



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

DATE: September 5, 2019
TO: Adrienne Senter
FROM: Michael Smith
RE: **Site Plan Review – 591 King Arnold Street**

BACKGROUND

The City of Hapeville has received a site plan application from Miller Lowry Developments, LLC, to develop 18 townhomes at 591 King Arnold Street. All townhomes will be three stories tall overall 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 with 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 property is zoned U-V, Urban Village, is located within the A-D, Arts District overlay, and is subject to the Commercial/Mixed-Use area of the Architectural Design Standards.

REVIEW

The following code sections are applicable to this application:

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. 93-11.2-3. - Permitted uses.

- (15) Single-family attached dwellings with at least two units attached, but no more than 12 and subject to the density restrictions in subsection (19) of this section.
- (19) Residential density limitations shall be as follows:
 - a. The maximum permitted residential density of a master planned development shall be 40 units per acre as calculated based on the sum of all residential uses and the total acreage of the project, including multiple parcels or city blocks, but not rail lines, public streets, or other areas not owned by the applicant;
 - b. The built residential density of individual parcels or blocks within a master planned development may be greater or less than 40 units per acre, provided the project's combined average maximum permitted residential density is not exceeded; and
 - c. Any changes to an approved site plan shall require approval of the city planning commission and shall be reviewed based on the geographic extent of the original approved site plan, shall not exceed maximum density requirements of the original application, and shall indicate all built or planned improvements.

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.

ARTICLE 22.1. - DIMENSIONAL REQUIREMENTS

Dimensional Requirements for **U-V Zoning** are as follows:

Development Type	Lot Frontage (Feet)	Min. Lot Area Sq. Ft.	Lot Area/DU Square Feet	Bed & Bath Req.	Floor Area/DU Sq. Ft.	Max Lot Coverage	Minimum Front Yard		Minimum		Maximum		Min. Parking Spaces	Max. Unit Per Bldg. Lot
							Minor Col.	Maj. Arterial	Side	Rear	Stories	Feet		
Single-family Attached Patio/Townhomes and Live-Work Unit	20	1,200		2br/2bth	1,400	90	0/15	0/15	0	0	3	45	1 DU	a.

- a. Single-family attached patio/townhomes cannot have more than eight units per building and no less than four units attached.

REQUIREMENTS

Sec. 93-2-16. - Site plan review.

- (a) *Intent and purpose.* The site plan review procedures are intended to ensure adequate review and consideration of potential impacts of proposed development upon surrounding uses and activities, and to encourage a high standard of site planning and design resulting in quality development in the city.
- (b) *Application.* An application for site plan review may be filed by the owner, or agent for the owner, of any property to be developed according to the plan. All applications for site plan review shall be filed with the building official for transmission to the planning commission. Site plan review requirements are applicable for all proposed development in all zones within the city and all property submitted for annexation.
- (c) *Submission requirements.* Applications for site plan review shall contain the following information and any additional information the planning commission may prescribe by officially adopted administrative regulations; ten copies of the application shall be submitted:
- (1) *Site and landscape plan.* Maps and site plans shall be submitted (minimum scale of 1" = 50' or larger, e.g., 1" = 40', 1" = 30', etc.) indicating project name, applicant's name, adjoining streets, scale, north arrow and date drawn, showing:
- a. The locations, size and height of all existing and proposed structures on the site.
- ***The subject tract is currently occupied by an existing one-story brick structure, which will be demolished.***
 - ***The maximum number of permitted townhomes on one property in the U-V district is 12. The applicant intends to develop 18 townhomes on the site, which is not compliant and will require a variance.***
 - ***No setbacks dimensions are provided on the site plan.***
 - ***Each building will be between 2.5 and 3 stories above grade at the entrance. However, only the heights of the blocks of buildings in the rear have been given, at 35'. No heights in feet have been provided for the buildings along King Arnold.***
 - ***Square footage has been provided for each building. However, the complete dimensions for length and width of the buildings have only been provided for buildings 13-18.***

- b. The location and general design cross section characteristics of all driveways, curb cuts and sidewalks including connections to building entrances.

- ***The plans show a new 24' wide shared private drive/alley served by two new curb cuts 38' and 38.1' wide at their aprons, respectively.***
- ***The plans show a new sidewalk with a 6' clear zone and 5' landscape area.***
- ***Design cross sections have been provided.***
 - c. The locations, area and number of proposed parking spaces.
- ***Each townhome will have a two-car garage served by a 4' or 18' long driveway connected to the alley. The site will feature two additional shared parking spaces along the alley.***
 - d. Existing and proposed grades at an interval of five feet or less.
- ***The site plan shows existing and proposed grades at 1' intervals.***
 - e. The location and general type of all existing trees over six-inch caliper and, in addition, an identification of those to be retained.
- ***The site has previously been developed and does not have any trees.***
 - f. 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.
- ***The landscape plans show 24 maples will be planted along the alley and a shared courtyard, 23 maples will be planted along a buffer between the townhomes and properties to the north, and 6 street trees will be planted with type to be determined after consulting with the City.***
 - g. 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.).
- ***In addition to the townhomes, there will be a paved courtyard between the two blocks of buildings along King Arnold and a shared lawn between the landscape buffer, the alley, and the two rear blocks of buildings.***
 - h. The location of all retaining walls, fences (including privacy fences around patios, etc.) and earth berms.
- ***Some of the townhomes will have a first floor built below grade but accessible from the street. The retaining walls necessary to accomplish this are not shown on the plans. The plans should be revised to show all retaining walls.***
- ***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.***
 - i. The identification and location of all refuse collection facilities, including screening to be provided.
- ***The townhomes will use individual garbage receptacles and municipal refuse collection services.***

- j. Provisions for both on-site and off-site stormwater drainage and detention related to the proposed development.
- **See engineer's report.**
- k. Location and size of all signs.
- **No signs are shown on plans.**
- (2) *Site and building sections.* Schematic or illustrative sections shall be drawn to scale of 1" = 8' or larger, necessary to understand the relationship of internal building elevations to adjacent site elevations.
- **The building elevations will be reviewed by the Design Review Committee for compliance with the Architectural Design Standards.**
- (3) *Typical elevations.* Typical elevations of proposed building shall be provided at a reasonable scale (1/8" = 1'0") and shall include the identification of proposed exterior building materials.
- **The building elevations will be reviewed by the Design Review Committee for compliance with the Architectural Design Standards.**
- (4) *Project data.*
 - a. Site area (square feet and acres).
- **The minimum lot size is 1,200 SF. The lot is 43,255 SF or 0.993 acres, which is compliant.**
- b. 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.
- **No site coverages have been provided. Maximum lot coverage allowed is 90%**
- c. Total dwelling units and floor area distributed generally by dwelling unit type (one-bedroom, two-bedroom, etc.) where applicable.
- **A minimum of 2 bedrooms and 2 bathrooms are required. All proposed dwellings have a minimum of 2 bedrooms and 2 bathrooms, which is compliant.**
- d. Floor area in nonresidential use by category.
- **Not applicable.**
- e. Total floor area ratio and/or residential density distribution.
- **The minimum floor area per dwelling unit is 1,400 SF. Six of the townhomes have approximately 1,239 SF of heated floor area, which is not compliant and will require a variance.**
- f. Number of parking spaces and area of paved surface for parking and circulation.

- ***Each dwelling is served by a 2-car garage, connected by a 4'-18' long driveway to a 24' wide alley, which is in turn connected to the street at two points.***

(5) *Project report.* 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. 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, stormwater and erosion control, etc. of the proposed development.

- ***The overall project includes the construction of 18 townhomes.***
- ***Verification of ownership has been provided for property.***
- ***The anticipated development schedule has been provided.***

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

Sec. 93-11.2-7. - Area, placement, and buffering requirements.

All buildings or structures erected, converted or structurally altered shall hereafter comply with the following lot area, yard, and building coverage requirements:

- (1) *Lot area and width.* The minimum area shall be established by the restriction governing lot coverage, setbacks, height, and parking requirement as found in article 22.1. Generally, no lot shall have a minimum frontage of less than 20 feet; however, single-family residential lots shall have a minimum frontage of 30 feet.
- ***Compliant.***
- (2) *Front yard.* See subsection (3) below.
 - (3) *Build-to line.* The minimum build-to line shall be zero feet and the maximum shall be 15 feet, provided that the maximum build-to line may be increased as determined to be necessary and advisable by the city planning commission in the course of its site plan review process. In determining such increase, the city planning commission shall consider the size and configuration of the proposed buildings, their relationship to the existing and proposed thoroughfares, the relationship to existing and proposed parks and plazas, the location of existing mature trees, and supplemental area of adjacent structures. Where the built-to line is modified to provide parks and plazas, said facilities shall be directly accessible to the public during normal city park hours.
- ***No setbacks have been provided.***
- (4) *Side yards.* There shall be no minimum side yard requirement except as required by subsection (8) of this section for residential zone buffers.
- ***The lot faces streets on all sides and does not contain side yards.***
- (5) *Rear yards.* There shall be no minimum rear yard requirements except as required by subsection (8) of this section for residential zone buffers.
- ***The site has a 15' landscape buffer at the rear of the property.***

- (6) *Distance between buildings.* Section 93-2-6 notwithstanding, the minimum distance between two buildings on a single lot or on contiguous property under the same ownership shall be ten feet, plus four additional feet for every story or fraction thereof that the building exceeds three stories, or such distance determined necessary by the city planning commission to enhance the aesthetics of development. All exterior walls shall be designed per the International Residential Building Code 2003, as amended, or the International Building Code 2003, as amended. Adjoining buildings, whether commercial, residential, or mixed-use, shall have sprinkler systems and there shall be a fire resistance rating of one hour between buildings and occupancies that are side-by-side and top and bottom. However, if a building is a single-family dwelling and the adjacent building is closer than 15 feet there can be no vertical openings (windows) between the two structures of buildings that exist within 15 feet of the horizontal fire separation.
- ***The distance between buildings is compliant.***
- (7) *Height regulations.* No building or structure shall be less than 24 feet in height or exceed four stories or a 64 feet in height, provided the city planning commission may allow a development with greater height via site plan approval, if it finds that:
- a. The proposed height will not adversely impact adjacent properties or nearby residential neighborhoods.
 - b. The added height is necessary to support redevelopment of an area, which currently contains uses that have an adverse impact upon adjacent neighborhoods.
 - c. The proposed development is designed to facilitate the objectives and strategies of an officially adopted master plan, an LCI Study or the current comprehensive plan.
 - d. The proposed development meets approval from the fire department and FAA.
 - e. The proposed development meets the sprinkling standards set forth by the fire department. It shall meet the requirements as set forth in NFPA (13)(D), standard for the installation of sprinkler systems in one-family or two-family dwellings and NFPA (13)(R) for residential occupancies up to and including four stories in height. All others shall be required to meet NFPA (13) standard for the installation of sprinklers.
- ***All structures will be 3 stories tall. The buildings in the rear will be 35' high. However, no heights in feet have been provided for the buildings along King Arnold.***
- (8) *Residential buffer.* Where this district adjoins a residential zone, specifically when a commercial or mixed use in the U-V district abuts the residential district, all new development shall provide an attractive physical barrier between different zones as necessary to minimize disruptive light, noise, odor, dust, unsightly appearances and intrusive activity relative to the residential zone. A smooth transition to adjacent residential zones shall be ensured by the provision of:
- a. A minimum 15-foot landscaped buffer located within the U-V zone along the district line. Said buffer shall be planted with a minimum of one tree per 40 linear feet. Shrubs, flowers or grasses shall also be provided and maintained to visually screen non-residential areas and provide an attractive boundary that encourages continued investment in the adjacent residential zones.
 - b. A permanent opaque wall between six and eight feet in height and faced in wood, stacked stone, brick or hard-coat true stucco. Said wall may be located anywhere within the required landscaped buffer.
 - c. Where an alley separates this zone from a residential zone, the required landscape buffer and permanent opaque wall shall be provided on the portion of the U-V-zoned property adjacent to the alley.
- ***Recently passed ordinance no. 2019-04 removed the residential buffer requirement when both the new***

and adjacent parcels are residential. While not required by zoning, a 15' landscape buffer is still encouraged. The proposed maples are not ideal as a buffer species as they lose their foliage during the winter.

- ***In addition to a 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 by the Architectural Design Standards.***

Sec. 93-11.2-8. - Supplemental area requirements.

Supplemental areas shall meet the following requirements:

- (1) The following may not be located in the supplemental area:
 - a. Recreational areas and facilities such as swimming pools, tennis courts;
 - b. Fences and walls;
 - c. Service elements such as dumpsters, loading docks and similar elements;
 - d. Mechanical features; and
 - e. Parking.
- ***Compliant***
- (2) Adjacent to ground floor retail or restaurant uses the supplemental area:
 - a. Shall be at the same grade, slope, and cross slope as the adjacent required sidewalk;
 - b. Shall be hardscaped for a minimum of 80 percent of its horizontal area with decorative pavers, bricks, slate, or stamped or colored concrete, but not asphalt;
 - c. Shall be accessible to the general public and may be used for pedestrian amenity elements such as benches, trees, outdoor dining, merchandise display and potted plants.
- ***Not applicable***
- (3) Adjacent to ground floor dwelling units, excluding live-work dwellings, the supplemental area:
 - a. Shall be landscaped, except for area uses for stoops, porches, wheelchair ramps, or walkways;
- ***Compliant***
- b. Shall be planted with one canopy tree, as established in section 93-2-14(k)(11), an average of 40 feet on-center as measured parallel to the front lot line.
- ***This does not apply to King Arnold as there is no landscaped supplemental area.***
- ***Trees must be planted an average of 40' on center in the supplemental areas along North Fulton and Estelle.***
- c. Shall be differentiated from the adjacent sidewalk by a continuous wall, fence, hedge, or retaining wall between six and 30 inches in height.
- ***A wall, fence, hedge, or retaining wall is required between all supplemental areas and sidewalks.***
- (4) Adjacent to ground floor live-work dwellings, all other uses, or when not adjacent to a building the supplemental area shall be treated as identified in subsections (2) or (3) of this section.
- ***Not applicable.***

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.

• ***Compliant***

- b. The landscape area may be primarily paved adjacent to on-street parking and shall be landscaped in all other areas.

• ***Compliant***

- 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.

• ***Street trees must be placed a maximum of every 40' on-center. The spacing between the street trees along King Arnold has not been provided.***

• ***Street trees must be provided along North Fulton and Estelle.***

- 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.

• ***Streetlights are required per the architectural design standards.***

- 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.

- **Compliant**

- (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.

- **Compliant**

Sec. 93-11.2-10. - Parking and curb cut requirements.

In addition to the requirements of article 23, off-street parking and loading, the following requirements shall apply within the U-V district:

- (1) See article 22.1 of this chapter for minimum parking space requirements.

- **Compliant**

- (2) See section 93-23-7 for mixed-use developments, which may be reduced as authorized by the board of appeals subject to a shared parking arrangement under the following criteria:

- a. The minimum number of parking spaces for a project where shared parking is proposed shall be determined by a study prepared by the applicant following the procedures of the Urban Land Institute (ULI) Shared Parking Report or Institute of Transportation Engineers (ITE) Shared Parking Guidelines. The actual number of parking spaces required shall be based on well-recognized sources of parking data such as the ULI or ITE reports. If standard rates are not available or limited, the applicant may collect data at similar sites to establish local parking demand rates. If the shared parking plan assumes use of an existing parking facility, then field surveys shall be conducted to determine actual parking accumulation.
- b. An applicant shall submit the following information as part of an application to reduce parking requirements and avoid conflicting parking demands:
 1. A to-scale map indicating location of proposed parking spaces;
 2. Hours of business operation of nonresidential parking users;
 3. Copies of the legal instrument that authorizes the use of shared parking facilities;
 4. Copies of the relevant legal instrument authorizing the shared use, shall be filed with the department of economic development.
 5. Where authorized shared parking exists and a change affecting the shared use occurs, the applicant shall have up to 30 calendar days to provide the city director of economic development with a valid legal instrument reflecting the modified parking arrangements.
- c. Change to any of the conditions identified in this subsection, except as identified in subsection (2)b.5 above, shall terminate authorization for shared parking. A shared parking arrangement shall be deemed a condition of the zoning and any modification will require a new site plan, parking plan, and zoning approval.

- **Not applicable**

- (3) Developments are permitted a maximum of two driveway curb cuts per block face or one. For the purposes of this section, two curb cuts serving two one-way driveways shall only be counted as one curb cut.

- **Compliant**

- (4) No curb cuts, driveways or circular drives shall be permitted on South Central Avenue, Virginia Avenue or Atlanta Avenue when access can be provided from a side or rear street. Circular drives are prohibited, with the exception of hotel and hospital uses.
- **Not applicable**
- (5) Rear alleys or rear drives shall be provided to access attached single-family garages, detached single-family dwelling garages, and commercial loading and service areas.
- **Compliant**
- (6) Carports shall be prohibited.
- **Not applicable**
- (7) Garages shall not face adjacent streets except where alley or rear drive access is not feasible, in which case such garages shall be set back a minimum of 25 feet from the build-to line. All garage materials shall match those of the principal structure.
- **Compliant**
- (8) Parking structures shall conceal automobiles from view, shall have the appearance of a horizontal storied building on all levels, shall be faced in brick, stacked stone, cast stone, poured-in-place rubbed concrete, or pre-cast concrete faced in or having the appearance of brick or stacked stone. Parking structures adjacent to the supplemental area shall also meet the requirements of section 93-11.2-10(1).
- **Not applicable**
- (9) Bicycle or moped parking spaces are required as follows: All non-residential uses shall provide one such space for every 20 automobile spaces and condominium and apartment uses shall provide one such space for every five units provided that no such uses shall have fewer than two such spaces or be required to exceed 30 spaces. Such spaces shall be located within the sidewalk landscape a maximum distance of 100 feet from the primary pedestrian entrance, or within the supplemental area, or at least as close as the closest automobile space, except for handicapped parking spaces. Bicycle parking spaces shall include a bike rack with a metal anchor sufficient to secure the bicycle frame when used in conjunction with a user-supplied lock.
- **Not applicable**
- (10) Dumpsters shall be entirely screened from view of any street with vertically enclosed opaque walls matching the materials of the principal structure.
- **Not applicable**

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

Sec. 93-28-7.5. - Residential uses.

The maximum number of dwelling units in a single building shall not be limited, provided that no development shall exceed 50 units. The parking requirement for such uses shall be one space for each dwelling unit. No minimum lot area shall apply in the arts district overlay provided all other development standards of this article are met.

- **Compliant**

No residential use shall front on a public street, sidewalk or alley at the ground floor or street level. All ground level uses fronting on a public street, sidewalk or alley shall be non-residential uses.

- **A variance will be required to build residences without ground level non-residential uses.**

Single-family detached units, duplexes and triplexes are prohibited as incompatible with such higher density settings in recognition of the urban character of the arts district overlay and the need to preserve land for arts and entertainment uses.

- **Not applicable**

Nothing contained in this section is intended to remove or restrict the potential of other residential uses for property within the arts district overlay that may be permitted or authorized pursuant to the city's zoning code.

Sec. 93-28-10.2. - Site design.

(a) No overhead service doors or bays shall face the primary street serving the property. Loading and service areas shall be internal to the development and accessed via service alleys and not pedestrian-oriented streets.

- **Compliant**

(b) Entrances to the building, including entrances to shops and the main lobby, shall be separated by no more than 40 feet along the front of the building.

- **Compliant**

(c) Pedestrian and main entrances shall be located on the primary street serving the property. Curb cuts should be located on a side street where possible.

- **Units 14-17 are not located on the street and do not have direct pedestrian access, which will require a variance.**

(d) Parking shall not be the dominant visual element of the site along the primary frontage. Parking shall be designed as smaller, multiple parking lots separated by landscape and buildings, or placed behind buildings.

- **Compliant**

(e) The parking space standard in the arts district overlay shall be eight and one-half feet by 18 feet. No loading space requirement shall apply to the arts district overlay. In most instances, the short term loading needs of the business can be met in the vehicle parking area.

- **Not applicable**

ARTICLE 23. - OFF-STREET PARKING AND LOADING

Sec. 93-23-1. - Purpose and intent.

The purpose of this article is to ensure the reasonable provision of off-street parking and loading facilities within the city. The requirements contained herein are minimum standards only, and are intended to protect and promote the health, safety and welfare of the present and future inhabitants of the city.

Sec. 93-23-2. - Entrance and exit points.

Except in districts zoned R-0, R-1, R-2 and R-3, curb breaks shall not be more than 30 feet in width, nor less than 25 feet in width. In no case shall there be less than 50 feet from the closest sides of any two-driveway curblines. Curb breaks shall be located at least 25 feet from the nearest intersection of two curblines as measured along one of the curblines. Business establishments on contiguous lots are encouraged to consolidate entrance and exit points. Suitable provisions, including a five-foot-wide planted buffer strip between the right-of-way and parking area shall be made to prevent entrance or exit from other than at designated entrance or exit points.

- **The maximum width allowed for curb breaks is 30'. The proposed curb breaks to the east and west of the property are 38' and 38.1', respectively, which are not compliant and will require a variance.**

- **Curb breaks must be separated by at least 50'. The plans do not indicate the distance between the proposed curb breaks and any curb breaks to the north.**
- **Curb breaks must be at least 25' from the nearest intersection. The distances between the proposed curb breaks and the nearest intersections have not been provided.**

Sec. 93-23-3. - Setbacks from property lines.

Off-street parking and loading spaces and their respective maneuvering areas shall be set back not less than five feet from all property lines, except where those spaces and areas for adjacent properties abut, or are in contiguous use, there need not be any setback.

- ***Compliant***

Sec. 93-23-4. - Maneuvering areas.

All off-street parking and loading spaces shall be provided with adequate off-street maneuvering areas.

- ***Compliant***

Sec. 93-23-6. - Reduction in area and number of parking spaces.

No open area in an off-street parking area shall be encroached upon by buildings, storage or any other use; nor shall the number of parking spaces and/or off-street loading spaces be reduced except upon approval of the board of appeals, and then only after proof that, by reason of diminution in floor area, seating area, number of employees or change in other factors controlling the regulation of the number of parking spaces, the proposed reduction is reasonable and consistent with the intent of this chapter.

- ***The site plans do not indicate any encroachment upon the parking area by any buildings or other uses.***

Sec. 93-23-7. - Mixed uses.

In the case of mixed uses, the total requirements for off-street parking and off-street loading space shall be the sum of the requirements of the various uses computed separately as specified herein. Off-street parking and off-street loading space for one use shall not be considered as providing the required off-street parking or off-street loading space for any other use.

- ***Not applicable to non-mixed-use development.***

Sec. 93-23-8. - Uses not specifically mentioned.

In the case of a use not specifically mentioned herein, the requirements for off-street parking space and off-street loading space for a use which is so mentioned, and to which that use is most similar, shall apply.

Sec. 93-23-9. - Issuance of certificate of occupancy.

No certificate of occupancy shall be issued for any building or group of buildings unless and until all required off-street parking and loading facilities are in place and ready to use.

Sec. 93-23-10. - Off-street parking requirements according to district and uses.

At the time of the erection of any building or structure hereinafter listed, or at the time any such building or structure is enlarged or increased in capacity by adding dwelling units, guestrooms, floor area, seats, beds, members or employees, there shall be provided for such new construction, enlargement or increased capacity only, off-street automobile parking space and off-street loading spaces in accordance with the minimum requirements established for each zone. The maximum number of off-street automobile parking spaces shall be 110 percent of the requirement for uses proposed at the time of development approval.

- ***Compliant***

Sec. 93-23-11. - Size of off-street parking spaces, including parking spaces for compact automobiles, and parking spaces for automobiles of the physically handicapped.

- (a) Of the total number of parking spaces required for any nonresidential use having 20 or more off-street parking spaces, a maximum of 70 percent shall be "full-size" as described in the table below, and a minimum of 30 percent shall be "compact size" as described in the table below:

Minimum Full-Size Space Dimensions

Type of Space	Width of Space	Length of Space
Parallel at curb to angle of 29 degrees	8.5 feet	22 feet
Angle of 30 degrees to 60 degrees	9 feet	18 feet
Angle of 61 degrees to 90 degrees	10 feet	18 feet

Minimum Compact-Size Parking Space Dimensions

Type of Space	Width of Space (feet)	Length of Space (feet)
Parallel at curb to angle of 29 degrees	8	19
Angle of 30 degrees to 60 degrees	8.5	15
Angle of 61 degrees to 90 degrees	9	15

- ***Not applicable***

- (b) There shall be adequate interior passageways, drives and maneuver areas, as determined by the building official, to accommodate each space and to connect each space with a public street.

- ***The alley is the widest allowed by the Architectural Design Standards.***
- ***The widths of the driveways connecting to the alley have not been provided.***

- (c) In addition to the above-stated requirements, parking space for automobiles of the physically handicapped shall be provided in accordance with the following standards.

- (1) Access to buildings generally.

- Accessibility to such building shall be provided from rights-of-way in parking areas by means of a pathway leading to at least one entrance generally used by the public. Such pathway shall have been cleared of all obstructions relating to construction activity, prior to the opening of the building to the general public. Where curbs exist along such pathway, as between a parking lot surface and a sidewalk surface, inclined curb approaches or curb cuts having a gradient of not more than one foot in 12 feet and a width of not less than four feet shall be provided for access by wheelchairs.
- A parking lot servicing each entrance pathway shall have a number of level parking spaces as set forth in the following table, identified by above grade signs as being reserved for physically handicapped persons. Each parking space so reserved shall be not less than 12 feet in width.

Parking Spaces for Handicapped

Total Spaces and Lot	Required No. of Reserved Spaces
Up to 25	1
26 to 50	2
51 to 75	3
75 to 100	4

100 to 150	5
150 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
Over 1,000	20, plus 1 for each 100 over 1,000

- (2) Location. Parking spaces for the physically handicapped shall be located as close as possible to elevators, ramps, walkways and entrances.

- ***Not applicable to residential development.***

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.

- ***The off-street parking is provided on the same lot as the building.***

Sec. 93-23-13. - Joint use of required off-street parking spaces.

No part of an off-street parking area required for any building or use for the purpose of complying with the provisions of this chapter shall be included as a part of an off-street parking area similarly required for another building or use unless the type of structure indicates that the periods of usage of that structure will not be simultaneous with each other, as determined by the board of appeals.

- ***The off-street parking provided is for the exclusive use of the townhomes.***

Sec. 93-23-14. - Size of off-street loading spaces.

Each off-street loading space shall have minimum dimensions of 15 feet in height, 15 feet in width, and 60 feet in length. However, upon sufficient demonstration in a specific instance that a particular loading space will be used exclusively by shorter or lower trucks, the board of appeals may reduce the minimum length or height.

- ***Loading spaces are not required in the A-D overlay.***

Sec. 93-23-15. - Location of off-street loading spaces.

All required off-street loading spaces shall be located on the same lot as the building which they are intended to serve, or on an adjacent lot when shared with the use occupying the lot.

- ***Loading spaces are not required in the A-D overlay.***

Sec. 93-23-16. - Drive-in establishments.

There shall be no drive-in establishments in which customers are served while located on a public right-of-way. In the case of a drive-in establishment where customers are served while occupying automobiles parked off a public right-of-way, that establishment shall provide on the premises sufficient parking space which, in the judgment of the building official, the chief of police and the city engineer will accommodate the largest number of automobiles

being served or waiting to be served at any one time. This required space shall be appropriately arranged for the purpose and in no case shall it be less than the minimum space as specified in this chapter.

- ***Not applicable.***

Sec. 93-23-17. - Continuing character of obligation.

The schedule of requirements for off-street parking space and off-street loading space applicable to newly erected or altered structures shall be a continuing obligation of the owner of the real estate on which any such structure is located, so long as the structure is in existence and its use requiring vehicle parking or vehicle loading facilities continues, and it shall be unlawful for an owner of any building affected by this chapter to discontinue, change or dispense with, or to cause the discontinuance or change of the required vehicle parking or loading space apart from the discontinuance, sale or transfer of the structure, without establishing alternative vehicle parking or loading space which meets the requirements of and is in compliance with this chapter, or for any person, firm or corporation to use that building without acquiring the land for vehicle parking or loading space which meets the requirements of and is in compliance with this chapter.

FINDINGS

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.
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.
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 areas along North Fulton and Estelle.
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 has not been provided.
10. Street trees must be provided along North Fulton and Estelle.
11. Curb breaks must be separated by at least 50'. The plans do not indicate the distance between the proposed curb breaks and any curb breaks to the north.
12. Curb breaks must be at least 25' from the nearest intersection. The distances 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 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 approval of the required variances by the Board of Appeals.



Location Map – 591 King Arnold Street.