



**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.