U-V district from 12 to 18 units.
2. Lower the minimum floor area per dwelling unit from 1,400-sf to 1,200-sf.
3. Allow for the development of residences without ground level non-residential uses.
4. Allow units 14-17 to be built without pedestrian access along the street.
5. Increase the maximum width allowed for curb breaks from 30' to 38.1'.

In addition, the site plan should be revised to address the following concerns identified per the planner's review for zoning compliance.

1. No setbacks are provided on the site plan.
2. No building heights have been provided in feet for the buildings along King Arnold Street.
3. The complete dimensions for length and width of the buildings have only been provided for buildings 13-18.
4. The plans should be revised to show all retaining walls.
5. Fences around front porches shown on the renderings are not included on the site plan or architectural drawings. Fences must be compliant with the Code.
6. The maximum allowed site coverage is 90%. No site coverages have been provided.
7. Trees must be planted an average of 40' on center in the supplemental area along North Fulton Avenue and Estelle Street.
8. A wall, fence, hedge, or retaining wall is required between all supplemental areas and sidewalks.
9. Street trees must be placed a maximum of every 40' on-center. The spacing between the street trees along King Arnold Street has not been provided.
10. Street trees must be provided along North Fulton Avenue and Estelle Street.
11. Curb breaks must be separated by at least 50'. The plans do not indicate the distance between the proposed curb breaks to the north.
12. Curb breaks must be at least 25' from the nearest intersection. The distance between the proposed curb breaks and the nearest intersections have not been provided.
13. The widths of the driveways connecting to the alley have not been provided.



The building elevations will be reviewed by the Design Review Committee for compliance with the Architectural Design Standards. While not required by zoning, the following concerns related to the site planning will need to be addressed or will require a Design Exception to comply with the Architectural Design Standards:

1. Units 14 and 17 have front entry garages.
2. In addition to an appropriate landscape buffer, a permanent opaque wall between six and height feet high and faced in wood, stacked stone, brick or hard-coat true stucco is required.
3. Streetlights are required.

Should the site plan address all the planner's comments and the City Engineer's comments then the site plan is recommended for approval by the Planning Commission subject to the approval of the required variances by the Board of Appeals.

Public Comments

1. Glen Summers expressed concerns regarding the size of the lot and parking.
2. Donna Ellington expressed concerns regarding flooding and requested a fence is installed along the rear of the property.
3. Earl Moorman inquired regarding the location of the Georgia Power transformer, the rain drain grate count, the number of loads of dirt, and parking along Estelle Street.
4. Bernard Oresti expressed concerns with density, parking and soil support for the rear units.

End of Public Comments.

Commissioner Rentz commented regarding the overall goal of the Livable Center's Initiative and the goal of the U-V and downtown district to promote developments with retail on the ground floor.

Commissioner Martin expressed concern with the density of the project and the lack of ground floor retail. In addition, he is concerned regarding the height of the development in particular to the increased shading and lack of sunlight and visibility to the existing properties. Also, Martin is concerned with the increase traffic near the school crossing.

MOTION ITEM: Larry Martin made a motion, Lucy Dolan seconded to accept public comments. Motion Carried: 5-0.

1. Glen Summers, spoke regarding parking.
2. Donna Ellington spoke regarding the rear fence.
3. Bernard Oresti commented regarding the traffic impact.
4. Earl Moorman inquired if the units would be owner occupied and if they would have firewalls.



Commissioner Rentz recommended the Planning Commission not include variance #3, request for the development of residences without ground level non-residential uses, as part of their recommendation to the Board of Appeals.

Commissioner Dolan expressed concern regarding ground floor retail abutting the residential neighborhood and does not support this development with retail as this will increase traffic and parking within the neighborhood.

MOTION ITEM: Cliff Thomas made a motion, Lucy Dolan seconded to approve the site plan for 591 King Arnold Street provided the applicant address the deficiencies outlined in the planner's and engineer's reports and approval of the required variances by the Board of Appeals. Motion Carried: 4-1; Larry Martin opposed.

4. Next Meeting Date – October 8, 2019 at 6:00PM

5. Adjourn

MOTION ITEM: Larry Martin made a motion, Charlotte Rentz seconded to adjourn the meeting at 8:08 p.m. Motion Carried: 5-0.

Respectfully submitted by,

Brian Wismer, Chairman

Adrienne Senter, Secretary

19-PC-10-23

**CITY OF HAPEVILLE
ECONOMIC DEVELOPMENT DEPARTMENT
PLANNING COMMISSION APPLICATION**

Name of Applicant Michael Foster

Mailing Address: 2100 First Avenue North, Birmingham, AL 35203

Telephone 205-252-8222 Mobile # [REDACTED] Email michael.foster@bdgllp.com

Property Owner (s) Regions Bank (John Earley)

Mailing Address 250 Riverchase Parkway East, Birmingham, AL 35244

Telephone 205-560-5348 Mobile #

Address/Location of Property: 600 South Central Avenue

Parcel I.D. # **(INFORMATION MUST BE PROVIDED):** 14 009800200513

Present Zoning Classification: RMU Size of Tract: 1.4053 acre(s)

Present Land Use: Bank

Please check the following as it applies to this application

☐ Site Plan Review

☐ Conditional Use Permit

☐ Temporary Use Permit

Other (Please State) Special Exception

I hereby make application to the City of Hapeville, Georgia for the above referenced property. I do hereby swear or affirm that the information provided here and above is true, complete and accurate, and I understand that any inaccuracies may be considered just cause for invalidation of this application and any action taken on this application. I understand that the City of Hapeville, Georgia, reserves the right to enforce any and all ordinances. I further understand that it is my/our responsibility to conform with all of City of Hapeville's Ordinances in full. I hereby acknowledge that all requirements of the City of Hapeville shall be adhered too. I can read and write the English language and/or this document has been read and explained to me and I have full and voluntarily completed this application. I understand that it is a felony to make false statements or writings to the City of Hapeville, Georgia pursuant to O.C.G.A. 16-10-20 and I may be prosecuted for a violation thereof.

[Signature]
Applicant's signature

Date: 9/5/2019

Sworn to and subscribed before me

This 5 day of September 2019
Kay D. Milstead
Notary Public

Kay D. Milstead
Notary Public
State of Alabama at Large
My Commission Expires 2/9/2020

**CITY OF HAPEVILLE
ECONOMIC DEVELOPMENT DEPARTMENT
PLANNING COMMISSION APPLICATION**

In detail, provide a summary of the proposed project in the space provided below. (Please type or print legibly.)

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

CITY OF HAPEVILLE
ECONOMIC DEVELOPMENT DEPARTMENT
PLANNING COMMISSION APPLICATION

AUTHORIZATION OF PROPERTY OWNER

I CERTIFY THAT I AM THE OWNER OF THE PROPERTY LOCATED AT:

600 South Central Avenue

Hapeville, GA

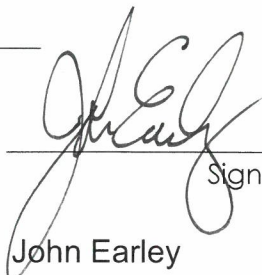
City of Hapeville, County of Fulton, State of Georgia

WHICH IS THE SUBJECT MATTER OF THIS APPLICATION. I AUTHORIZE THE APPLICANT NAMED BELOW TO ACT AS THE APPLICANT IN THE PURSUIT OF THIS APPLICATION FOR PLANNING COMMISSION REVIEW.

Name of Applicant Michael Foster

Address of Applicant
2100 First Avenue North, Birmingham, AL 35203

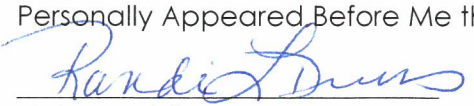
Telephone of Applicant
205-252-8222



Signature of Owner
John Earley

Print Name of Owner

Personally Appeared Before Me this 4 day of September, 2019.



Notary Public

RANDI L. DICUS
Notary Public
Alabama State at Large

Site Plan Checklist – Please include with your application.

A site plan is used to determine the practical ability to develop a particular property within the City of Hapeville. Information relating to environmental condition, zoning, development impact, consistency with the Hapeville Comprehensive Plan and relevant town master plans will be considered in the decision process. To be considered, a site plan **must** contain the following information:

(Please **initial** each item on the list above certifying the all required information has been included on the site plan)

MF A brief project report shall be provided to include an explanation of the character of the proposed development, verification of the applicant's ownership and/or contractual interest in the subject site, and the anticipated development schedule. Please complete and submit all forms contained within the application for site plan review.

MF Site plans shall be submitted indicating project name, applicant's name, adjoining streets, scale, north arrow and date drawn.

MF The locations, size (sf) and height (ft) of all existing and proposed structures on the site. Height should be assessed from the base of the foundation at grade to the peak of the tallest roofline.

MF Site plans shall include the footprint/outline of existing structures on adjoining properties. For detached single-family residential infill development, the front yard setback shall be assessed based on the average setback of existing structures on adjoining lots. Where practical, new construction shall not deviate more than ten (10) feet from the average front yard setback of the primary residential structure on an adjoining lot. Exemption from this requirement due to unnecessary hardship or great practical difficulty can be approved at the discretion of the Planning Commission. To be considered for an exemption, the applicant must submit a "Request for Relief" in writing with their site plan application, including the conditions that necessitate relief (i.e. floodplain, wetland encroachment, excessive slope, unusual lot configuration, legally nonconforming lot size, unconventional sitting of adjoining structures, etc).

MF

The location and general design cross-section characteristics of all driveways, curb cuts and sidewalks including connections to building entrances. A walkway from the primary entrance directly to the public sidewalk is required for all single-family residential development.

MF

The locations, area and number of proposed parking spaces. Please refer to Article 22.1 Chart of Dimensional Requirements to determine the correct number of parking spaces for your particular type of development.

MF

Existing and proposed grades at an interval of five (5) feet or less.

N/A

The location and general type of all existing trees over six (6) inch caliper and, in addition, an identification of those to be retained. Requirements for the tree protection plan are available in Code Section 93-2-14(f). Please refer to Sec. 93-2-14(y) to determine the required tree density for your lot(s).

N/A

A Landscape Plan: The location and approximate size of all proposed plant material to be used in landscaping, by type such as hardwood deciduous trees, evergreen trees, flowering trees and shrub masses, and types of ground cover (grass, ivies, etc.). Planting in parking areas should be included, as required in Section 93-23-18.

N/A

The proposed general use and development of the site, including all recreational and open space areas, plazas and major landscape areas by function, and the general location and description of all proposed, outdoor furniture (seating, lighting, telephones, etc.). Detached single-family residential development may be exempt from this requirement.

N/A

The location of all retaining walls, fences (including privacy fences around patios, etc.) and earth berms. Detached single-family residential development may be exempt from this requirement.

N/A

The identification and location of all refuse collection facilities, including screening to be provided. Detached single-family residential development may be exempt from this requirement.

N/A

Provisions for both on-site and offsite storm-water drainage and detention related to the proposed development.

MF

Location and size of all signs. Detached single-family residential development may be exempt from this requirement.

MF

Typical elevations of proposed building provided at a reasonable scale (1/8" = 1'0") and include the identification of proposed exterior building materials. Exterior elevations should show all sides of a proposed building.

MF

Site area (square feet and acres).

MF

Allocation of site area by building coverage, parking, loading and driveways, and open space areas, including total open space, recreation areas, landscaped areas and others. Total dwelling units and floor area distributed generally by dwelling unit type (one-bedroom, two-bedroom, etc.) where applicable.

N/A

Floor area in nonresidential use by category. Detached single-family residential development may be exempt from this requirement.

N/A

Total floor area ratio and/or residential density distribution.

MF

Number of parking spaces and area of paved surface for parking and circulation

MF

At the discretion of the planning commission, analyses by qualified technical personnel or consultants may be required as to the market and financial feasibility, traffic impact, environmental impact, storm water and erosion control, etc. of the proposed development.

Please **initial** each item on the list above certifying the all required information has been included on the site plan, sign and submit this form with your site plan application. Failure to include this form and information required herein may result in additional delays for the consideration of your application.

Applicant Signature: 

Date 9/5/2019



August 9, 2019

To Whom it May Concern:

We are writing in support of the proposed text amendment to the code to allow construction of drive thru lanes on a limited basis. Drive thru ATM usage is central to the modern banking experience, and the level of service and convenience these stations afford our customers is widely used and universally expected.

We understand the intent of the drive thru restriction is to protect the character of the City of Hapeville, but suggest that this should not apply to financial institutions because they do not produce the negative results associated with other uses. The modern fast food chain drive thru, for example, is often associated with wide swathes of impervious surfaces; dramatically increased vehicular traffic; long lines of queuing cars that can stack out and obstruct adjacent roadways; large, garish lighting and signage infrastructure for wayfinding and branding. In contrast, bank drive thru ATMs are small, limited in number, and rarely stack up beyond one or two cars.

The most important distinction, however, is related to customer service. Bank drive thru ATMs allow us to deliver a high level of financial service to our customers during nights and weekends when such services would otherwise be unavailable. Bank drive thru ATMs are useful and convenient during normal branch operations, but absolutely essential when bank branches are closed. Our goal is to make this level of service available to our Hapeville branch patrons.

In our view, bank drive thrus deliver a high level of service to the community without the drawbacks often associated with other drive thru lane usage. They provide valuable services to the community when no other such service can be delivered. Further, with any new drive thru construction, we are committed to doing all that is required to meet the City of Hapeville's high standards and further enhance this community. With these considerations in mind, we encourage the Commission to approve the zoning amendment at issue.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "John Earley", written over a large, stylized blue circular mark.

John Earley
Vice President
Corporate Real Estate & Properties Department

Post Office Box 11007
Birmingham, Alabama 35288



HAPEVILLE MAIN
EXTERIOR PHOTO
EXISTING CONDITIONS





"REGIONS GREEN"
CANVAS AWNING ON
ALUMINUM FRAME

TYPICAL SURROUND

THRU-WALL DRIVE-UP ATM

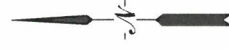


HAPEVILLE MAIN
EXTERIOR PHOTO
NEW WORK





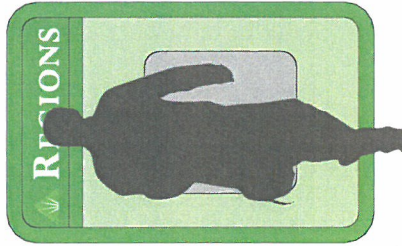
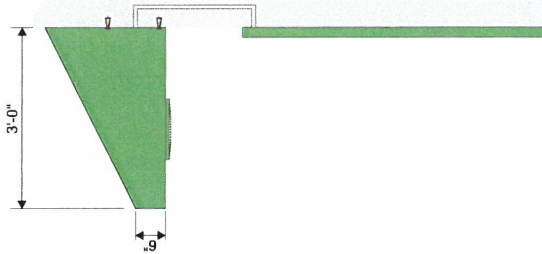
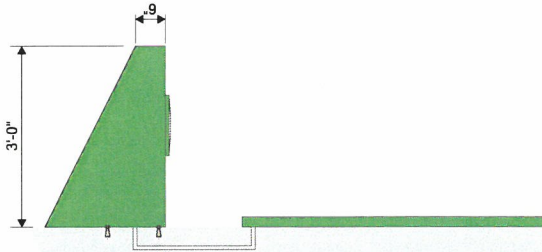
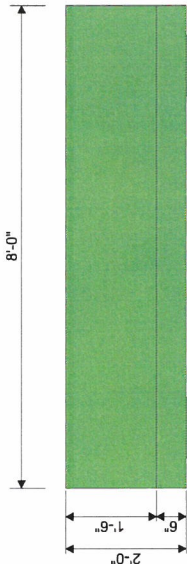
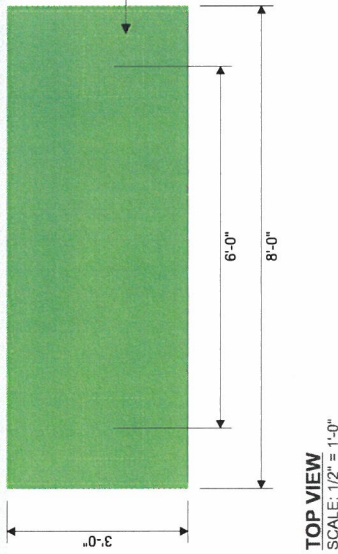
RFC # OP015475
Project Number:
Site Name: 600 South Central Ave.
Address: Hapeville, GA 30354
City, ST, Zip: Hapeville, GA 30354
Date: 6/5/19



Site Approved: _____
Date: _____

DOWN LIGHTING
CLOSED BOTTOM WITH HOLES CUT FOR
XSL S LED 50 SS CW LIGHT FIXTURES

DOWN LIGHTING SPECIFICATIONS:
QTY (2) NEW XSL S LED 50 SS CW LIGHT FIXTURES FOR NEW AWNING,
1 ON EACH SIDE OF AWNING PAINTED GREEN TO MATCH AWNING



LEFT SIDE VIEW
SCALE: 1/2" = 1'-0"

FRONT VIEW
SCALE: 1/2" = 1'-0"

RIGHT SIDE VIEW
SCALE: 1/2" = 1'-0"

PROPOSED ELEVATION

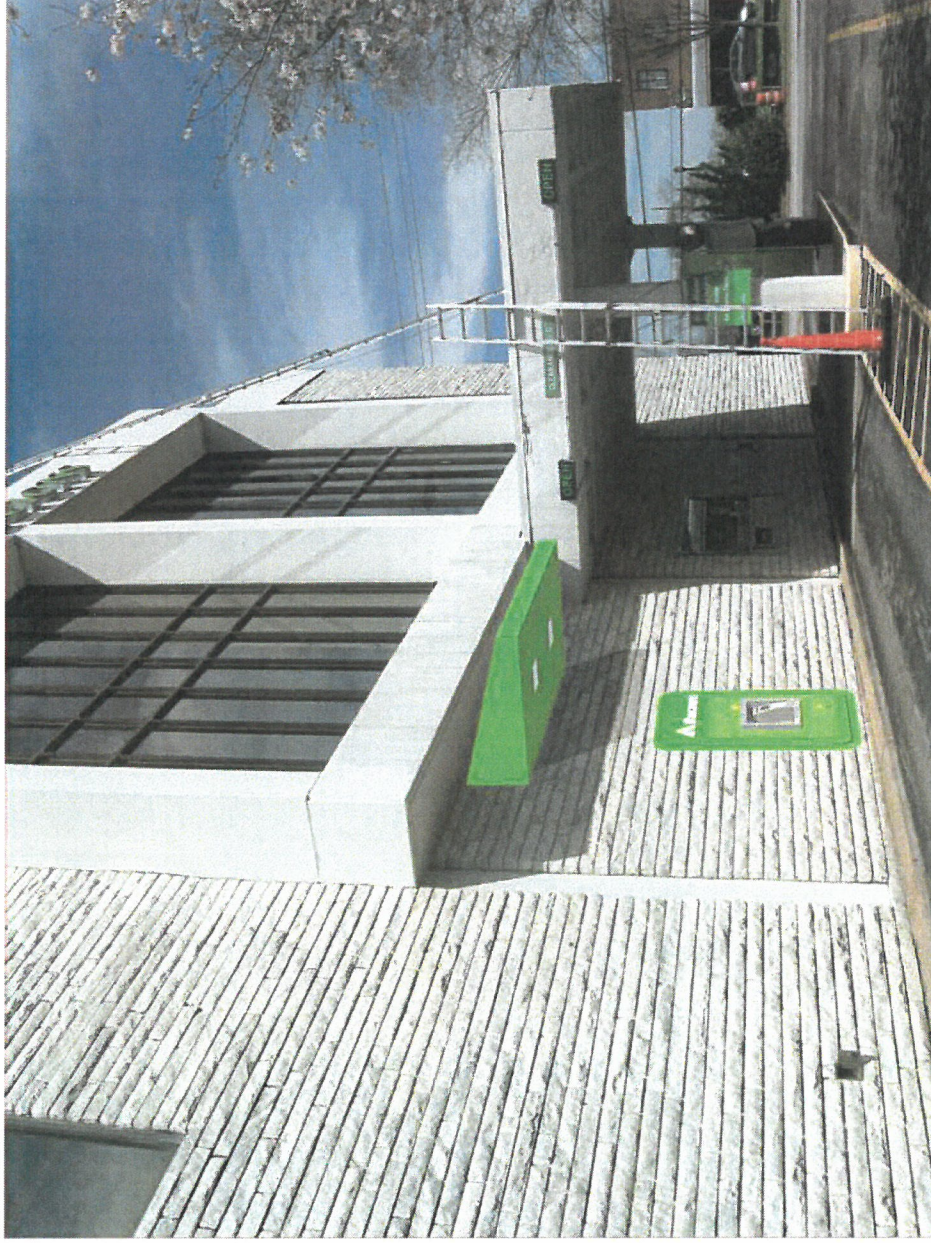


PHOTO ELEVATION DEPICTION INTENDED FOR GENERAL CONCEPT ILLUSTRATION ACTUAL SIZING, COLORS & PERSPECTIVE WILL VARY SLIGHTLY FROM IMAGE

[illegible]



1 SITE PLAN
1" = 20'-0"

bdg
architects

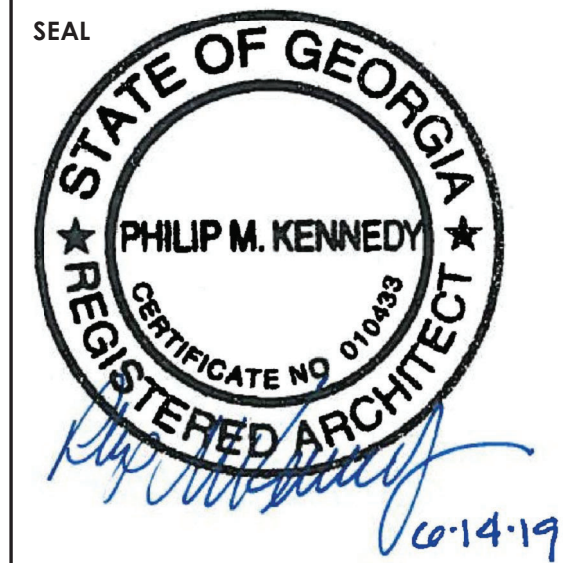
2100 1st Ave. North
Ste. 100
Birmingham, AL 35203

P: 205-252-8222
Lic. # AA-0003590
W: www.bdgllp.com

REGIONS®

REGIONS HAPEVILLE
ATM ADDITION
600 SOUTH CENTRAL AVENUE,
HAPEVILLE, GA 30354
REGIONS PROJECT #GASC193138ER

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ISSUE	BY	DATE	DESCRIPTION

PROJECT INFORMATION BLOCK	
JOB #	183305
DATE:	05-10-2019
DRAWN BY:	McR
CHECKED BY:	JQ

SHEET TITLE
OVERALL
ARCHITECTURAL
SITEPLAN

SHEET NUMBER

A-100



**DEPARTMENT OF PLANNING AND ZONING
PLANNER'S REPORT**

DATE: September 30, 2019
TO: Adrienne Senter
FROM: Michael Smith
RE: **Special Exception Request – 600 South Central Avenue**

BACKGROUND

The City of Hapeville has received a special exception application from Mr. Michael Foster to permit a drive-up ATM accessory to a Regions Bank located at 600 South Central Avenue. The ATM would be located on the east side of the building, adjacent to an existing drive-through teller window, and would use the existing drive-through lane.

The property is zoned RMU, Residential Mixed-Use, and is within the A-D, Arts District overlay.

At the request of the applicant and in conjunction with this proposal, Mayor & City Council voted on September 17, 2019, to adopt a text amendment permitting drive-throughs in the A-D overlay when used by banks.

REVIEW

The following code sections are applicable to this application:

ARTICLE 11.5. - RMU ZONE (RESIDENTIAL MIXED USE)

Sec. 93-11.5-1. - Intent.

The RMU district is established in order to:

- (1) Ensure development that is consistent with neo-traditional planning practices, which are often defined by pedestrian-oriented buildings, interconnected streets, a mix of uses and housing types, and a compact walkable scale.
- (2) Help create a compact, dense, and distinguishable core area;
- (3) Provide for an urban form allowing mid-rise structures;
- (4) Encourage multiple uses within the same structure; and
- (5) Include street oriented activity and pedestrian amenities at the street level of structures.

Sec. 93-11.5-3. - Permitted uses.

The following are permitted within the RMU zone:

- (1) Business and professional offices/agencies, including:
 - j. Banks and other financial institutions (not including pawnshops, check cashing businesses, title pawn, and payday loans).

ARTICLE 28. - A-D ZONE (ARTS DISTRICT OVERLAY)

Sec. 93-28-3. - Purpose.

The purpose of the arts district overlay is to facilitate creation of an arts destination, sustain established arts and cultural uses and promote new arts and cultural uses. The arts district overlay seeks integration of the arts into the fabric of the community and is conceived as the location of art galleries and art studios forming the core of an arts district. A complementary mix of shops, restaurants and entertainment venues will support these uses. These elements are expected to generate interest in downtown Hapeville and attract arts and cultural events.

The arts district overlay features an expanded range of permitted uses focused on the arts while retaining all property rights established by the underlying zoning. The arts district overlay encourages adaptive reuse of historic buildings and new construction technologies, affording owners expanded development options. These measures will enhance the market attractiveness of the arts district.

Arts venues, community festivals, expanded arts uses and pedestrian character are expected to promote an arts district. Planned investment in public art, lighting, sidewalks and off-street parking will leverage private investment and enhance public safety. This combination of public and private investment is expected to advance Hapeville's position in regional leadership in the arts and stimulate broad economic revitalization. Importantly, the arts district overlay features walkable distances from nearby neighborhoods to small-scale establishments and live entertainment venues accommodated by the arts district overlay and compatible with the neighborhood character.

Sec. 93-28-8. - Prohibited uses.

The following uses shall be prohibited in the Arts District Overlay:

- (1) All drive-through facilities other than those permitted by special exception for accessory use by banks or credit unions.

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.

RECOMMENDATION

The proposed design and location will partially obscure the ATM from the right-of-way by placing it behind an existing teller window and canopy. The Design Review Committee approved the design on August 21, 2019. No new drive-through lanes or infrastructure other than the ATM itself and the associated canopy will be required. As there is already a daytime teller window and a walk-up ATM adjacent to parking at the site, traffic generated by those seeking ATM access will likely reflect existing levels.

The intent of the Arts District is to generate interest in downtown Hapeville and attract arts and cultural events in part by promoting a pedestrian character. It was specifically designed to provide for walkable distances between nearby neighborhoods and small-scale establishments compatible with the neighborhood character. Allowing for a proliferation of typical drive-through establishments may compromise this goal of the district.

In the past, Hapeville has required new outdoor ATMs to be walk-up models, accessible via the sidewalk but not by car. Staff consulted with the Hapeville Chief of Police to determine if there are any safety concerns regarding vehicle or drive-up ATMs. Chief Glavosek suggested that walk-up ATMs may leave people more vulnerable to being targets of thieves, whereas drive-up ATMs could be a safer alternative. Regions Bank has indicated in conversations that the market and industry standards are changing to address convenience and thus teller windows are being replaced with more ATMs and similar automated machines.

In considering the special exception, staff recommends the Planning Commission and City Council carefully consider the intent of the Arts-District, safety, and changing industry and market conditions. Staff recommends approval for the drive-up ATM.