



PLANNER'S REPORT

DATE: August 15, 2019
TO: Adrienne Senter
FROM: Lynn Patterson
RE: Variance Application – 1 Clay Place – Off-Site Parking

BACKGROUND

The City of Hapeville has received a Variance application from Delta Airlines to establish an off-site parking arrangement using a parking lot located at 1 Clay Place (Parcel ID# 14 0098 LL0138) to provide additional parking for 760 Doug Davis Drive. Delta is in the process of remodeling some of their office space and wishes to temporarily move some of their employees to the 760 Doug Davis property. The current facility provides 124 off-street parking spaces, which Delta has determined is insufficient for their needs. An additional 91 parking spaces would be provided by the adjacent parking lot at 1 Clay Place. The arrangement is expected to be temporary, lasting approximately one year. Both properties are located within the U-V – Urban Village zoning district.

The applicant would have exclusive use of the lot, which is currently vacant. Historically, off-site parking arrangements involving exclusive access for an off-site user modified the site to meet vehicular use area requirements. The applicant is planning minimal upgrades to the existing parking lot, and the proposed improvements would not address the following nonconformities:

1. There is little interior and perimeter landscaping.
2. The property does not have the sidewalk required by the U-V zone.
3. The use of barbed wire.

CODE

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

Sec. 93-11.2-1. - Intent.

The U-V district is established in order 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.

Sec. 93-11.2-9. - Sidewalk requirements.

Public sidewalks shall be located along all public and private streets. Sidewalks shall be of the widths indicated below and shall consist of two areas: a landscape area and a clear area. The following regulations shall apply to all required sidewalks:

(1) Sidewalk landscape area requirements.

- a. The landscape area shall have a minimum width of five feet and shall be located adjacent to the curb.
- b. The landscape area may be primarily paved adjacent to on-street parking and shall be landscaped in all other areas.
- c. Street trees shall be planted a maximum of 40 feet on center, spaced equal distance between streetlights, and in line with stripes of parallel parking spaces. All newly planted trees shall be a minimum caliper of 3½ inches measured 12 inches above ground, shall be limbed up to a minimum height of seven feet and shall have a minimum mature height of 40 feet. Trees shall have a minimum planting area of 40 square feet. The city planning commission may approve an alternate for street tree requirement subject to constraints such as overhead or underground utilities or underground utility easements.
- d. The landscape area is also intended for the placement of street furniture, including utility poles, waste receptacles, fire hydrants, traffic signs, newspaper vending boxes, bus shelters, bicycle racks, public kiosks and similar elements in a manner that does not obstruct pedestrian access or motorist visibility as approved by the city.
- e. The landscape area shall be maintained by the adjacent property owner.

(2) Sidewalk clear area requirements.

- a. The clear area shall be the portion of the sidewalk reserved for pedestrian passage and unobstructed by permanent objects to a height of eight feet, including but not limited to steps and stoops, traffic control boxes, and utility structures. The sidewalk clear area shall have a consistent cross slope not exceeding two percent.
- b. No awning or canopy shall extend more than five feet over the clear area.
- c. Along the following streets, if zoned U-V: South Central Avenue, North Central Avenue, Perry Hudson Boulevard, Dogwood Drive, Sylvan Road, Virginia Avenue, International Boulevard, and Atlanta Avenue, the sidewalk clear area shall have a minimum width of ten feet.
- d. Along all other streets zoned U-V, the sidewalk clear zone shall have a minimum width of six feet.
- e. Where property within the district abuts a residential zone without an intervening street, the sidewalk area within 20 feet of such district shall taper when necessary to provide a smooth transition to the existing residential zone sidewalk. In the event that the abutting residential zone has no existing sidewalk, the sidewalk shall taper to a width of six feet, measured from the street curb, or as approved by the city planning commission.

- (3) *Paving materials to remain continuous.* Any paving materials, including concrete, special pavers, or decorative paving within the landscape area or clear area shall continue across any intervening driveway.

ARTICLE 5. - FENCES**Sec. 84-5-1. - General fence regulations.**

Barbed wire, concertina wire, razor wire, and electrified fencing are prohibited in all zoning districts.

ARTICLE 23. - OFF-STREET PARKING AND LOADING

Sec. 93-23-18. - Landscape requirements for vehicular use areas.

- (a) *Intent.* The objective of this section is to provide space for the use of landscape beautification and natural plant growth for developments where off-street parking and open lot sales, displays, and service areas are provided. The intent is to improve and protect the appearance, environmental and ecological condition, character, design, and value of the total urban area, thereby promoting the public health, safety, and welfare.
- (b) *Areas subject to the requirements of this section.* Vehicular use areas, except those serving single-family or duplex developments, parking garages, and public rights-of-way shall conform to the minimum landscaping requirements hereinafter provided.
- (c) *Procedure for the development of vehicular use areas.*
 - (1) *Permit requirements.* No building grading, or tree removal permit shall be issued until approval of a required landscape plan for vehicular use areas. Prior to submission of building plans, the requirements of this section must be met. In cases where a vehicular use area is located on a lot other than that of the principal building, building plans may be submitted for review.
 - (2) *Submission of a required survey and proposed landscape plan.*
 - a. The applicant or his authorized agent shall submit to the department of public service three copies of each survey and landscape plan at a scale no greater than one inch equals 50 feet. The proposed landscaping may be superimposed on the proposed site plan or on a separate sheet, provided all drawing are the same scale.
 - b. Each survey and landscape plan shall include the following:
 - 1. Name, signature, address, and telephone number of property owner, surveyor, and or designer;
 - 2. North arrow and scale;
 - 3. All dimensions; and
 - 4. All required information and data listed on drawings.
 - (3) *Survey.* The required survey shall include the following information:
 - a. Legal description of the property.
 - b. All trees and survey data as defined in this chapter.
 - c. Existing structures, buildings, parking spaces, accessways, and public streets.
 - d. Aboveground and belowground utility lines and easements.
 - e. Existing natural features and topography at one-foot contour intervals. In areas where slopes are 20 percent or greater, a five-foot contour interval may be substituted.
 - (4) *Landscape plan.* The proposed landscape plan shall include the following information:
 - a. All trees, natural features, man-made appurtenances and structures to be retained upon the site and all topographic changes.
 - b. All proposed landscaping improvements and planting or landscaping areas identified. The grade, spacing, size, and name of proposed landscape materials shall be listed on the plan.
 - c. Comments regarding site preparation, tree preservation, methods of installation, and methods of maintenance shall be listed on the plan.
 - d. Required plans shall identify all vehicular use areas, aisles, driveways, sidewalks, wheel stops, and or curbs and other vehicular use controls. The location of the curb cuts, median openings on abutting streets, lighting, underground irrigation system, hose bibs, proposed planting areas, decorative and or screening walls, and related buildings shall be shown.
- (d) *Landscape requirements.* All vehicular use areas subject to these regulations shall be required to have the following maintained perimeter and interior landscaped areas:

(1) *Perimeter landscape requirements.*

- a. All exterior perimeters of all vehicular use areas shall have a perimeter landscaped area with no horizontal dimension less than five feet. A decorative masonry wall, earth berm, natural landscaping screen, and or combinations of the above shall be installed in such a manner as to screen the vehicular use area from adjacent properties or public rights-of-way. Screening areas shall be maintained at a minimum height of three feet.
- b. All required perimeter landscaped areas shall have at least one tree for every 250 square feet or fraction thereof.
- c. Where other provisions of this chapter required a six-foot screening wall of masonry construction, such screening wall may totally or in part be substituted with a natural landscape screen and or earth berm upon approval of the planning commission. Such natural screening shall be at least three feet in height at time of planting and maintained at a height of five feet with a visibility obstruction of at least 75 percent.
 1.
 - i. When abutting a public street right-of-way, landscaped areas along a public street shall have a minimum dimension of five feet and a minimum average dimension of ten feet from the right-of-way line to the vehicular use area.
 - ii. In addition, the requirements of section 93-2-7, "Vision clearance at corners," shall be met.
 2. When abutting adjacent properties. Required perimeter landscaped areas which would abut adjacent, existing nonresidential properties may be allocated as additional interior or other additional perimeter landscaping.

(2) *Interior landscape requirements.*

- a. An area or combination of areas equal to ten percent of the total vehicular use area exclusive of perimeter landscaped areas shall be devoted to interior landscaping.
- b. There shall be a minimum of one tree provided for every 250 square feet or fraction thereof of interior landscaping area.

(3) *Permitted modification to the landscaping requirements.*

- a. In cases where the landscaped area requirements of subsection (d)(1) and (d)(2) may exceed 20 percent of the vehicular use area, the applicant may be allowed to reduce dimensions of landscaped areas other than those abutting a public street right-of-way or adjacent to the residential uses or zones to equal a 20 percent maximum provided a method of vegetative and or masonry screening is maintained and is approved by the department of public service.
- b. In instances where proposed innovative designs, landscaping techniques, and site amenities are believed to fulfill the intent of subsection (a) above, the strict requirements of this section may be waived by the planning commission.
- c. In instances where healthy plant material exists, the requirements outlined in subsections (d)(1) and (d)(2) of this article may be adjusted thereby allowing credit for the preservation of existing plant material. The planning commission may make such adjustments so long as the intent of this section is preserved.
- d. Open lot sales of vehicles may be excluded from the perimeter screening requirements adjacent to public rights-of-way by the planing commission, provided the tree requirements and area requirements are met.

(4) *Landscape installation requirements.* All landscaping shall be installed in accordance with accepted good planting procedures.

a. *New plant materials.*

1. All new living plant materials shall satisfy the requirements of No. 1 or better as defined in the most current edition of Grades and Standards for Nursery Plants.
2. All separate landscaped areas shall have a minimum variety of two living plant materials other than trees; total landscaping areas required shall include a minimum variety of three landscape

materials other than trees.

3. Paving (other than walks) and artificial plants shall not be permitted within landscaping areas.
 4. Trees. A tree shall attain an average crown spread over 15 feet at maturity. Trees having an average crown spread less than 15 feet may be substituted by grouping the same so as to create the equivalent of a 15-foot crown spread. All trees shall be of a species which can be maintained with a minimum of five feet of truck height. Trees shall have a minimum of two inches DBH (diameter at breast height) measured 4½ feet above the ground and shall be a minimum of six feet in overall height immediately after planting.
 5. Shrubs. Shrubs shall be a minimum of one foot in height when measured at the time of planting except where they are to act as screening for residential uses or districts. In which case, they shall be a minimum of three feet in height at the time of planting and maintained at a minimum height of five feet at maturity.
 6. Lawn grass and ground covers. Grass may be sodded, plugged, sprigged, or seeded except that solid sod shall be used in swales or other areas subject to erosion. In areas where plant materials other than solid sod or grass is used, a fast-growing grass seed shall be sown for immediate effect and protection until coverage is otherwise achieved. Grass sod shall be clean and reasonably free of weeds and noxious pests or disease. Ground covers which present a finished appearance and reasonable complete coverage at time of planting may be used in lieu of grass sod.
- b. *Existing plant materials.* Existing living plant materials to be preserved shall be in accordance with of this chapter.
 - c. *Earthwork.* Earth berms shall be of variable height and slope. Swales and ponds shall be permitted for onsite retention of stormwater provided they are approved by the city's department of public service.
 - d. *Encroachment.* Landscaped areas, walls, structures, and walks shall require appropriate protection from vehicular encroachment by utilizing wheel stops, curbs, posts, wood, brick-work, and/or other devices. Placement of these devices shall be located at least 2½ feet from walks, walks, and structures and may be placed one foot from landscaped areas to prevent a vehicular overhang of no more than 1½; feet of landscaping area may be counted as part of the required depth of each parking space.
 - e. *Maintenance.* The owner or his agent shall be responsible for the maintenance of all landscaping which shall be maintained in good condition so as to present a healthy, neat, and orderly appearance and shall be kept free from refuse and debris. All landscaped areas shall be provided with a sprinkler system or readily available water supply with at least one outlet located within 50 feet of all plant material to be maintained. The owner shall replace all landscaped materials required if, for any reason, they die or are severely damaged within one year of the final approval of the installation. The owner is thereafter responsible to maintain the landscaping in a healthy manner.
 - f. *Planting bed.* The planting bed for all landscaping materials shall be free of weeds, debris, and noxious material and shall consist of a healthy plant growth medium. The planting bed soil shall provide adequate support, drainage, and nutrients for the plants and thus may require the incorporation of sand, peat, and or topsoil into the soil. Such planting soil shall be placed throughout the planting hole for each plant, and this hole shall be at least twice as wide as the width of the plant ball and 1½ as deep as the depth of the plant ball.
- (e) *City review of landscape plan.* The department of public service shall approve or reject the required landscape plan. The decision of the department of public service shall be deemed final administrative action, but may be appealed to the planning commission provided such appeal is made in writing at least ten days prior to the next regular planning commission meeting. Developments which require site plan approval by the planning commission shall be reviewed and approved by the planning commission for compliance to this section.
 - (f) *Certification of compliance.* Upon completion of the landscape improvements, the site shall be inspected for compliance to the approved landscape plant. A certificate of compliance must be issued before a certificate of occupancy can be issued for any related structures. When occupancy of a related building is desired prior to completion of the required landscaping, a temporary certificate of occupancy may be issued if a financial

guarantee in the amount equal to 100 percent of the cost for landscaping improvements is provided and acceptable in form to the city attorney.

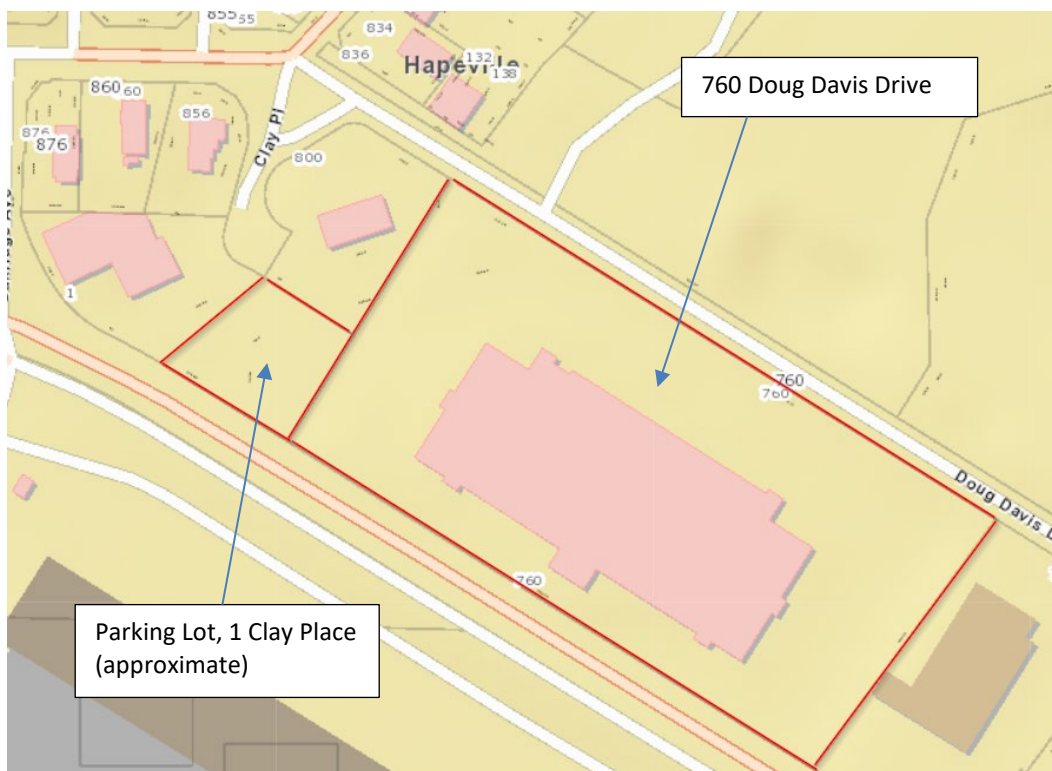
Sec. 93-23-12. - Location.

If the required off-street parking spaces cannot reasonably be provided on the same lot as the building it serves, the board of appeals may permit that space to be provided on other off-street property. That property shall be within 400 feet of the premises to which it is appurtenant, as measured along the nearest pedestrian walkway.

RECOMMENDATION

The application in question is to allow for off-street parking requirements to be met by use of an off-site parking lot. The lot in question is within 400 feet of the primary facility and allowing the use of that property for off-site parking is unlikely to have any negative impact on the community or to jeopardize the intent of the U-V zone.

Historically, similar off-site parking arrangements involving the long-term exclusive use of a lot by a single entity have improved the parking lot to meet requirements of the code. The proposed short-term/temporary nature of this arrangement (up to one year), however, may not necessitate such improvements. There is a chain-link fence topped with barbed wire on-site, which is not compliant; however, the applicant has indicated this barbed wire is essential to the security and operations of the facility. Should improvements be required to the property, the barbed wire and chain link would need to be replaced with compliant materials or a variance sought. Staff recommends approval of the off-site parking arrangement with the condition that the parking lot be required to be brought into compliance with Sec. 93-23-18 (landscaping) and Sec. 93-11.2-9 (sidewalks) should the lease to use the parking lot extend beyond 12 months from the date of approval.



Project Location – 760 Doug Davis Drive/1 Clay Place