



## DEPARTMENT OF PLANNING AND ZONING

### PLANNER'S REPORT

To: Adrienne Senter  
From: Lynn M. Patterson  
Date: March 21, 2019  
RE: Conditional Use Permit – 325 Sunset Avenue

#### **BACKGROUND**

The City of Hapeville received a request for a Conditional Use Permit from Georgia Communities, Inc. to operate a senior living facility within a new development located at 325 Sunset Avenue. Prior to submission of the site plan and required approvals, the property will be replatted such that the parking will be added to the developed parcel. The properties are zoned U-V, Urban Village. The property is currently vacant.

Multifamily uses are permitted as a Conditional Use within the U-V Zoning District and are subject to the provisions of Article 3.2 below:

#### **CODE**

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

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

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

- (9) All multifamily uses shall be conditional uses in U-V zone. In addition to meeting the conditional use provisions, all multifamily uses in U-V shall comply with [subsection] 93-11.2-3(19).

##### **Sec. 93-11.2-3. - Permitted uses.**

(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.

**The property will have 74 units across a two acre development, which is compliant.**

## ARTICLE 3.2 – Conditional Uses

### Sec. 93-3.2-1. - Permit required.

Zoning districts established herein permit certain uses which are allowable therein provided they meet specified conditions, as set forth therein and here. No such use shall be permitted until a conditional use permit has been issued authorizing such use. The procedures for granting such permits shall be the same as for amendments to the zoning ordinance or zoning map.

### Sec. 93-3.2-2. - Review of applications.

Those conditions specified in the zoning district regulations shall be considered to be the minimum standards which must be met before the conditional use application may be considered by the planning commission for review and recommendation and the mayor and council for decision. In deciding upon whether or not a conditional use meets the minimum standards and promotes the health, safety, morals, or general welfare of the city, the mayor and council shall utilize the applicable standards of review of [section 93-25-6](#).

### Sec. 93-3.2-3. - Issuance of permit.

If the mayor and council, after applying the evidence to the standards of review, have been convinced that the allowance of the conditional use will promote the health, safety, morals, or general welfare of the city, a conditional use permit may be granted, subject to those provisions that may be imposed by the mayor and council.

### Sec. 93-3.2-4. - Procedures regarding delays in use of condition.

If a building permit, grading permit or occupation tax permit has not issued and construction (if any is necessary) begun within a 12-month period after such conditional use is approved, the conditional use may be withdrawn at a meeting of the mayor and council. The mayor and council may then reinstate the prior zoning district and regulations. In the alternative, the mayor and council may extend the conditional use for 12 months and any number of subsequent 12-month periods by only one such period at a time.

### Sec. 93-3.2-5. - Special use permit procedures.

Mayor and Council may in considering a special use permit following a public hearing impose reasonable conditions deemed necessary to the protection or benefit of owners of adjacent and nearby properties to ensure compatibility of the proposed development or use with surrounding uses. The decision of mayor and council concerning consideration of a special use shall be given to the applicant in writing, by certified U.S. mail to the address indicated in the application. Aggrieved applicants shall have 30 calendar days from the date of receipt of the notice in which to petition the superior court of Fulton County for writ of certiorari.

### Sec. 93-3.2-6. - Special use permit criteria and standards.

- (a) *Special use permit criteria.* Special uses are compatible uses of land or the improvement of structures within a zoning district that reasonably require special consideration and therefore, are not allowed "by right." The following standards shall be considered in evaluating the appropriateness of all proposed special uses of property:
- (1) Impact on the use or development of adjacent properties, or the surrounding area, as concerns public health, safety or general welfare;  
**The use of the property for a senior living facility would not adversely affect the public health, safety or general welfare of the surrounding area. It addresses a latent need for affordable, senior housing as the City's population is aging. A recent (draft) study from the ARC indicates that housing prices have risen 49% over the past decade and that XX% of the population is burdened by housing costs. Senior housing and those that include affordable housing units can help to address this need with regard to general welfare.**
  - (2) Capacity of the lot to accommodate the use and satisfy the dimensional requirements of the ordinance;  
**Once re-platted, the property will accommodate all dimensional requirements, including parking. The conditional use should be granted with the condition that the additional property must be included in any site plan.**
  - (3) Compatibility with adjacent properties and other land uses in the vicinity;  
**The area has been designated as medium intensity mixed use in the future land use map. This encourages higher densities and multi-family developments. Directly across Sunset Avenue is**

**St. John's Catholic School. There is a residential neighborhood to the north. Along King Arnold, Sunset and North Central Avenue, there are a mix of residential and commercial in the vicinity. The proposed use for a multifamily facility is compatible.**

- (4) Potential nuisance or hazardous characteristics, specifically as concerns the number of individuals projected to use such facility or nature of the activity;  
**There are no concerns related to the nature of a senior living facility with regard to potential nuisance or hazardous characteristics. The project is a senior housing facility which will include residents, visitors, staff and potentially community offerings for seniors.**
- (5) Impact on traffic movement, availability of off-street parking, options for buffering or protective screening, hours and manner of operation, lighting, signs and access to the property; and  
**There is expected to be an increase in traffic adjacent to the site, but this will be mitigated by the proximity of the development to North Central Avenue and Interstate 75. Parking is adequate at the site. Operating hours will be continuous as this is a residential development. The property will be accessed by an existing curb cut on Sunset Avenue.**
- (6) Conformance of the special use to other requirements of the ordinance.  
**The property will be in compliance with Section 93-11.2-3(19) (see above).**

### **RECOMMENDATION**

The proposed use of a senior living facility is compatible with the U-V Zoning District and poses no foreseeable conflict with the intent of the district. The conditional use application is recommended for approval. Any site plan will be required to accommodate all parking needs.