




STAFF REPORT COVER SHEET

November 3, 2017

Address	527 Maple Avenue East (includes two parcels)	Case Number	PF-63-17-CP
Regular Meeting Date	11/8/2017	Applicant	Shawn Johnson of Security Vault Works, Inc.
Board/Commission	Planning Commission	Owner	Dukas Properties, LLC
Existing Zoning	C-1	Existing Land Use	Commercial
Brief Summary of Request	The applicant is requesting a conditional use permit for the operation of a drive-through ATM facility, located on the southwestern side of the existing commercial/office building.		
Site Improvements	The applicant proposes the installation of an ATM facility within an existing portion of the building.		
Size of Property	48,342 sf / 1.11 acres (size of two parcels combined)		
Staff Recommendation			
APPROVE			
Brief Analysis			
PROPERTY HISTORY The existing commercial/office building was built in 1963 and has had several additions since then, including a 3 story addition in the rear and a two-story addition to the side of the original building.			
COMPATIBILITY WITH THE COMPREHENSIVE PLAN The Future Land Use Map in 2015 Comprehensive Plan update designates the property as Mixed Use.			
COMPATIBILITY WITH THE ZONING ORDINANCE The proposed use of a drive-through ATM facility is permissible with the obtainment of a conditional use permit, as required under Section 18-210 .			
Attachments	Submitted Plans <input checked="" type="checkbox"/> Legal Notice <input type="checkbox"/> Other <input checked="" type="checkbox"/> Department Comments <input checked="" type="checkbox"/> Traffic Impact Study <input checked="" type="checkbox"/>		

ITEM NO. 1:

Recommendation to the Board of Zoning Appeals for approval of a conditional use permit (CUP) for the operation of a drive-through ATM facility, located at 527 Maple Avenue East, in the C-1, Local Commercial zoning district. Application filed by Billy Classen of KFW Engineers. *(To be scheduled for the Board of Zoning Appeals meeting of November 15, 2017).*

Introductory Comments / Characteristics of the Existing Property:

The subject property at 527 Maple Avenue East, is comprised of Lots 100 and 104 in the Murmuring Pines subdivision. The corner lot (#100) encloses 26,342 square feet and the interior lot (that fronts East Street SE) encloses 22,000 square feet in area. The combined area of each parcel – both of which are zoned C-1, Local Commercial – is 48,342 square feet or 1.11 acres. Topographically, the combined parcels range in elevation from about 372 to 383 feet in height, with a rise from Maple Avenue East, to the rear of the subject tract.

The existing two-and-one-half to three story building (known as the DWG Building) is situated entirely on the corner lot and is approximately 35 feet in height in tallest portion. The parcel to the rear provides “parking support” for the 22,320-square-foot subject building and is separated from the adjoining RS-16 zoned parcel at 117 East Street SE, by a masonry screen wall.

The proposed location of the ATM facility, which is located on the southwestern side of the building, was originally used as a drive-through teller alcove. The bump-out appears to have been built in the 1970s as part of an addition to the existing building (there have been several additions over the past 50 years to the original building, which was built in 1963 as a two-story office building). In 1995, Horizon Bank installed an ATM facility in the alcove.

Drive-through Facility Ordinance

In 1995 the Town Council added a conditional use permit requirement for drive-through facilities. In addition to simply requiring a conditional use permit, [Section 18-210](#) of the Town Code was amended to require the following for drive-through applications:

Drive-through facility, with the following submittal requirements and evaluation criteria:

1. Application submittal requirements:

- A. A written statement describing the proposed use and providing all information pertinent to the review of the application. Such information would include, but not be limited to: the type of product or service to be offered; the proposed hours of operation and employee staffing; plans for the control of litter and the disposal and recycling of waste material; effects on air quality at the site and in adjacent areas; and estimates of sound levels that would be generated by the proposed use at site boundary lines.*
- B. A traffic analysis providing information that would include, but not be limited to: estimates of the number of vehicle trips and the amount of vehicular stacking that would occur daily and during a.m./p.m. peak hours; trip generation by use type; estimated internal and external traffic flows; parking and vehicular stacking spaces that would be provided on-site; and data on existing traffic conditions and the traffic-handling capacity of roads fronted by the proposed use. In addition, the analysis would discuss sight distances at points of ingress and egress, pedestrian and bicycle traffic, and any other site-specific traffic factors or public safety issues associated with the application.*

2. *Applications for drive-through facilities will be evaluated on the basis of the following criteria, with emphasis given to potential adverse effects on adjoining or nearby properties:*
 - A. *Location and arrangement of any drive-through window in relation to adjoining properties and public rights-of-way.*
 - B. *Appropriateness of proposed hours of operation.*
 - C. *Traffic circulation patterns, including safe ingress and egress, and a clear designation of drive-through aisles through the use of paving materials, pavement markings or landscaping.*
 - D. *Pedestrian circulation and safety.*
 - E. *Adequacy of screening of vehicle use and parking areas.*
 - F. *Noise impact associated with, but not limited to, exterior speakers and motor vehicles.*
 - G. *Compliance with federal, commonwealth and local pollution standards.*
 - H. *Other factors, as deemed appropriate, that affect the health, safety, and general welfare of the community.*
3. *Drive-through facilities adjacent to residentially-zoned properties shall meet the following applicable criteria:*
 - A. *A drive-through facility operating later than 10:00 p.m. shall not have any portion of its operation (including, but not limited to, the stacking lane, menu boards or speaker boxes) located closer than 75 feet from any residentially-zoned property.*
 - B. *No speaker box or other audio mechanism, regardless of operating hours, shall be located closer than 35 feet from any residentially-zoned property.*

The Planning Commission, when they recommended the revised ordinance to the Mayor and Town Council in June 1995, stated the following in regards to their reasoning for requiring conditional use permits for drive-through facilities:

“In reviewing the proposed ordinance, the Commission agreed that drive-through facilities should be made conditional uses. This viewpoint reflected the Commission’s experience in recent years with a variety of drive-through applications that posed clear risks of excessive noise generation or heavy traffic congestion or both. While the potential for substantial adverse effects seemed to be greatest for businesses and residential properties, there also had been concern that the adverse effects of particularly high-intensity uses could be felt more widely, especially in very congested portions of the Maple Avenue corridor.”

Proposed Development Activities:

The one-story bump-out, where the proposed ATM is to be located, has not been in operation as a drive-through facility for at least two years. When the drive-through facility was originally used, there were no requirements for a conditional use permit. However, since there has been no use of the facility for at least two years as a drive-through facility ([Section 18-204](#) states that a non-conforming use may continue if such use is not discontinued for more than two years), the applicant is required to apply for a conditional use permit, per [Section 18-73.1](#). As mentioned previously, the applicant is proposing to install an ATM facility in an existing part of the building, located on the southwestern side.

[Per Section 18-130](#), the applicant is required to have 10 stacking lanes for the facility and has demonstrated that this is feasible with entry from East Street SE. As it has been used in the past, the users

of the facility will drive through the parking lot to a one-way lane located on the southwestern side of the lot. After utilizing the ATM, users will then continue through the one-way lane and exit through the parking lot located in the rear of the building (lot 104). The owner of Karin's Florist/Dukas Properties, who operates part of her business out of the rear of the building (near where cars will be exiting the ATM), has indicated that she has no objections to the drive-through ATM and any associated impacts from it.

As required by [Section 18-210](#), the applicant has provided a traffic impact study, which was completed by Kimley-Horn & Associates, Inc. The study concludes that the peak hour for vehicles utilizing the ATM will occur from 9 AM to 10 AM, with an arrival rate of 15 vehicles per hour. The study also estimates an average service rate of 1 minute and 34 seconds with a probability of 0.3% that more than 4 vehicles will be queued at one time. The study states the following:

The results show that even with conservative demand assumptions used for the drive-thru ATM, the site and surrounding roadway network can accommodate the proposed development in the peak hours.

Required Board Approvals / Town Staff Recommendations:

Staff recommends that the Planning Commission recommend approval of the conditional use permit for the drive-through ATM facility. The impacts of the ATM facility are minimal to the existing site and road network. The parcel on which the facility is located abuts a parcel used for parking and the ATM facility is located almost 200 feet away from the nearest residential dwelling. Additionally, the section of the building being outfitted for the ATM facility has been used in the past as a drive-through facility for both an ATM facility a bank teller alcove.