

PLANNING COMMISSION MEETING
TUESDAY, NOVEMBER 8, 2016
6:00PM

1. Welcome And Introduction
2. Approval Of Minutes October 11, 2016

3. Old Business

4. New Business

4.I. 439 Walnut Drive Site Plan Review

Documents:

[WEB - 439 WALNUT STREET APPLICATION PACKET.PDF](#)

4.I.i. Public Comment

4.II. 3477 Rainey Avenue Rezoning Request

Documents:

[WEB - 3477 RAINEY AVENUE APPLICATION PACKET.PDF](#)

4.II.i. Public Comment

4.III. 3474 Elkins Street Rezoning Request

Documents:

[WEB - 3474 ELKINS STREET APPLICATION PACKET.PDF](#)

4.III.i. Public Comment

4.IV. Bail Bondmen/Probation Offices Ordinance Text Amendment

Documents:

[WEB - BAIL BONDSMEN PAWN SHOP TEXT AMENDMENT.PDF](#)

4.IV.i. Public Comment

5. Open Discussion
6. Next Meeting Date - December 13, 2016 At 6:00PM
7. Adjourn

**CITY OF HAPEVILLE
COMMUNITY SERVICE DEPARTMENT
PLANNING COMMISSION APPLICATION**

Name of Applicant Cliff Christian sen

Mailing Address _____

Telephone _____ Mobile _____

Email C

Property Owner (s) same

Mailing Address same

Telephone same Mobile _____

Address/Location of Property: 437 Walnut Dr Hapeville Ga

Parcel I.D. # (INFORMATION MUST BE PROVIDED): 14 0094 000 40434

Present Zoning Classification: R-SF

Present Land Use: residential

Please check the following as it applies to this application:

Site Plan Review Temporary Use Permit

Conditional Use Permit

Other (Please State) _____

I hereby make application to the City of Hapeville, Georgia for the above referenced property. I do hereby swear or affirm that the information provided here and above is true, complete and accurate, and I understand that any inaccuracies may be considered just cause for invalidation of this application and any action taken on this application. I understand that the City of Hapeville, Georgia, reserves the right to enforce any and all ordinances regardless of any action or approval on this application. I further understand that it is my/our responsibility to conform with all of City of Hapeville's Ordinances in full. I hereby acknowledge that all requirements of the City of Hapeville shall be adhered too. I can read and write the English language and/or this document has been read and explained to me and I have full and voluntarily completed this application. I understand that it is a felony to make false statements or writings to the City of Hapeville, Georgia pursuant to O.C.G.A. 16-10-20 and I may be prosecuted for a violation thereof.

[Signature]
Applicant's signature

Date: 9/27/16

Sworn to and subscribed before me
This 25th day of September
[Signature]
Notary Public



CITY OF HAPEVILLE
COMMUNITY SERVICE DEPARTMENT
PLANNING COMMISSION APPLICATION

WRITTEN SUMMARY

In detail, provide a summary of the proposed project in the space provided below. (Please type or print legibly)

new construction for owner occupant
1729 sq ft heated / 400 sq ft garage
rear entry garage with 2 off street parking rear
slab on grade, frame walls with concrete siding
high efficiency heating & cooling
thermopane windows - NO GIBG
no major tree or site work, prior home site
design consistent with adjoining & adjacent properties

CITY OF HAPEVILLE
COMMUNTY SERVICE DEPARTMENT
PLANNING COMMISSION APPLICATION

AUTHORIZATION OF PROPERTY OWNER

I CERTIFY THAT I AM THE OWNER OF THE PROPERTY LOCATED AT:

437 Walnut St, Hapeville Ga 30356

City of Hapeville, County of Fulton, State of Georgia

WHICH IS THE SUBJECT MATTER OF THIS APPLICATION. I AUTHORIZE THE APPLICANT NAMED BELOW TO ACT AS THE APPLICANT IN THE PURSUIT OF THIS APPLICATION FOR PLANNING COMMISSION REVIEW.

Name of Applicant:

Cliff Christensen

Address of Applicant:

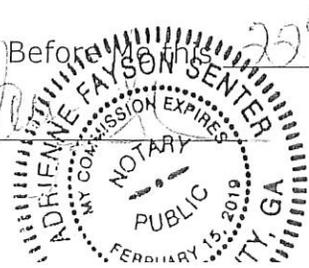
Telephone of Applicant:

[Signature]
Signature of Owner

Cliff Christensen
Print Name of Owner

Personally Appeared Before _____ day of September, 2016.

[Signature]
Notary Public



Site Plan Checklist – Please include with your application.

A site plan is used to determine the practical ability to develop a particular property within the City of Hapeville. Information relating to environmental condition, zoning, development impact, consistency with the Hapeville Comprehensive Plan and relevant town master plans will be considered in the decision process. To be considered, a site plan **must** contain the following information:

cc ✓ 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. Please complete and submit all forms contained within the application for site plan review.

cc ✓ Site plans shall be submitted indicating project name, applicant's name, adjoining streets, scale, North arrow and date drawn.

cc ✓ The locations, size (sf) and height (ft) of all existing and proposed structures on the site. Height should be assessed from the base of the foundation at grade to the peak of the tallest roofline.

cc ✓ Site plans shall include the footprint/outline of existing structures on adjoining properties. For detached single-family residential infill development, the front yard setback shall be assessed based on the average setback of existing structures on adjoining lots. Where practical, new construction shall not deviate more than ten (10) feet from the average front yard setback of the primary residential structure on an adjoining lot. Exemption from this requirement due to unnecessary hardship or great practical difficulty can be approved at the discretion of the Planning Commission. To be considered for an exemption, the applicant must submit a "Request for Relief" in writing with their site plan application, including the conditions that necessitate relief (i.e. floodplain, wetland encroachment, excessive slope, unusual lot configuration, legally nonconforming lot size, unconventional sitting of adjoining structures, etc).

cc ✓ The location and general design cross-section characteristics of all driveways, curb cuts and sidewalks including connections to building entrances. A walkway from the primary entrance directly to the public sidewalk is required for all single-family residential development.

cc ✓ The locations, area and number of proposed parking spaces. Please refer to Article 22.1 Chart of Dimensional Requirements to determine the correct number of parking spaces for your particular type of development.

cc ✓ Existing and proposed grades at an interval of five (5) feet or less.

cc ✓ The location and general type of all existing trees over six (6) inch caliper and, in addition, an identification of those to be retained. Requirements for the tree protection plan are available in Code Section 93-2-14(f). Please refer to Sec. 93-2-14(y) to determine the required tree density for your lot(s).

cc ✓ A Landscape Plan: 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.

cc ✓ 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.). Detached single-family residential development may be exempt from this requirement.

cc ✓ The location of all retaining walls, fences (including privacy fences around patios, etc.) and earth berms. Detached single-family residential development may be exempt from this requirement.

N/A The identification and location of all refuse collection facilities, including screening to be provided. Detached single-family residential development may be exempt from this requirement.

- cc ✓ Provisions for both on-site and offsite storm-water drainage and detention related to the proposed development.
- n/a Location and size of all signs. Detached single-family residential development may be exempt from this requirement.
- cc ✓ Typical elevations of proposed building provided at a reasonable scale (1/8" = 1'0") and include the identification of proposed exterior building materials. Exterior elevations should show all sides of a proposed building.
- cc ✓ Site area (square feet and acres).
- cc ✓ 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. Total dwelling units and floor area distributed generally by dwelling unit type (one-bedroom, two-bedroom, etc.) where applicable.
- n/a Floor area in nonresidential use by category. Detached single-family residential development may be exempt from this requirement.
- _____ Total floor area ratio and/or residential density distribution.
- cc ✓ Number of parking spaces and area of paved surface for parking.
- _____ 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, storm water and erosion control, etc. of the proposed development.

Please ***initial*** each item on the list above certifying that all the required information has been included on the site plan. Sign and submit this form with your site plan application. Failure to include this form and information required herein may result in additional delays for the consideration of your application.

Applicant Signature: 

Date: 9/22/16



3595 Canton Road
Suite 116, PMB 272
Marietta, GA 30066
Ph. (678) 355-9905
Fax (678) 355-9805
www.frontlinesurveying.com

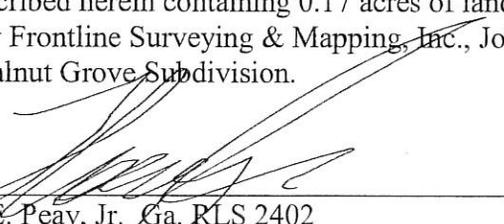
LEGAL DESCRIPTION - LOT 5- WALNUT GROVE - 0.17 ACRES

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 94 of the 14th District, of Fulton County, Georgia, being Lot 5, Walnut Grove Subdivision, as shown on Plat Book 320, page 48, and being more particularly described as follows:

COMMENCING at a point located on the westerly right-of-way of Old Jonesboro Road (40' R/W) and the northerly right-of-way of Walnut Street (40' R/W); Thence following along said northerly right-of-way of Walnut Street following a curve to the right a distance of 31.20 feet to a point, said curve having a radius of 15.00 feet and being subtended by a chord bearing South 30°25'07" West a chord distance of 25.87 feet to a point; Thence continuing to follow said northerly right-of-way of Walnut Street, proceed South 90°00'00" West a distance of 73.68 feet to a point (Iron Pin Found #4 Re-Bar); Thence leaving said northerly right-of-way of Walnut Street, proceed North 00°00'00" West along the east line of Lot 4 a distance of 100.00 feet along the to a point (Iron Pin Found #4 Re-Bar); Thence North 60°50'14" East along the southeast line of Lot 6 a distance of 37.92 feet to a point on the southwestern right-of-way of Old Jonesboro Road (Iron Pin Set #4 Capped Re-Bar); Thence proceed along said southwestern right-of-way of Old Jonesboro Road South 29°09'46" East a distance of 110.13 feet to a point, said point also being THE TRUE POINT OF BEGINNING;

Together with and subject to all covenants, easements, and restrictions of record.

Tract described herein containing 0.17 acres of land (7,385 Square feet), more or less, described on a survey by Frontline Surveying & Mapping, Inc., Job number 59489, dated 09/14/2016, being shown as Lot 5, Walnut Grove Subdivision.



Thomas E. Peay, Jr. Ga. RLS 2402
For the Firm of Frontline Surveying & Mapping, Inc.



IF YOU DIG GEORGIA... CALL US FIRST!
1-800-282-7411
 UTILITIES PROTECTION CENTER
IT'S THE LAW!

GSWCC GEORGIA SOIL AND WATER CONSERVATION COMMISSION
THOMAS EDWARD PEAY, JR.
 LEVEL II CERTIFIED DESIGN PROFESSIONAL
 CERTIFICATION NUMBER: 0000024486
 ISSUED: 01/24/2009 EXPIRES: 01/24/2018

PRODUCT SPECIFIC POLLUTION CONTROL PRACTICES
PETROLEUM BASED PRODUCTS - Containers for petroleum products such as fuel, lubricants and tars will be inspected daily for leaks and spills. This includes on-site vehicle and machinery daily inspections and regular preventative maintenance of such equipment. Equipment maintenance areas will be located away from state waters, natural drains and storm water drain inlets. In addition, temporary temporary fueling tanks shall have a secondary containment liner to prevent/minimize site contamination. Discharge of oils, fuels and lubricants is prohibited. Proper disposal methods will include collection in a suitable container and disposal as required by local and state regulations.

PAINTS/FINISHES/SOLVENTS - All products in tightly sealed original containers when not in use. Excess product will not be discharged to the storm water collection system. Excess product, materials used with these products and product containers will be disposed of according to manufacturer's specifications and recommendations.

CONCRETE TRUCK WASHING - NO concrete trucks will be allowed to wash out or discharge surplus concrete or drain wash water on-site.

FERTILIZERS/HERBICIDES - These products are to be applied at rates that do not exceed the manufacturer's specifications or above the guidelines set forth in the crop establishment or in the GSWCC manual for Erosion and Sediment Control in Georgia. Any storage of these materials will be under roof in sealed containers.

BUILDING MATERIALS - No building or construction materials will be buried or disposed of on-site. All such material will be disposed of in proper waste disposal procedures.

RETENTION OF RECORDS
 Each Tertiary Permittee shall retain the following records at the construction site or the records shall be readily available at a designated alternate location from commencement of construction until such time as a NOT is submitted in accordance with Part V.I:

- A copy of Notices of Intent submitted to EPD; and
- A copy of the Erosion, Sedimentation and Pollution Control Plan required by this permit;
- The design professional report of the results of the inspection conducted in accordance with Part V.A.5 of this permit;
- A copy of all monitoring information, results and reports required by this permit;
- A copy of all inspection reports generated in accordance with Part V.D.4.a of this permit;
- A copy of all violation summaries and violation summary reports generated in accordance with Part III.D.2 of this permit; and
- Daily rainfall information collected in accordance with Part IV.D.4.a.(1)(c) of this permit.

TERTIARY PERMITTEES ARE NOT REQUIRED TO SAMPLE IF SITE IS LESS THAN 5 ACRES DISTURBED

EROSION CONTROL NOTES

- All erosion and sediment control measures will be checked daily and any deficiencies noted will be corrected by the end of each day. Additional erosion and sediment control measures will be installed if deemed necessary after on-site inspection by the issuing authority.
- CRITICAL AREAS** - All 2:1 or steeper slopes greater than 5' in height shall be stabilized immediately. Silt fence type "C" to be used to protect state waters. Erosion control blankets to be used on all critical slopes. It is critical to prevent sediment from entering any onsite areas.
- Silt-catch** - Silt-catch basins shall be installed on all slopes steeper than 100% to collect sediment.
- DISPOSAL OF DEBRIS** - All garbage debris will be removed from the site prior to any filing operation.
- All unusable soil materials to be buried off-site. Stumps and construction debris to be disposed of properly. Contractor to coordinate with owner regarding disposal areas.
- Non-erect activities shall not be conducted within the 25-foot undisturbed stream buffers as measured from the point of vested vegetation without first acquiring the necessary variances and permits.

WASTE DISPOSAL
 Local waste collection areas away from streets, gutters, watercourses and storm drains. Waste collection areas, such as dumpsters, are often best located near construction site entrances to minimize traffic on residential streets. The use of containers around liquid waste collection areas to further minimize the likelihood of contaminated discharge.

The contractor shall provide appropriate refuse/soil collection receptacles on the site and arrange for periodic collection and disposal.

Concrete washdown of trucks, concrete mixer chutes, hoppers and rear of vehicles to be done in excavated pit deep enough to contain washdown water. WASHOUT DRAIN IS PROHIBITED. Ensure washdown water goes into and stays in pit. Contractor shall coordinate with superintendent to fill in pit and smooth out ground.

No hazardous materials are stored for use on this project. However, if circumstances arise where hazardous materials are to be used, the owner must be notified and proper handling and storage protocols documented and implemented.

Sanitary waste will be collected in portable urinals and disposed of by a state licensed sanitary waste management contractor or as required by local regulations.

Temporary fueling tanks shall have a GA EPD approved secondary containment liner to prevent/minimize site contamination and be located away from state waters, natural drains, and the storm water drainage inlets. Equipment maintenance areas will be located away from drainage features. Discharge of oils, fuels and lubricants is prohibited.

These materials shall be collected in suitable containers and recycled or disposed of as appropriate.

No waste material shall be discharged to waters of the State, except as authorized by Section 404 permit. No waste will be disposed of into storm water inlets.

Siltage will be disposed of as needed to achieve the above standards.

All wastes to be disposed of in compliance with Local, State and Federal regulations.

SPILL PREVENTION AND CONTROL
 Petroleum based products, including fuels, lubricants, transformer oil, etc., kept on site shall be stored in tightly sealed containers. All on-site vehicles shall be monitored for leaks and receive preventative maintenance. Absorbent substances shall be applied as needed. Local, State and manufacturer's recommended methods for spill cleanup shall be clearly posted on the site and available to the personnel. Materials and equipment necessary for spill cleanup shall be kept in the material storage area on-site. Typical equipment and materials for cleanup include gloves, goggles, rags, respirators, oil filter, sandmat, and plastic and metal containers for this purpose. All spills shall be cleaned up immediately following discovery.

SOIL CLEANUP AND CONTROL PRACTICES

- Local, state and manufacturer's recommended methods of spill cleanup will be clearly posted and procedures will be made available to site personnel.
- Material and equipment necessary for spill cleanup will be kept in the material storage areas. Typical material and equipment includes, but is not limited to, brooms, rags, shovels, mop, gloves, rags, goggles, cat litter, and properly labeled plastic and metal waste containers.
- Spill prevention practices and procedures will be reviewed after a spill and adjusted as necessary to prevent future spills.
- FOR SPILLS THAT IMPACT SURFACE WATER (LEAVE A SHEEN ON SURFACE WATER), THE NATIONAL RESPONSE CENTER (NRC) WILL BE CONTACTED WITHIN 24 HOURS AT 1-800-426-2675.
- FOR SPILLS OF AN UNKNOWN AMOUNT, THE NATIONAL RESPONSE CENTER (NRC) WILL BE CONTACTED WITHIN 24 HOURS AT 1-800-426-2675.
- FOR SPILLS GREATER THAN 25 GALLONS AND NO SURFACE WATER IMPACTS, THE GEORGIA EPD WILL BE CONTACTED WITHIN 24 HOURS.
- FOR SPILLS LESS THAN 25 GALLONS AND NO SURFACE WATER IMPACTS, THE SPILL WILL BE CLEANED UP AND LOCAL AGENCIES WILL BE CONTACTED AS REQUIRED.

The contractor shall notify the licensed professional who prepared this plan if more than 1320 gallons of petroleum is stored onsite (this includes capacities of equipment) or if any one piece of equipment has a capacity over 560 gallons. The contractor will need a spill prevention containment and countermeasures plan prepared by a licensed professional.

OWNER / DEVELOPER RESPONSIBILITIES

- Owner/Developer required to complete an NOI form, sign and mail certified 14 days prior to land disturbance.
- Owner/Developer required to have a firm execute Frontline Surveying's Comprehensive Monitoring Plan.
- Owner/Developer required to have an on-site Level 1A or Level 1B qualified erosion control manager.
- Owner/Developer required to call Frontline Surveying within 2 days after initial land disturbance so that we can schedule an "Initial Site Inspection of Erosion and Sediment Control Measures" as required by GAR10001.
- Owner/Developer required to call Frontline Surveying Project Manager if the Erosion, Sedimentation and Pollution Control Plan requires revision by design professional. This includes the addition or modification of sediment basins, as well as, amendments that have a significant effect on BMPs with a hydraulic component.
- All permittees shall ensure and demonstrate that the Plan is in compliance with applicable State and local waste disposal, sanitary sewer or septic system regulations.
- Primary permittee shall provide a copy of the plan or portion of the plan applicable to their site, to all secondary permittees.
- Owner/Developer required to complete an NOI form per requirements in the GAR10001, part V.
- THE PRIMARY PERMITTEE AND TERTIARY PERMITTEE(S) MUST RETAIN THE DESIGN PROFESSIONAL WHO PREPARED THE PLAN, EXCEPT WHEN THE PERMITTEE HAS REQUESTED IN WRITING AND EPD HAS AGREED TO AN ALTERNATE DESIGN PROFESSIONAL, TO INSPECT THE INSTALLATION OF THE INITIAL SEDIMENT STORAGE REQUIREMENTS AND PERMITTER CONTROL BMPs WHICH THE DESIGN PROFESSIONAL DESIGNER WITHIN SEVEN (7) DAYS AFTER INSTALLATION. THE DESIGN PROFESSIONAL SHALL DETERMINE IF THESE BMPs HAVE BEEN INSTALLED AND ARE BEING MAINTAINED AS DESIGNED. THE DESIGN PROFESSIONAL SHALL REPORT THE RESULTS OF THE INSPECTION TO THE PERMITTEE WITHIN SEVEN (7) DAYS AND THE PERMITTEE MUST CORRECT ALL DEFICIENCIES WITHIN TWO (2) BUSINESS DAYS OF RECEIPT OF THE INSPECTION REPORT FROM THE DESIGN PROFESSIONAL UNLESS WEATHER RELATED SITE CONDITIONS ARE SUCH THAT ADDITIONAL TIME IS REQUIRED.

Development Schedule

LOT 5, WALNUT GROVE	S	O	I	N	D	J	F	M	A	M	J	J	A
INSTALLATION OF CONSTRUCTION EXIT & SILT FENCE (PHASES 1-3)													
INSTALLATION OF EROSION CONTROL MEASURES													
PRELIMINARY GRADING													
FOUNDATION CONSTRUCTION													
INSTALLATION OF UTILITY LINES (SANITARY SEWER, WATER & STORM)													
BUILDING CONSTRUCTION													
FINE GRADING													
FINAL LANDSCAPING													
REMOVE TEMPORARY EROSION CONTROL MEASURES													

NOTE:
 GARAGE ACCESS ON SINGLE-FAMILY LOTS SHALL BE PROHIBITED IN THE FRONT YARD OF THE HOME

NOTE:
 SD-1-NS FABRIC HEIGHT IS TO BE 28" MINIMUM.

INSPECTIONS
 c. Tertiary Permittee

(1) Each day when construction activity has taken place at a tertiary permittee's site, certified personnel provided by the tertiary permittee shall inspect: (a) all areas used by the tertiary permittee where petroleum products are stored, used or handled for spills and leaks from vehicles and equipment; and (b) all locations at the tertiary permittee site where the permittee's vehicles enter or exit the site for evidence of off-site material tracking. These inspections must be conducted until a Notice of Termination is submitted. This paragraph is not applicable to utility companies and utility contractors performing only service line installations or when conducting repairs on existing line installations.

(2) Certified personnel (provided by the tertiary permittee) shall inspect the following at least once every seven days and within 24 hours of the end of a storm that is 0.5 inches rainfall or greater (unless such storm ends after 5:00 PM on any Friday or any non-working Saturday, non-working Sunday or any non-working Federal holiday in which case the inspection shall be completed by the end of the next business day and/or working day, whichever occurs first): (a) disturbed areas of tertiary permittee's construction site that have not undergone final stabilization; (b) areas used by the tertiary permittee for storage of materials that are exposed to precipitation that have not undergone final stabilization; and (c) structural control measures. Erosion and sediment control measures identified in the Plan applicable to the tertiary permittee's site shall be observed to ensure that they are operating correctly. Where discharge locations or points are accessible, they shall be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to receiving water(s). For areas of a site that have undergone final stabilization, the permittee must comply with Part IV.D.4.(c). These inspections must be conducted until a Notice of Termination is submitted. This paragraph is not applicable to utility companies and utility contractors performing only service line installations or when conducting repairs on existing line installations.

(3) Certified personnel (provided by the tertiary permittee) shall inspect at least once per month during the term of this permit (i.e., until a Notice of Termination is received by EPD) the areas of their sites that have undergone final stabilization. These areas shall be inspected for evidence of, or the potential for, pollutants entering the drainage system and the receiving water(s). Erosion and sediment control measures identified in the Plan shall be observed to ensure that they are operating correctly. Where discharge locations or points are accessible, they shall be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to the receiving water(s). This paragraph is not applicable to utility companies and utility contractors performing only service line installations or when conducting repairs on existing line installations.

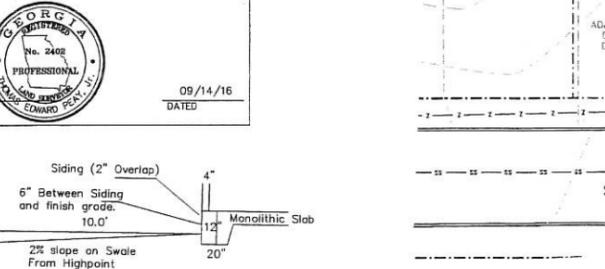
(4) Based on the results of each inspection, the site description and the pollution prevention and control measures identified in the Erosion, Sedimentation and Pollution Control Plan, the Plan shall be revised as appropriate not later than seven (7) calendar days following each inspection, implementation of such changes shall be made as soon as practical but in no case later than seven (7) calendar days following the inspection.

(5) A report of each inspection that includes the name(s) of personnel making each inspection, the date(s) of each inspection, major observations relating to the implementation of the Erosion, Sedimentation and Pollution Control Plan, and actions taken in accordance shall be made and retained at the site or be readily available at a designated alternate location until the entire site has undergone final stabilization and a Notice of Termination is submitted to EPD. Such reports shall identify any incidents of non-compliance. Where the report does not identify any incidents of non-compliance, the report shall contain a certification that the construction site is in compliance with the Erosion, Sedimentation and Pollution Control Plan and this permit. The report shall be signed in compliance with Part V.G. of this permit. This paragraph is not applicable to utility companies and utility contractors performing only service line installations or when conducting repairs on existing line installations.

I CERTIFY UNDER PENALTY OF LAW THAT THIS PLAN WAS PREPARED AFTER A SITE VISIT TO THE LOCATION DESCRIBED HEREIN BY MYSELF OR MY AUTHORIZED AGENT, UNDER MY SUPERVISION.

INSPECTION OF INSTALLED BMPs WITHIN 7 DAYS AFTER INITIAL CONSTRUCTION ACTIVITY BEGINS TO BE INSPECTED BY DESIGN PROFESSIONAL WHO PREPARED ESAPC PLAN.

I CERTIFY THE PERMITTEE'S EROSION, SEDIMENTATION AND POLLUTION CONTROL PLAN PROVIDES FOR AN APPROPRIATE AND COMPREHENSIVE SYSTEM OF BEST MANAGEMENT PRACTICES REQUIRED BY GEORGIA WATER QUALITY CONTROL ACT AND THE DOCUMENT MANUAL FOR EROSION AND SEDIMENT CONTROL IN GEORGIA, (MANUAL) PUBLISHED BY THE STATE SOIL AND WATER CONSERVATION COMMISSION AS OF JANUARY 1 OF THE YEAR IN WHICH THE LAND DISTURBING ACTIVITY WAS PERMITTED, PROVIDES FOR SAMPLING OF THE RECEIVING WATER(S) OR THE SAMPLING OF STORM WATER OUTFALLS AND THAT THE DESIGNED SYSTEM OF BEST MANAGEMENT PRACTICES AND SAMPLING METHODS IS EXPECTED TO MEET THE REQUIREMENTS CONTAINED IN THE GENERAL NPDES PERMIT NO. GAR 100003.



Standard Grading Detail (NTS)

NARRATIVE DESCRIPTION OF LAND DISTURBING ACTIVITY PLAN AND GENERAL NOTES

- This lot is in the 14th District, Land Lot 94. The Tax parcel ID number is 14 009400040434. The address is 437 WALNUT STREET, HAYEVILLE, GA 30354. This plan is for the construction of a two-story house without basement having a finished second floor. The construction will begin December 2014 and final stabilization will take approximately ninety (90) days.
- This lot is zoned R-1.
- SOILS:

MAP SYMBOL	MAPPING UNIT	SLOPE	ERODIBILITY	PERMEABILITY	EROSION
UPE	Urban Land - R/W Complex	10-25%	N/A	0.5-1.0	0.2B

USDA online soil map shows soil type as above in chart, but all soils were mass graded; Soil type is as shown.

4. VEGETATION: Lot is currently partially wooded. There is no marketable timber to be cleared.

5. HYDROLOGY STUDY: See Reference Plat.

6. RECEIVING WATER(S): Part of the Perimeter Branch of South River.

7. RUNOFF COEFFICIENTS: Pre-Construction = 68 CN. Post-Construction = 71.6 CN.

8. BUFFER REQUIREMENTS: This lot DOES NOT have state waters requiring a 100' undisturbed buffer and DOES NOT contain wetlands.

9. WATER AND SEWER PROVIDED BY Fulton County Water & Sewer Department.

10. No portion of this property lies within a federally designated special flood hazard area as shown on the FLOOD INSURANCE RATE MAP (firm) for Fulton County, Community Panel No. 13121C03677, Effective date September 18, 2013.

EROSION AND SEDIMENTATION CONTROL PLAN FOR:

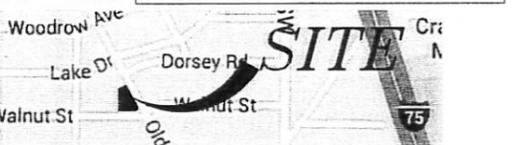
437 WALNUT STREET
 LAND LOT 94, 14th DISTRICT
 FULTON COUNTY, GEORGIA
 EXISTING ZONING: R-SF
 PIN: 14 009400040434
 7.385 SQ FT
 0.17 ACRES

SEDIMENT STORAGE CALCULATIONS
 DISTURBED AREA= 0.122Ac.
 STORAGE CALCULATION:
 0.122Ac. X 67CY = 8.20 CY REQUIRED

SD1-NS STORAGE
 215 LF X 0.083CY/LF = 17.85 CY AVAILABLE

24 HOUR CONTACT
 CLIFF CHRISTIANSEN
 770-331-0909

- THE ESCAPE OF SEDIMENT FROM THE SITE SHALL BE PREVENTED BY THE INSTALLATION OF EROSION AND SEDIMENT CONTROL MEASURES AND PRACTICES PRIOR TO LAND DISTURBING ACTIVITIES.
- EROSION CONTROL MEASURES WILL BE MAINTAINED AT ALL TIMES. IF FULL IMPLEMENTATION OF THE APPROVED PLAN DOES NOT PROVIDE FOR EFFECTIVE EROSION CONTROL, ADDITIONAL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE IMPLEMENTED TO CONTROL OR TREAT THE SEDIMENT SOURCE.
- ANY DISTURBED AREA LEFT EXPOSED FOR A PERIOD GREATER THAN 7 DAYS (PER CHEROKEE COUNTY) SHALL BE STABILIZED WITH MULCH OR TEMPORARY SEEDING.
- NOTIFY CHEROKEE COUNTY ENGINEERING DEPARTMENT WITHIN 24 HOURS BEFORE COMMENCEMENT OF ANY LAND DISTURBING ACTIVITY. FOR AN EROSION AND SEDIMENTATION CONTROL INSPECTION AT (678) 493-6077.
- A COPY OF THESE PLANS ARE TO BE KEPT ON SITE DURING THE DURATION OF THE PROJECT.

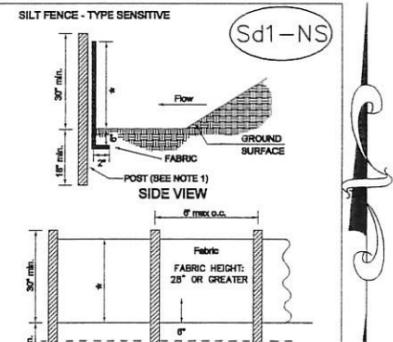


TREES IMPACTED

SIZE	SPECIES	REM./SAVE	GROSS CBZ AREA	AREA IMPACTED	TOTAL PERC. CBZ IMPACT	TOTAL
28"	OAK	S	3848.45	377.88	9.8%	LARGE
28"	MAPLE	S	3315.21	776.44	23.5%	LARGE
18"	MAPLE	S	1920.43	101.91	5.3%	LARGE
18"	MAPLE	R	1508.43	445.82	29.6%	LARGE
12"	PINE	S	2096.86	124.74	17.0%	SMALL
12"	OAK	R	708.86	174.80	24.0%	SMALL
10"	OAK	S	490.87	17.83	3.6%	SMALL
10"	OAK	R	1418.63	421.79	29.8%	MEDIUM
10"	OAK	R	1418.63	974.12	68.5%	MEDIUM
10"	OAK	R	490.87	375.62	76.5%	SMALL
8"	PINE	S	314.16	314.16	100%	SMALL
8"	PINE	R	1893.50	774.00	40.9%	LARGE
8"	DOGWOOD	R	490.87	375.62	76.5%	SMALL
8"	DOGWOOD	R	708.86	507.60	71.6%	SMALL
8"	DOGWOOD	R	314.16	81.40	26.1%	SMALL

TOTAL TREES TO REMOVE=10 SAVE:5
 TREE SIZE: CANOPY (50FT) SMALL=1
 MEDIUM=500sqft
 LARGE=3
 TOTAL CANOPY (save+only saved trees)=2750 sq ft TOTAL CANOPY CREDIT = 9 Crot
 REQUIRED CANOPY (RC) 45% of lot area = 7,385(lot area so ft) X (45%) = 3323.25 sq ft or 13 CROT
 (Total canopy - RC) = 2750 sq ft - 3323.25 sq ft = -573.25 sq ft. Current Canopy doesn't meet canopy requirement.
 NOTE: REPLACEMENT TO ARBORIST FOR A BETTER ADVICE ON CANOPY REPLACEMENT (REPLACEMENT SHALL BE BASED ON A CANOPY REPLACE FOR CANOPY LOST BASIS).

SILT FENCE - TYPE SENSITIVE



- NOTES:**
- USE STEEL OR AS SPECIFIED BY THE EROSION SEDIMENTATION, AND POLLUTION CONTROL PLAN.
 - HEIGHT (H) IS TO BE SHOWN ON THE EROSION SEDIMENTATION, AND POLLUTION CONTROL PLAN.

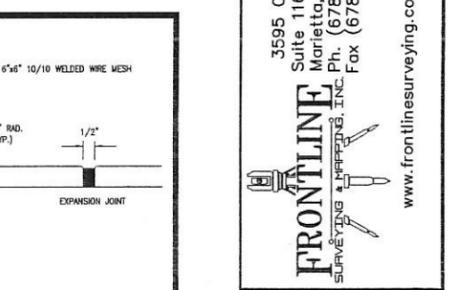
61WCC (Amended - 2013) Figure 6-2.1 6-103

LEGEND:

- IPS IRON PIN SET
- OPF OPEN TOP PIN
- CT CRIMP TOP PIN
- CRB REINFORCING BAR (REBAR)
- CPFB CAPPED REBAR
- CL CENTERLINE
- R/W RIGHT-OF-WAY
- CONC CONCRETE
- PP POWER POLE
- LP LIGHT POLE
- GV GAS VALVE
- GM GAS METER
- SS SANITARY SEWER
- FENCE
- PROPOSED
- EXIST
- CMF CONC FOUNDATION
- SMH OVERHEAD UTILITY LINE(S)
- SMH SANITARY SEWER MAN HOLE
- MHT MAN HOLE TELEPHONE
- WCWB CATCH BASIN
- DI DRAINAGE INLET
- SWCB SINGLE WING CATCH BASIN
- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT
- WM WATER VALVE
- WM WATER METER
- CS SANITARY SEWER CLEANOUT
- LLL LAND LOT LINE
- HW HEAD WALL
- CP CORRUGATED METAL PIPE
- RCP REINFORCED CONCRETE PIPE
- SSE SANITARY SEWER EASEMENT
- FR FIRE HYDRANT
- DE DRAINAGE EASEMENT
- EB ELECTRIC POWER BOX
- LD LIMITS OF DISTURBANCE
- TP TREE PROTECTION FENCE
- TVB TELEPHONE WIRE JUNCTION BOX
- FBO FIBRE-OPTIC JUNCTION BOX
- CTB CABLE TV JUNCTION BOX
- TF TREE FENCE

THE FIELD DATA UPON WHICH THIS PLAN IS BASED HAS A CLOSURE OF 1 FOOT IN 1000 FEET. AN ANGLE ERROR OF 1 SECOND PER ANGLE POINT AND A DISTANCE ERROR OF 1/1000 FEET PER 100 FEET OF DISTANCE CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE TO 1 FOOT IN 370,845 FEET. AN ELECTRIC TOTAL STATION AND A 100' CHAIN WERE USED TO GATHER THE INFORMATION USED IN THE PREPARATION OF THIS PLAN.

NO H.G.S. MONUMENT WAS FOUND WITHIN 500 FEET OF THIS PLAT. THIS PLAT IS BASED ON THE ASSUMPTION THAT THE MONUMENT WAS NOT FOUND OR WAS DAMAGED. THIS PLAT DOES NOT EXTEND TO ANY UNBOUND PORTION OF ANY ADJACENT PLAT. THIS PLAT DOES NOT EXTEND TO ANY UNBOUND PORTION OF ANY ADJACENT PLAT. THIS PLAT DOES NOT EXTEND TO ANY UNBOUND PORTION OF ANY ADJACENT PLAT. THIS PLAT DOES NOT EXTEND TO ANY UNBOUND PORTION OF ANY ADJACENT PLAT.



- NOTES:**
- CONCRETE SHALL BE 6" THICK 3000 LB. MIX (MIN.) WITH COMPACTED SUBGRADE (95% STD. PROCTOR).
 - CONCRETE JOINTS 1/2" DEEP SAW CUT MATCHING SIDEWALK WIDTH. FOR SIDEWALKS WIDER THAN 12' CONTRACTION JOINTS SHALL BE SPACED AT 1/2 THE SIDEWALK WIDTH.
 - EXPANSION JOINTS EVERY 50' FOR 5' & 10' WIDE WALKS - EVERY 40' FOR 4' & 6' WIDE WALKS. MINIMUM FOR WIDTHS WIDER THAN 5'; CONTRACTION JOINTS 24"
 - TROWEL AND LIGHT HATCH BROOM FINISH.
 - CONSTRUCTION SHALL MEET CITY STANDARDS.
 - EXPANSION JOINT FILL SHALL BE 1/2" BITUMENS.
 - JOINT PATTERNS FOR CONCRETE WALKS PER ARCHITECT'S APPROVED JOINT. JOINT LOCATION MUST BE SUBMITTED TO ARCHITECT FOR APPROVAL.

REINFORCED CONCRETE WALKS
 NOT TO SCALE
 91-REV-LOPE_WALKS.DWG

DATE OF FIELD SURVEY: 01/12/15

DATE: 09/14/16
 SCALE: 1" = 20'

SECTION: REVISION
 UNIT: MOVED HOUSE
 DATE: 09/15/16

EROSION, SEDIMENTATION & POLLUTION CONTROL PLAN FOR:
CLIFF CHRISTIANSEN

LAND LOT 94
 14th DISTRICT
 SUBDIVISION: WALNUT GROVE
 REFERENCE PARCEL: (IS NOT) IN AN HANGING SPECIAL FLOOD HAZARD. MAP NO. 13121C03677

CLIFF CHRISTIANSEN
 LEVEL II CERTIFIED DESIGN PROFESSIONAL
 No. 2402
 EXPIRES 09/15/16

FOR THE FRONTLINE SURVEYING & MAPPING, INC. (LSP #000593)

JOB # 59489

THE FIELD DATA UPON WHICH THIS PLAN IS BASED HAS A CLOSURE OF 1 FOOT IN 44,888 FEET, AN ANGULAR ERROR OF 3 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE LEAST SQUARES METHOD. THIS PLAN HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE TO 1 FOOT IN 320,885 FEET, AN ELECTRONIC TOTAL STATION AND A TOTAL CHAIN WERE USED TO GATHER THE INFORMATION USED IN THE PREPARATION OF THIS PLAN.

LEGEND:	
IPFS	IRON PIN SET
IPF	IRON PIN FOUND
OT	OPEN TOP PIN
CT	CRIMP TOP PIN
RB	REINFORCING BAR
CRB	CAPPED RE-BAR
CL	CENTERLINE
R/W	RIGHT-OF-WAY
LLL	LAND LOT
CONC	CONCRETE
PP	POWER POLE
LPH	LAMP POLE
SS	SANITARY SEWER
FC	FENCE CORNER
X	FENCE
AE	EASEMENT
PROP	PROPOSED
POB	POINT OF BEGINNING
PO	AIR-CONDITIONER
NTS	NOT TO SCALE
⊙	BOLLARD
CMF	CONCRETE MONUMENT FOUND
Z	OVERHEAD UTILITY LINE(S)
SSMH	SANITARY SEWER MAN HOLE
DWCB	CATCH BASIN
JB	JUNCTION BOX
DI	DROP INLET
HW	HEAD WALL
CMP	CORRUGATED METAL PIPE
RCP	REINFORCED CONCRETE PIPE
SSE	SANITARY SEWER EASEMENT
FH	FIRE HYDRANT
DE	DRAINAGE EASEMENT
WV	WATER VALVE
WM	WATER METER
WC/O	WATER CLEANOUT
NO	POINT OF BEGINNING
POB	POINT OF BEGINNING
SWCB	SINGLE WING CATCH BASIN
UE	UTILITY EASEMENT

CURRENT ZONING:	
R-SF	
FRONT SETBACK = 15'	
SIDE YARD = 5'	
REAR SETBACK = 20'	

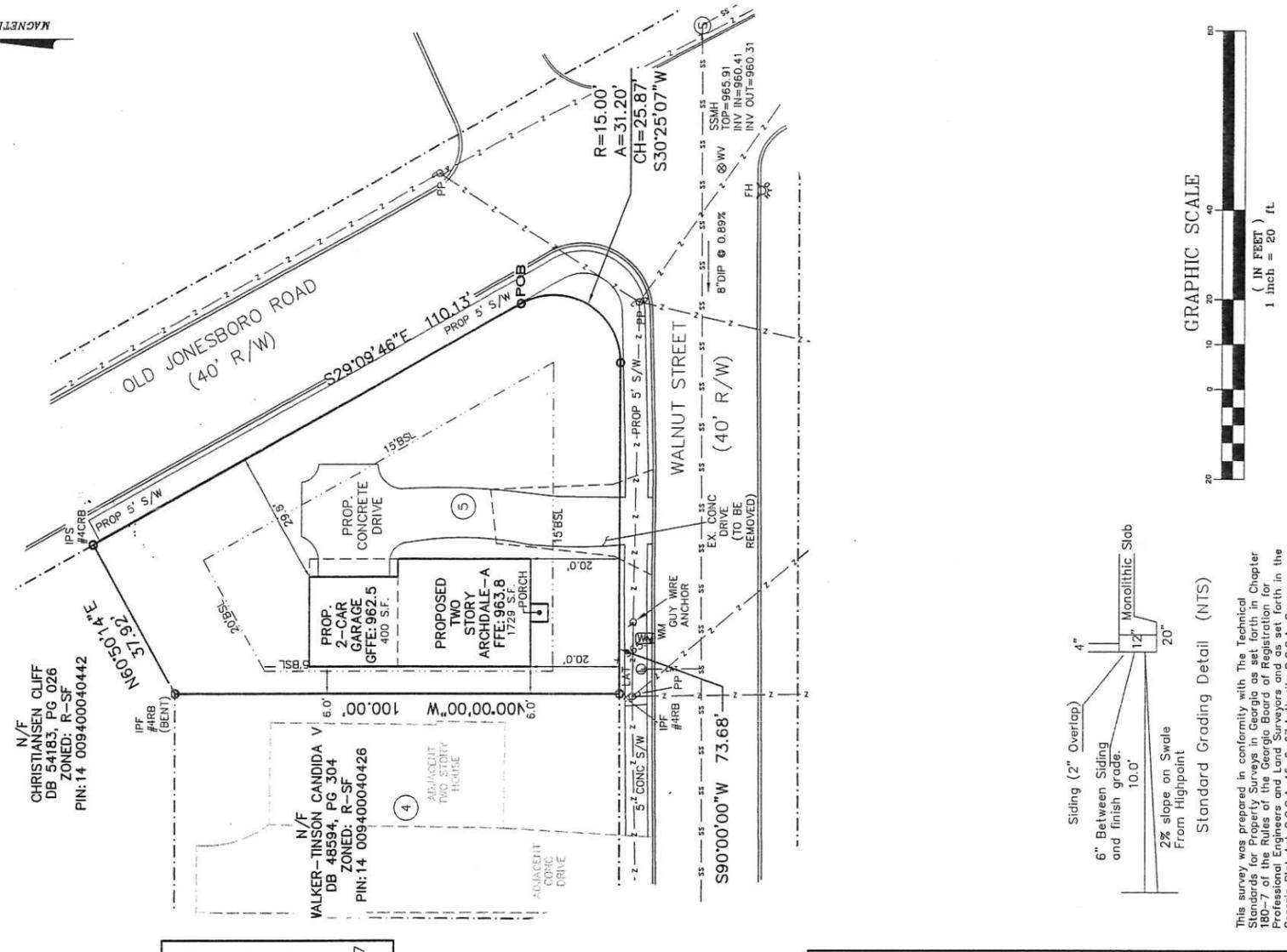
GLOBAL POSITIONING SYSTEMS INCORPORATION NOTE:
 A PORTION OF THE FIELD DATA UPON WHICH THIS PLAN IS BASED WAS OBTAINED UTILIZING GLOBAL POSITIONING SYSTEMS (GPS). IT INCLUDES NAVD 1988 ELEVATIONS AND HARN (HPGN) GEORGIA STATE PLANES, WEST ZONE COORDINATES. THE EQUIPMENT USED WAS A TRIMBLE 5800 GPS RECEIVER WITH TRIMBLE DATA COLLECTOR AND A CELL PHONE MODEM. A NETWORK ADJUSTED REAL TIME KINEMATIC SURVEY WAS PERFORMED USING CORRECTED MEASUREMENTS. THE TRIMBLE VRS REAL TIME NETWORK OPERATED BY eGPS SOLUTIONS, INC. POSITIONAL ACCURACY OF THE FIELD DATA UTILIZED IN THIS SURVEY IS 0.04 FEET HORIZONTAL AND 0.07 FEET VERTICAL AT THE 95% CONFIDENCE LEVEL.

GENERAL NOTES:

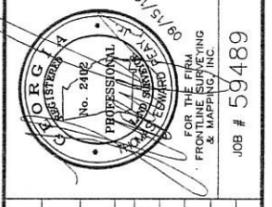
- INFORMATION REGARDING THE REPUTED PRESENCE, SIZE, CHARACTER, AND LOCATION OF EXISTING UNDERGROUND UTILITIES AND STRUCTURES IS SHOWN HEREON. THERE IS NO CERTAINTY OF THE ACCURACY OF THIS INFORMATION AND IT SHALL BE CONSIDERED IN THAT LIGHT BY THOSE USING THIS DRAWING. THE LOCATION AND ARRANGEMENT OF UNDERGROUND UTILITIES AND STRUCTURES SHOWN HEREON MAY BE INACCURATE AND UTILITIES AND STRUCTURES NOT SHOWN MAY BE ENCOUNTERED. THE OWNER, HIS EMPLOYEES, HIS CONSULTANTS, HIS CONTRACTORS, AND/OR HIS AGENTS SHALL HEREBY DISTINCTLY UNDERSTAND THAT THE SURVEYOR IS NOT RESPONSIBLE FOR THE CORRECTNESS OR SUFFICIENCY OF THIS INFORMATION SHOWN HEREON AS TO SUCH UNDERGROUND INFORMATION.
- RIGHT-OF-WAYS ARE BASED ON CENTERLINES OF EXISTING PATHS OF TRAVEL, UNLESS NOTED OTHERWISE.
- ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED.
- PURSUANT TO RULE 180-6.09 OF THE GEORGIA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS, THE TERM "CERTIFY" OR "CERTIFICATION" RELATING TO LAND SURVEYING SERVICES SHALL MEAN A SIGNED STATEMENT BASED ON FACTS AND KNOWLEDGE KNOWN TO THE LAND SURVEYOR AND IS NOT A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED.
- DEED/PLAT DISCLAIMER: THIS PLAN MAY NOT CONFORM TO THE BEARINGS AND DISTANCES RECORDED ON THE DEED AND/OR PLAT OF RECORD DUE TO SEVERAL FACTORS INCLUDING, BUT NOT LIMITED TO, THE NATURE OF THE ADVANCES IN SURVEYING TECHNOLOGY SUCH AS ELECTRONIC MEASURING DEVICES, MORE PRECISE ANGULAR MEASUREMENTS AND THE ADVENT OF SATELLITE SURVEYING TECHNIQUES USING "GPS" AND "GLONASS" SATELLITE CONSTELLATIONS. SURVEYS USING SATELLITE OBSERVATIONS ARE CORRECTED TO THE GEORGIA WEST STATE PLANE COORDINATE SYSTEM AND USE "GEODETIC" OR "GRID" NORTH AS OPPOSED TO "MAGNETIC" NORTH.

NO N.G.S. MONUMENT WAS FOUND WITHIN 500 FEET OF THIS PROPERTY. THIS PLAN WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. THIS PLAN DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS, OR ENTITY, WITHOUT EXPRESS WRITTEN PERMISSION. THE SURVEYOR MAKING SAID THEREOF MAY BE USED, COPIED OR REPRODUCED IN ANY FORM WITHOUT WRITTEN PERMISSION. COPYRIGHT ©2016 FRONTLINE SURVEYING AND MAPPING, INC. *** ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED ***

HOUSE LOCATION PLAN:
437 WALNUT STREET
 LAND LOT 94, 14th DISTRICT
 FULTON COUNTY, GEORGIA
 EXISTING ZONING: R-SF
 PIN: 14 009400040434
 7.385 SQ FT
 0.17 ACRES
 LOT COVERAGE = 30.5%



This survey was prepared in conformity with The Technical Standards for Property Surveys in Georgia as set forth in Chapter 180-7-1 of the Official Code of Georgia Annotated. The Surveyor is a Professional Engineer and Land Surveyor, and is set forth in the Georgia Plat Act O.C.G.A. 15-6-67 Authority O.C.G.A. Secs. 15-6-67, 43-15-4, 43-15-6, 43-15-18, 43-15-22.



HOUSE LOCATION PLAN:		DATE	09/13/16
CLIFF CHRISTIANSEN		SCALE	1" = 20'
LAND LOT 94	14th DISTRICT	SECTION	FULTON COUNTY, GEORGIA
LOT 5	BLOCK	REVISION	MOVED HOUSE
SUBDIVISION	WALNUT GROVE	UNIT	
PB 320 PG 4B		PHASE	
DB			

FRONTLINE
 SURVEYING & MAPPING, INC.

3595 Canton Road
 Suite 116, PMB 272
 Marietta, GA 30066
 Ph. (678) 355-9905
 Fax (678) 355-9805

www.frontlinesurveying.com

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1 FOOT IN 44,888 FEET, AN ANGULAR ERROR OF 5 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE LEAST SQUARES METHOD. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE TO 1 FOOT IN 332,845 FEET. AN ELECTRONIC TOTAL STATION AND A 100' CHAIN WERE USED TO GATHER THE INFORMATION USED IN THE PREPARATION OF THIS PLAT.

LEGEND:	
IPS	IRON PIN SET
IPF	IRON PIN FOUND
OT	OPEN TOP PIN
CT	CRIMP TOP PIN
RB	REINFORCING BAR
CRB	CAPPED RE-BAR
CL	CENTERLINE
R/W	RIGHT-OF-WAY
LLL	LAND LOT
CONC	CONCRETE
PP	POWER POLE
LP	LAMP POLE
SS	SANITARY SEWER
FC	FENCE CORNER
X	FENCE
AE	ACCESS EASEMENT
POB	POINT OF BEGINNING
ADP	AIR CONDITIONER
NTS	NOT TO SCALE
⊙	BOLLARD
CMF	CONCRETE MONUMENT FOUND
Z	OVERHEAD UTILITY LINE(S)
SSMH	SANITARY SEWER MAN HOLE
DWCB	DRIVEWAY CATCH BASIN
JB	JUNCTION BOX
DI	DROP INLET
HW	HEAD WALL
CMP	CORRUGATED METAL PIPE
CPP	CORRUGATED PLASTIC PIPE
RCP	REINFORCED CONCRETE PIPE
SSE	SANITARY SEWER EASEMENT
DE	FIRE HYDRANT
FH	DRAINAGE EASEMENT
WV	WATER VALVE
WM	WATER METER
C/O	SANITARY SEWER CLEANOUT
⊙	POINT OF BEGINNING
SWCB	SINGLE WING CATCH BASIN
UE	UTILITY EASEMENT

CURRENT ZONING:	R-SF
FRONT SETBACK =	15'
SIDE YARD =	5'
REAR SETBACK =	20'

GLOBAL POSITIONING SYSTEMS INCORPORATION NOTE:
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GENERAL NOTES:

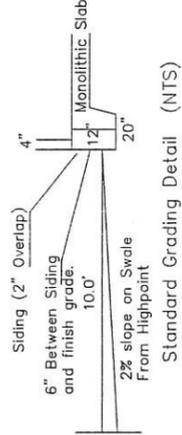
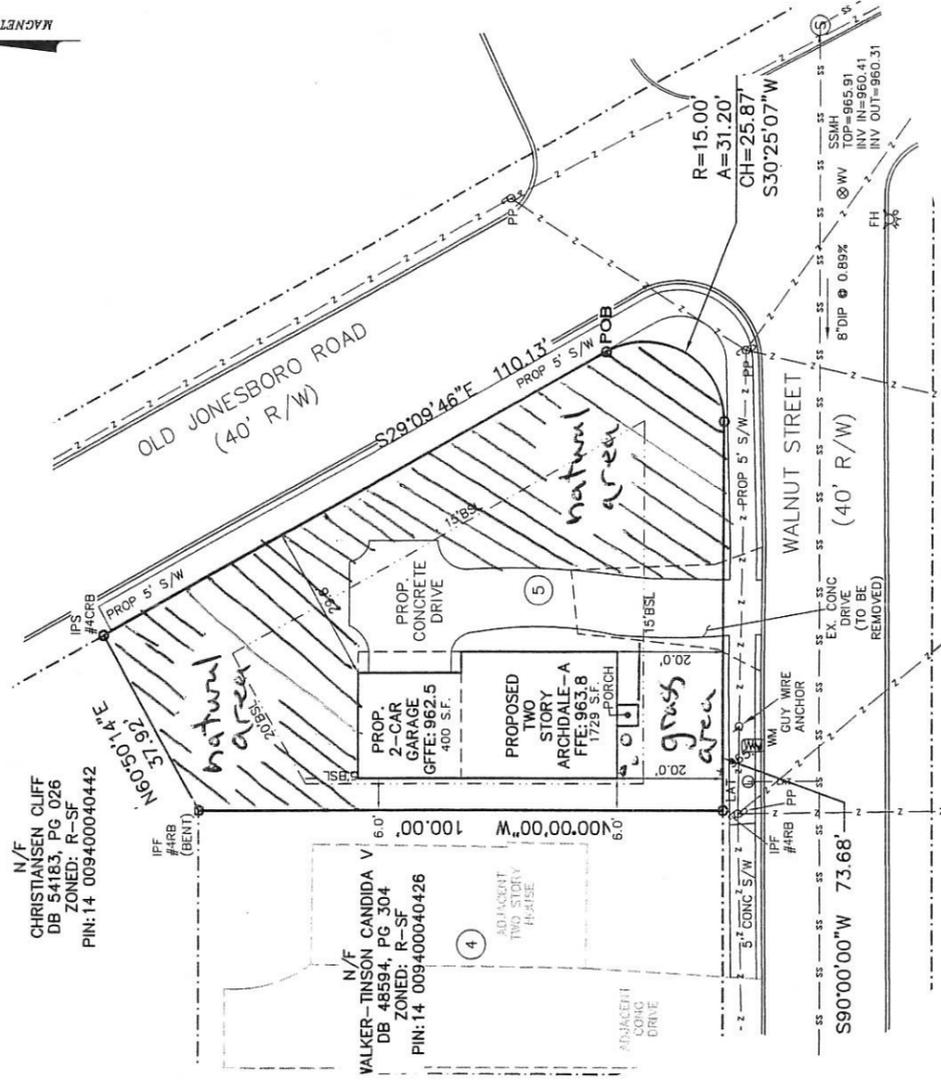
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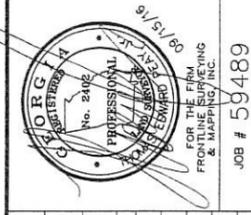
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NO N.C.S. MONUMENT WAS FOUND WITHIN 500 FEET OF THIS PROPERTY. PERSONS OR ENTITY NAMED HEREON IN THIS PLAT DOES NOT EXPRESS RECERTIFICATION BY THE SURVEYOR NAMED SAID PERSON, PERSONS OR ENTITY. THESE DOCUMENTS, AS INSTRUMENTS OF SERVICE, ARE HEREBY MADE THEREOF MAY BE USED, COPIED OR REPRODUCED IN ANY FORM WITHOUT WRITTEN PERMISSION. COPYRIGHT © 2016 FRONTLINE SURVEYING AND MAPPING, INC.
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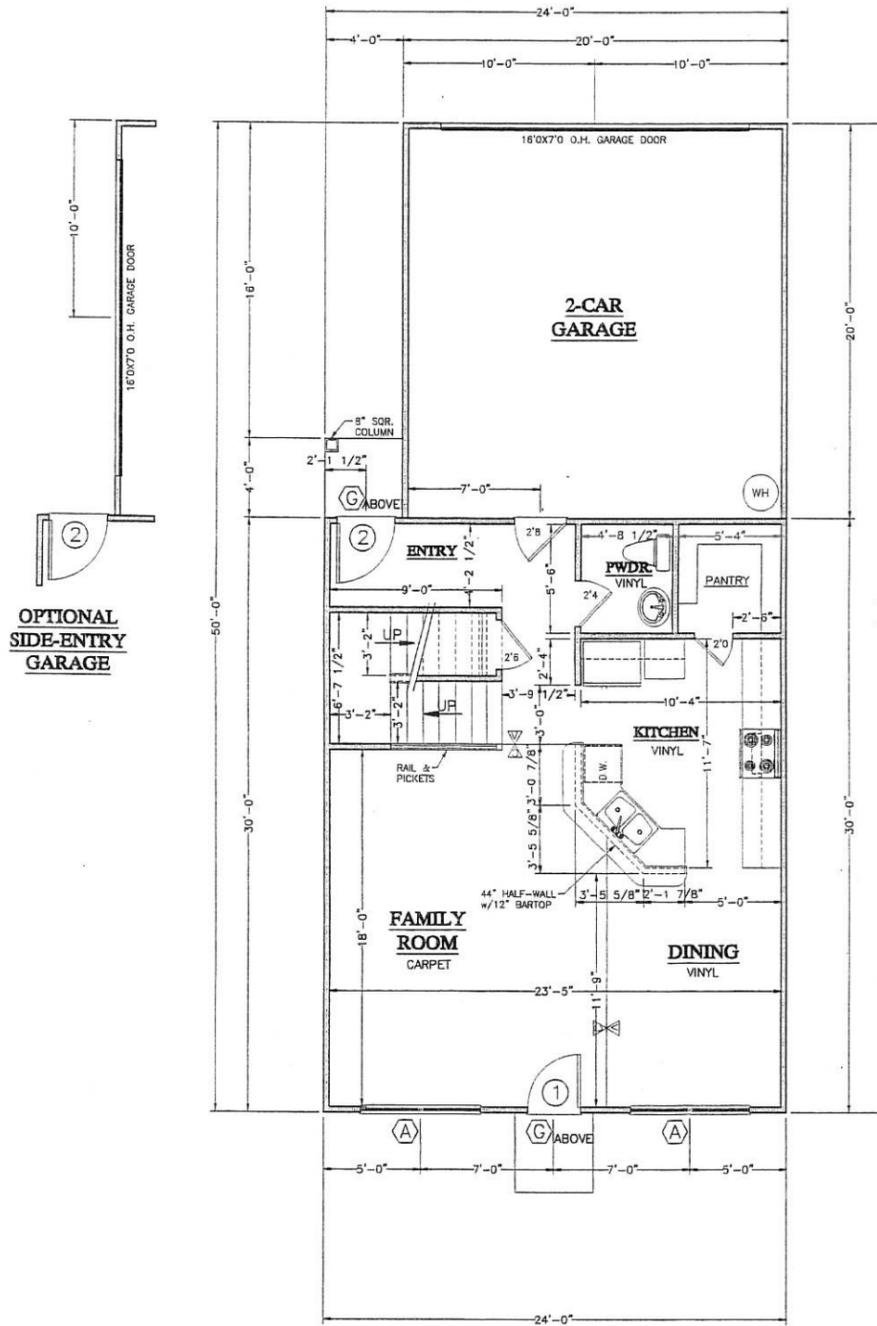
HOUSE LOCATION PLAN: - Landscape -
437 WALNUT STREET
 LAND LOT 94, 14th DISTRICT
 FULTON COUNTY, GEORGIA
 EXISTING ZONING: R-SF
 PIN: 14 009400040434
 7,385 SQ FT
 0.17 ACRES
 LOT COVERAGE = 30.5%



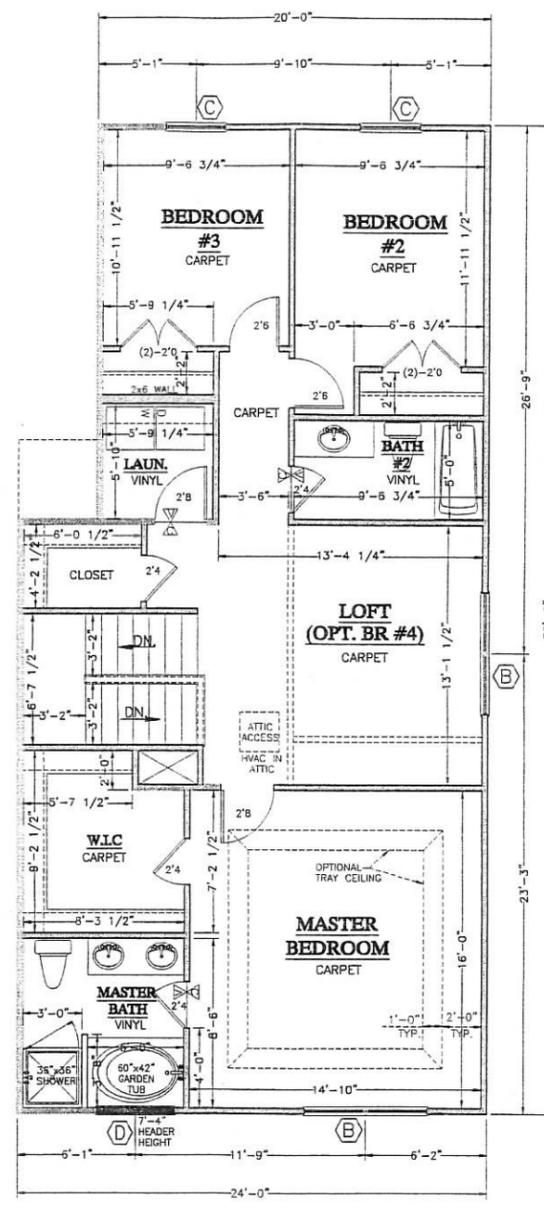
This survey was prepared in conformity with The Technical Standards for Property Surveys in Georgia as set forth in Chapter 180-7 of the Rules of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in the Georgia Public Code Official Code Sections 43-15-6, 43-15-19, 43-15-22, 43-6-67, 43-15-4, 43-15-6, 43-15-19, 43-15-19, 43-15-22.



HOUSE LOCATION PLAN:		DATE	09/13/16
CLIFF CHRISTIANSEN		SCALE	1" = 20'
LAND LOT 94	14th DISTRICT	SECTION	FULTON COUNTY, GEORGIA
LOT 5	UNIT	REVISION	BY: DATE:
SUBDIVISION	WALNUT GROVE	MOVED HOUSE	TLA 9/15/16
PB 320 - PG 48	PHASE		
DB			
		I HAVE THIS DATE EXAMINED THE "FIA OFFICIAL FLOOD HAZARD MAP" AND FOUND THAT BY GRAPHIC PLOTTING ONLY, THE REFERENCE PARCEL (S) (S IS NOT) IN AN AREA HAVING SPECIAL FLOOD HAZARDS.	
		AP ID 13121C0367F EFFECTIVE DATE: 09/18/13	
		JOB # 59489	

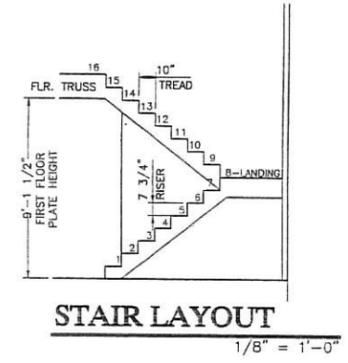
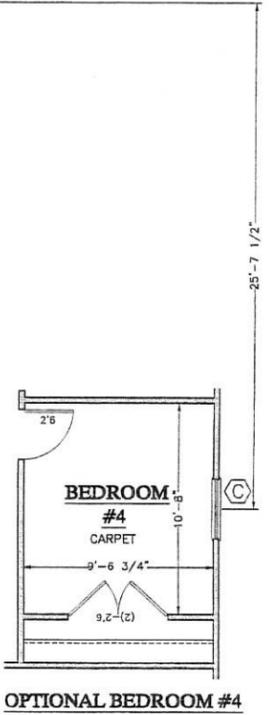


* reverse plan *



SQUARE FOOTAGE SUMMARY:

FIRST FLOOR:	720 Sq. Ft.
SECOND FLOOR:	1058 Sq. Ft.
TOTAL HEATED:	1778 Sq. Ft.
GARAGE:	400 Sq. Ft.



WINDOW SCHEDULE

WINDOW	SIZE	FRAME TYPE	REMARKS
A	3'0x6'0 PAIR	VINYL	
B	3'0x5'0 PAIR	VINYL	
C	3'0x5'0	VINYL	
D	4'0x4'0	VINYL	FIXED, TEMPERED
E	1'8x6'0	VINYL	
F	2'8x6'0 PAIR	VINYL	
G	3'0x1'0 TRANSOM	VINYL	FIXED

DOOR SCHEDULE

DOOR	SIZE	TYPE	REMARKS
1	3'0x6'8	FIBERGLASS	
2	3'0x6'8 15-LITE	STEEL	

General Notes

Describe construction and material types, etc. and include the quantity of the same. The client's type is confirmed and listed. Plans for related work. Items may be added, deleted or revised. Revisions to plans shall not require detailed site survey or measurement for any purpose without written consent of the designer.

In the event of the knowledge, the designer has prepared these plans without any knowledge of any conditions, circumstances, or restrictions that may affect the construction of the same, the designer shall not be held liable for human error after construction begins.

FLOOR PLANS - PLAN 1729-A
1/4" = 1'-0"

No.	Revision/Issue	Date

SOUTHERN HERITAGE HOME DESIGNS
WWW.SOUTHERNHERITAGEDESIGNS.COM
1-800-568-5971
P.O. BOX 292186
COLUMBIA, SC 29229
© 2016 Suzanne Grapiglia, LLC

Project Name and Address
Plan 1729-A
The Archdale "A"

Sheet **A2**
Project Plan 1729-A
The Archdale "A"
Date 2/13
Scale 1/4" = 1'-0"



FRONT ELEVATION "A"

1/4" = 1'-0"



FRONT ELEVATION "B"

1/4" = 1'-0"



FRONT ELEVATION "C"

1/4" = 1'-0"



FRONT ELEVATION "D"

1/4" = 1'-0"



FRONT ELEVATION "E"

1/4" = 1'-0"



FRONT ELEVATION "F"

1/4" = 1'-0"

General Notes

These elevations are shown in black and white. The client's right in possession and control of the property is not affected by the design. The design is not to be used for any other purpose without the written consent of the designer. The designer shall not be held liable for errors or omissions in the design. The designer shall not be held liable for errors or omissions in the design. The designer shall not be held liable for errors or omissions in the design.

ELEVATIONS - PLAN 1729-A

1/4" = 1'-0"

No.	Revision/Issue	Date

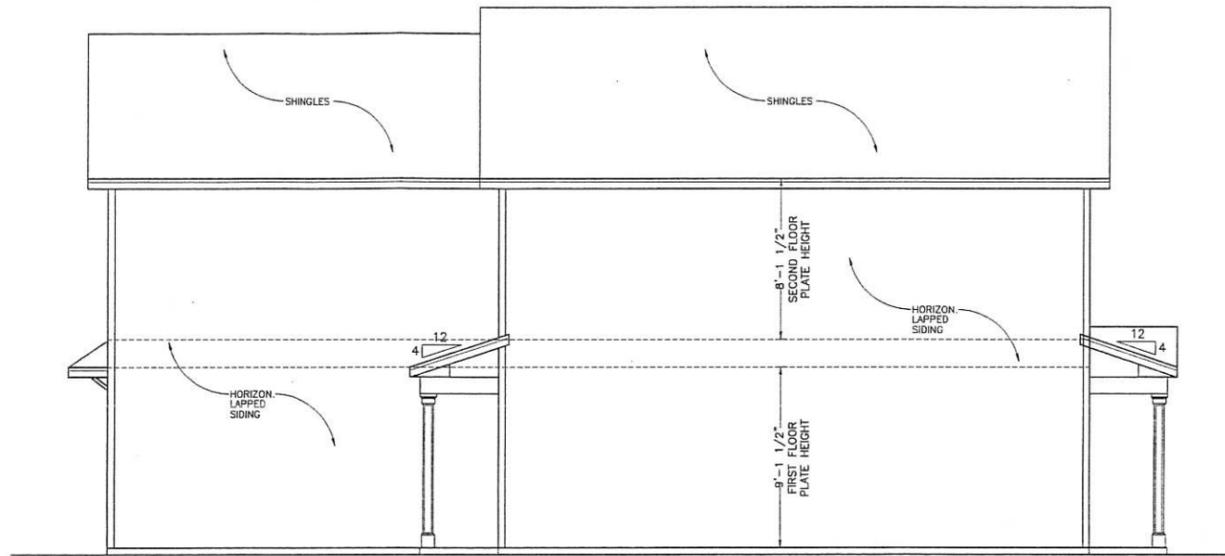
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 1-800-568-5971
 P.O. BOX 29286
 COLUMBIA, SC 29229
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Project Name and Address
Plan 1729-A
The Archdale "A"

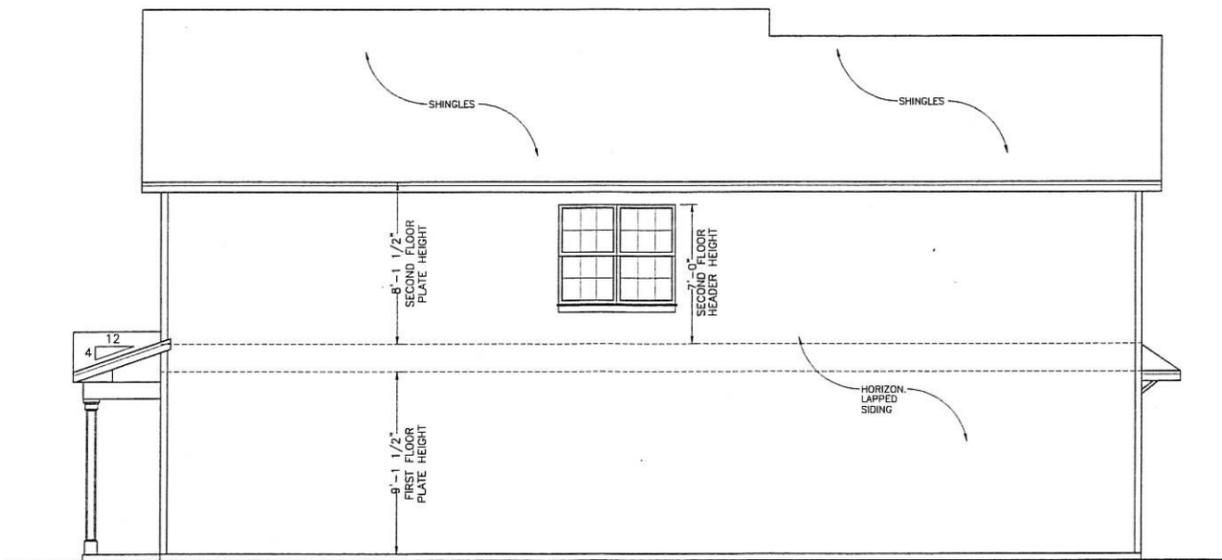
Sheet
A3
 Project
 Plan 1729-A
 The Archdale "A"
 Date
 2/13
 Scale
 1/4" = 1'-0"



REAR ELEVATION "A"
 1/4" = 1'-0"
Side entry



RIGHT SIDE ELEVATION "A"
 1/4" = 1'-0"



LEFT SIDE ELEVATION "A"
 1/4" = 1'-0"

General Notes

Drawings, specifications and related items are, and shall be, the property of the designer. The client's right is restricted and limited to the use of the drawings for the project and site only. No part of these drawings may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written consent of the designer.

In the best of his knowledge, the designer has prepared these plans in accordance with the applicable building codes and standards in effect at the time. Although every reasonable effort has been made to ensure the accuracy of the drawings, the designer shall not be held liable for errors or omissions, which, and their consequences, may result from the use of these drawings.

ELEVATIONS - PLAN 1729-A
 1/4" = 1'-0"

No.	Revision/Issue	Date

SOUTHERN HERITAGE HOME DESIGNS
 WWW.SOUTHERNHERITAGEPLANS.COM
 1800-568-5971
 P.O. BOX 292186
 COLUMBIA, S.C. 29229
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Project Name and Address
 Plan 1729-A
 The Archdale "A"

Sheet
A4
 Plan 1729-A
 The Archdale "A"
 Date
 2/13
 Scale
 1/4" = 1'-0"

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Department of Planning & Zoning

M E M O R A N D U M

TO: Brian Wismer, Planning Commission Chairman
FROM: Bill Johnston, City Planner
SUBJECT: **Site Plan Review for a Single Family Dwelling at 439 Walnut Street**
DATE: Thursday, 3 November 2016

Background

Cliff Christiansen, applicant and builder, has submitted a site plan proposing a 1,729-square foot, single family dwelling with an attached garage to the rear of the dwelling. The 0.17-acre property is zoned R-SF, Residential-Single Family.

Findings

Mr. Christiansen is proposing a two-story, four bedroom, two and one-half bath, craftsman-style dwelling. The dwelling is approximately 24 feet in height and has an 8:12 roof pitch. A front porch is proposed. An attached garage will be 20 feet by 20 feet for an area of 400 square feet. The front, side and rear yard setbacks of 15, 5 and 20 feet, respectively, are met. Access to this corner lot property will be from Walnut Street.

Requirements for processing site plan applications are addressed below:

Site Plan Review Process

Sec. 93-2-16. *Site plan review* provides the following guidance for processing applications for site plan approval. Findings are presented for each review requirement with deficiencies or non-compliance underlined:

(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.

Brian Wismer, Planning Commission Chair

Site Plan Review for a Single Family Dwelling at 439 Walnut Street

Thursday, 3 November 2016

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(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:

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.

A 1,729-square foot single family dwelling with a 400-square foot attached garage is proposed. The dwelling will be consistent with newer dwellings established on Walnut Street as to scale. A notarized "Authorization of Property Owner" has been submitted. The development schedule is projected as 120 days.

(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 vacant lot is a platted building lot that is believed to have had a dwelling previously given the existing driveway. A 1,729-square foot single family dwelling is proposed in compliance with the required setbacks. The dwelling will be approximately 24 feet in height in compliance with the maximum height of 35 feet in the R-SF Zone. The garage will occupy a portion of the first floor of the dwelling.

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

The location and cross section characteristics of the sidewalk which run the length of the frontage on this lot are indicated. Sec. 81-1-7. Neighborhood conservation area, subsection (g) Door and window standards of the Architectural Design Standards provides that "*The main entry door to all uses shall be linked to the sidewalk via a pedestrian walkway or wheelchair access.*" Accordingly, the plans must show a private sidewalk running from the front door of the dwelling to the public sidewalk. The cross section characteristics of the driveway and curb cut must also be shown.

c. The locations, area and number of proposed parking spaces.

The two-car garage accessed from the rear alley will accommodate two vehicles, fully complying with the two parking space requirement of Sec. 93-22.1-1. *Chart of dimensional requirements.*

Brian Wismer, Planning Commission Chair

Site Plan Review for a Single Family Dwelling at 439 Walnut Street

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d. Existing and proposed grades at an interval of five feet or less.

Spot elevations are provided; however, these are very difficult to read and should be presented on a separate plan sheet at a minimum scale of one inch equals 10 feet.

e. The location and general type of all existing trees over six-inch caliper and, in addition, an identification of those to be retained.

A "Tree Chart" documenting the trees to be removed and those to be saved is provided; however, this information is also very difficult to read and should be presented on a separate plan sheet at a minimum scale of one inch equals 10 feet. An 8-inch dogwood, a 10-inch dogwood and a 12- inch dogwood appear to be slated for removal with sizeable oaks, maples and pines being retained.

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.).

An "enhanced landscape area" is identified at the front of the site. Trees to be saved will contribute to the aesthetics of the site. However, a detailed landscape plan has not been provided.

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.).

This is a single family lot. Open space in the form of yards is indicated that appears to encompass as much as half the property.

h. The location of all retaining walls, fences (including privacy fences around patios, etc.) and earth berms.

No walls, fences or earth berms are indicated.

i. The identification and location of all refuse collection facilities, including screening to be provided.

This requirement does not pertain to single family development.

Brian Wismer, Planning Commission Chair

Site Plan Review for a Single Family Dwelling at 439 Walnut Street

Thursday, 3 November 2016

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j. Provisions for on-site and off-site stormwater drainage and detention related to the proposed development.

The property will achieve a lot coverage ratio of 15 percent following the proposed construction, including the garage. This complies with the maximum lot coverage of 70 percent in the R-1 Zone. Sec. 93-1-2. *Definitions* defines lot coverage as "The total horizontal ground area of a lot covered by all buildings on the lot and which is not open to the sky." The planned construction is not expected to add an extraordinary volume of runoff to the stormwater system. The City Engineer office will ensure that stormwater will be handled appropriately as a function of civil plan review and field inspections.

k. Location and size of all signs.

No signs are proposed.

(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 application proposes a two-story dwelling with an attached garage to the rear, conforming to preferences of the Architectural Design Standards. Older dwellings in the vicinity are largely single story. Two relatively new dwellings, one on the adjoining lot, exceed the height of Hapeville's traditional construction found on nearby lots. The adjoining dwelling is also two-story. Market preferences appear to more consistent with these dwellings and the dwelling proposed for 439 Walnut Street. The grade of the lot is consistent with the grade of the adjacent lot; both of which fall off to the rear. The 24-foot dwelling will be compatible with the newer dwellings.

(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.

Architectural plans show all four elevations with concrete siding as the exterior finish in compliance with the Architectural Design Standards.

(4) Project data.

a. Site area (square feet and acres).

The lot is 0.17 acres or 7,385 square feet.

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.

Brian Wismer, Planning Commission Chair

Site Plan Review for a Single Family Dwelling at 439 Walnut Street

Thursday, 3 November 2016

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The plan complies with all required open space and lot coverage ratios, the latter being a maximum of 70 percent in the R-SF Zone.

c. Total dwelling units and floor area distributed generally by dwelling unit type (one-bedroom, two-bedroom, etc.) where applicable.

A three-bedroom (with a fourth bedroom as an option), two and one half-bath dwelling is proposed in compliance with the standards of Sec. 93-22.1-1. *Chart of dimensional requirements.*

d. Floor area in nonresidential use by category.

This standard is not applicable to the proposed development.

e. Total floor area ratio and/or residential density distribution.

A development density of nearly six (6) dwelling units per acre is proposed. The R-SF Zone sets the minimum lot size at 4,000 square feet, allowing a density of more than 10 units per acre.

f. Number of parking spaces and area of paved surface for parking and circulation.

The proposed two-car garage will comply with the two (2) parking spaces required by Sec. 93-22.1-1. *Chart of dimensional requirements.* Garages to the rear of the dwelling are among the configurations most favored in the Architectural Design Standards. The area of paved surface for parking and circulation following construction is estimated at 1,500 square feet.

(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.

A two-story, single family detached dwelling is proposed having an architectural design consistent with newer dwellings on Walnut. A two-car, attached garage to the rear of the dwelling and occupying 400 square feet of the first floor space is proposed. Mr. Christiansen is the owner of the 439 Walnut Street property. A 120-day development schedule is projected.

Brian Wismer, Planning Commission Chair
Site Plan Review for a Single Family Dwelling at 439 Walnut Street
Thursday, 3 November 2016
6 of 6

Recommendation

Based on the above findings, approval of the site plan is appropriate, subject to satisfaction of the identified deficiencies and the concerns raised in the City Engineer’s report.

- c: Commissioner Travis Horsley, Vice Chair
- Commissioner Lucy Dolan
- Commissioner Mark Farah
- Commissioner Kaity Ferrero
- Commissioner Jeanne Rast
- Commissioner Charlotte Rentz
- Adrienne Senter, Planning Commission Secretary

Attachment: Location Map

Location Map





Keck & Wood, Inc. 0

3090 Premiere Parkway
Suite 200
Duluth, Georgia 30097
Office: (678) 417-4000
Fax: (678) 417-4055
www.keckwood.com

November 3, 2017

Ms. Adrienne Senter
Planning & Development
Project Coordinator
City of Hapeville
3468 N. Fulton Avenue
P.O. Box 82311
Hapeville, Georgia 30354

Re: Site Plan - 439 Walnut Street
Site Plan Review
K&W Ref. No. 161051.60

Dear Ms. Senter:

As requested, I have reviewed the Concept Site Plan for the Residential site to be located on a 0.17 acre parcel at 430 Walnut Street, within a R-SF Zoning District. The initial submittal was received on October 26, 2016. The plans were prepared by Frontline Surveying & Mapping, Inc., under the land surveyor seal of Thomas Edward Peay, Jr.. My comments are as follows:

1. ADA accessible sidewalk ramps should be shown at the intersection of the driveway with the proposed sidewalk.
2. A local "on-site" project benchmark tied to mean sea level datum should be included on the plans.
3. Tree canopy provided on the Erosion, Sedimentation, and Pollution Control Plan drawing do not appear to meet City requirements as shown in the Trees Impacted section of the drawing.
4. It is not clear how a sanitary sewer service connection will be provided to the existing sewer along Walnut Street.

I have retained one copy of the plans provided for review in the event there are questions. The petitioner should be made aware that the review does not constitute a waiver of City Ordinance requirements or assumption of responsibility for full review of City Ordinance requirements. Deviations from Ordinance requirements may be noted at any time during the review, permitting or construction processes. Re-submittals should include a narrative indicating how and where the review comments were addressed.

Very truly yours,

KECK & WOOD, INC.

A handwritten signature in blue ink that reads "Michael J. Moffitt".

Michael J. Moffitt, P.E.

Enclosures

**CITY OF HAPEVILLE
COMMUNITY SERVICE DEPARTMENT
REZONING APPLICATION**

Name of Applicant Rajesh A. Patel / Venus Virginia Ave. LLC.

Mailing Address _____ Atlanta GA. 30354

Telephone _____ Mobile# _____

Email _____

Property Owner (s) Hapeville Development Authority

Mailing Address 3468 North Fulton Ave. Hapeville GA. 30354

Telephone _____ Mobile# _____

Address/Location of Property: 3477 Rainey Ave. Hapeville G.A.

Parcel ID #: 14 0127000040187

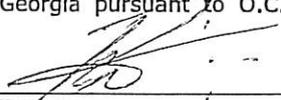
Square Foot of Property _____ Acres _____

Present Zoning Classification ~~Residential~~ RSJF Proposed Zoning Classification ~~Commercial~~ C-4V

Present Land Use Single Family Home

Proposed Land Use Mixed Use Commercial

I hereby make application to the City of Hapeville, Georgia for the above referenced property. I do hereby swear or affirm that the information provided here and above is true, complete and accurate, and I understand that any inaccuracies may be considered just cause for invalidation of this application and any action taken on this application. I understand that the City of Hapeville, Georgia, reserves the right to enforce any and all ordinances regardless of any action or approval on this application. I further understand that it is my/our responsibility to conform with all of City of Hapeville's Ordinances in full. I hereby acknowledge that all requirements of the City of Hapeville shall be adhered to. I can read and write the English language and/or this document has been read and explained to me and I have full and voluntarily completed this application. I understand that it is a felony to make false statements or writings to the City of Hapeville, Georgia pursuant to O.C.G.A. 16-10-20 and I may be prosecuted for a violation thereof.



Applicant's signature
Date: 10/03/2016

Sworn to and subscribed before me
This 3 day of October, 2016.



Notary Public



**CITY OF HAPEVILLE
COMMUNITY SERVICE DEPARTMENT
REZONING APPLICATION**

LETTER OF INTENT

In detail, provide a summary of the proposed project in the space provided below. Include the proposed use of each existing or proposed building, and the proposed land use.

We are in process of purchasing this property and property located at corner of Rainey Ave & Virginia Ave to develop mixed use project with retail and office.

What are the reasons the property cannot be used in accordance with the existing regulations?

Existing property is residential zoned.

Will the proposed zoning change create an isolated zoning district that is unrelated to adjacent and nearby districts? Yes _____ No

If so, why should this property be placed in a different zoning district than all adjoining property?

How would the proposed zoning change impact on public facilities and services?

NONE

What environmental impacts would the proposed project have?

NONE

Describe the effect the proposed zoning request will have on the adjacent properties and how it will impact the character of the neighborhood.

Are there any proffered conditions you would like to apply to and be made part of this application for rezoning? Yes _____ No

Please list any written proffered conditions below.

Any development and site plans or other demonstrative materials presented as proffered conditions shall be referenced below and attached to this application as follows: (Please include a date or other identifiable information of each piece of material attached)

**CITY OF HAPEVILLE
COMMUNITY SERVICE DEPARTMENT
REZONING APPLICATION**

AUTHORIZATION OF PROPERTY OWNER

I CERTIFY THAT I AM THE OWNER OF THE PROPERTY LOCATED AT:

3477 Rainey Ave. Hapeville, GA. 30354

City of Hapeville, County of Fulton, State of Georgia

WHICH IS THE SUBJECT MATTER OF THIS APPLICATION. I AUTHORIZE THE APPLICANT NAMED BELOW TO ACT AS THE APPLICANT IN THE PURSUIT OF A REZONING FOR THE PROPERTY.

Name of Applicant Rajesh A. Patel / Venus Virginia Ave. LLC.

Address of Applicant Atlanta, GA. 30354.

Telephone of Applicant _____



Katherine Bradburn, Chairman
Signature of Owner

Kathrina T. Bradburn, Chairman
Print Name of Owner
Hapeville Development Authority

Personally Appeared Before Me this 1TH day of OCTOBER, 2014.

Rosalie Rosenthal
Notary Public

**CITY OF HAPEVILLE
COMMUNITY SERVICE DEPARTMENT
REZONING APPLICATION**

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS & GIFTS

Application filed on October 3, 2016 for action by the City Council on the following requested rezoning:

Address to be rezoned: 3477 Rainey Ave. Hapeville GA. 30354

All individuals, business entities or other organizations having a property or other interest in said property that is subject of this application are as follows:

The undersigned below, making application for Rezoning, has complied with the Official Code of Georgia Section 36-67A-1, et. Seq., Conflict of Interest in Zoning Actions, and has submitted or attached the required information on this form as provided.

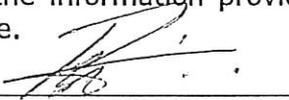
Have you as applicant or anyone associated with this application or property, within the two (2) years immediately preceding the filing of this application, made campaign contributions aggregating \$250 or more to a member of the Hapeville City Council? Yes No

If YES, please complete the following section (attach additional sheets if necessary):

Name and Official Position of Government Official	Contributions (List all which aggregate to \$250 or more)	Date of Contribution (Within last 2 years)

I do hereby certify the information provided herein is both complete and accurate to the best of my knowledge.

Signature of Applicant



Type or Print Name and Title

Rajesh A. Patel, Manager

Signature of Applicant's Representative

Type or Print Name and Title

Signature of Notary Public



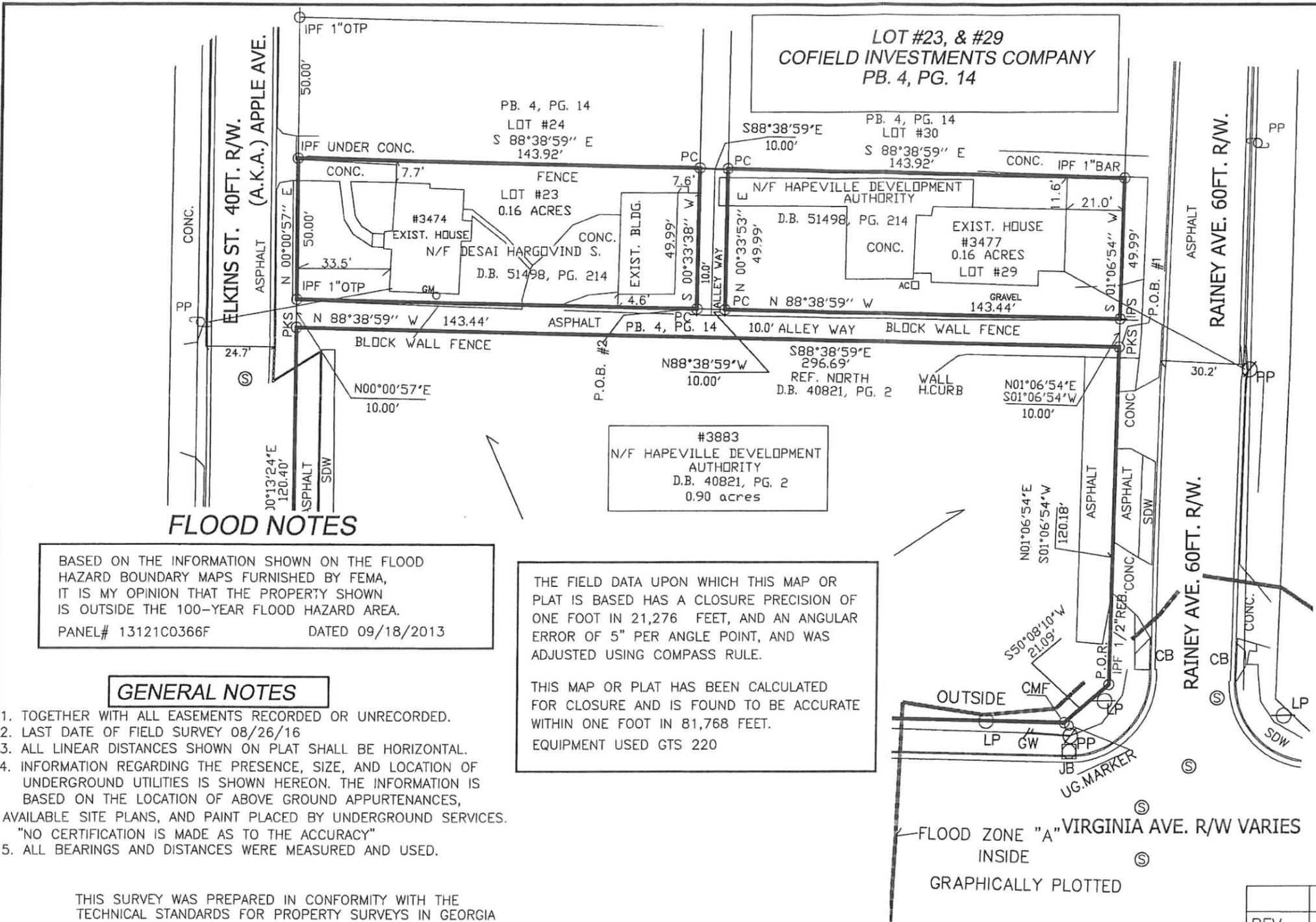
(Affix Raised Seal Here)



LEGENDS OF SYMBOLS

P.O.B.	POINT OF BEGINNING
P.O.R.	POINT OF REFERENCE
GM	GAS MARKER/GAS METER
OOTP	OPEN TOP PIPE
OIPF	IRON PIN FOUND
OIPS	IRON PIN SET 1/2" Ø REBAR W/ CAP
C/G	CURB AND GUTTER
P/L	PROPERTY LINE
R/W	RIGHT-OF-WAY
L.L.L.	LAND LOT LINE
CMF	CONCRETE MONUMENT FOUND
POL	POINT ON LINE
B.O.C.	BACK OF CURB
FNC	FENCE CORNER
EP	EDGE OF PAVEMENT
PC	PROPERTY CORNER
LP	LIGHT POLE
PP	POWER POLE
GW	GUY WIRE
JB	EXISTING JUNCTION BOX
WV	EXISTING WATER VALVE
FH	EXISTING FIRE HYDRANT
T.B.M.	TEMPORARY BENCH MARK
B.F.E.	BASE FLOOD ELEVATION
M.F.E.	MINIMUM FLOOR ELEVATION
HW	HEADWALL
SWCB	SINGLE WALL CATCH BASIN
DWCB	DOUBLE WALL CATCH BASIN
OS	OUTLET STRUCTURE (RISER)
DI	DROP INLET
W	WATER METER
W	WATERLINE
SS	SANITARY SEWER LINE
OVP	OVERHEAD POWERLINE
UFO	UNDERGROUND FIBER OPTICS
G	GASLINE
LS	LANDSCAPING
PKS (F)	PK NAIL SET (FOUND)
EX-MH	EXISTING SANITARY SEWER MANHOLE
SMH	SANITARY SEWER MANHOLE
S.S.E.	SANITARY EASEMENT
C/O	CLEAN-OUT
FDC	FIRE DEPARTMENT CONNECTOR
C.L.F.	CHAIN LINK FENCE
D.E.	DRAINAGE EASEMENT
R.R.E.	RAIL ROAD EASEMENT
H	HEIGHT
UE	UNDERGROUND ELECTRIC
AC	AIRCONDITION UNITS

D. B. 40821, PG. 2
SEE PLAT



FLOOD NOTES

BASED ON THE INFORMATION SHOWN ON THE FLOOD HAZARD BOUNDARY MAPS FURNISHED BY FEMA, IT IS MY OPINION THAT THE PROPERTY SHOWN IS OUTSIDE THE 100-YEAR FLOOD HAZARD AREA.
PANEL# 13121C0366F DATED 09/18/2013

THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 21,276 FEET, AND AN ANGULAR ERROR OF 5" PER ANGLE POINT, AND WAS ADJUSTED USING COMPASS RULE.

THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 81,768 FEET.
EQUIPMENT USED GTS 220

GENERAL NOTES

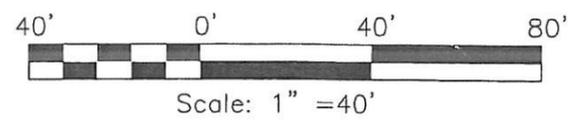
- TOGETHER WITH ALL EASEMENTS RECORDED OR UNRECORDED.
- LAST DATE OF FIELD SURVEY 08/26/16
- ALL LINEAR DISTANCES SHOWN ON PLAT SHALL BE HORIZONTAL.
- INFORMATION REGARDING THE PRESENCE, SIZE, AND LOCATION OF UNDERGROUND UTILITIES IS SHOWN HEREON. THE INFORMATION IS BASED ON THE LOCATION OF ABOVE GROUND APPURTENANCES, AVAILABLE SITE PLANS, AND PAINT PLACED BY UNDERGROUND SERVICES. "NO CERTIFICATION IS MADE AS TO THE ACCURACY"
- ALL BEARINGS AND DISTANCES WERE MEASURED AND USED.

THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67.

GEORGIA REGISTERED LAND SURVEYOR
ANGEL M. MARRERO
No. 2642
08-29-2016

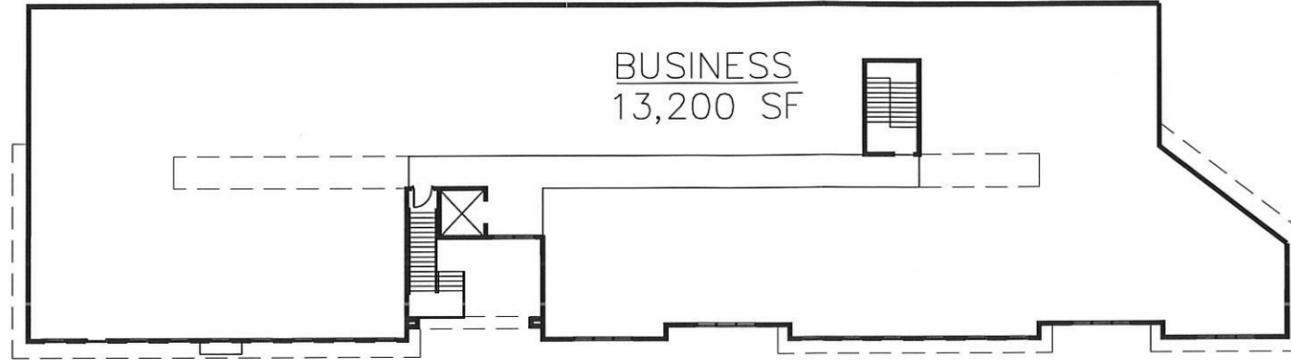
ANGEL M. MARRERO R.L.S. #2642
Certified Design Professional # 4479

** PURSUANT TO RULE 180-6.09 OF THE GEORGIA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS, THE TERM "CERTIFY" OR "CERTIFICATION" MEANS TO DECLARE A PROFESSIONAL OPINION REGARDING THOSE FACTS OR FINDINGS AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EITHER EXPRESSED OR IMPLIED.



REV.	DESCRIPTION	DATE
SOUTHSIDE SURVEYING & PLANNING LSF000831		#18 ATLANTA ST. MCDONOUGH, GA 30253 Phone: (770) 320-8009 Fax: (770) 320-8098
BOUNDARY SURVEY FOR: VENUS VIRGINIA AVE., LLC.		
Land Lot 127 14TH Dist.		CITY OF HAPEVILLE FULTON County, GA
Drawn By: AMM		Scale: 1"=40'
Dwg No: 2-1607100A		Date: 08/29/2016

ALL DRAWINGS ARE THE INTELLECTUAL PROPERTY OF DANIEL L. LEMBERG



SECOND FLOOR PLAN



FRONT ELEVATION

PERMIT SUBMITTAL	08-18-14
REVISIONS	DATE

MIXED USE DEVELOPMENT
HAPEVILLE
GEORGIA, USA

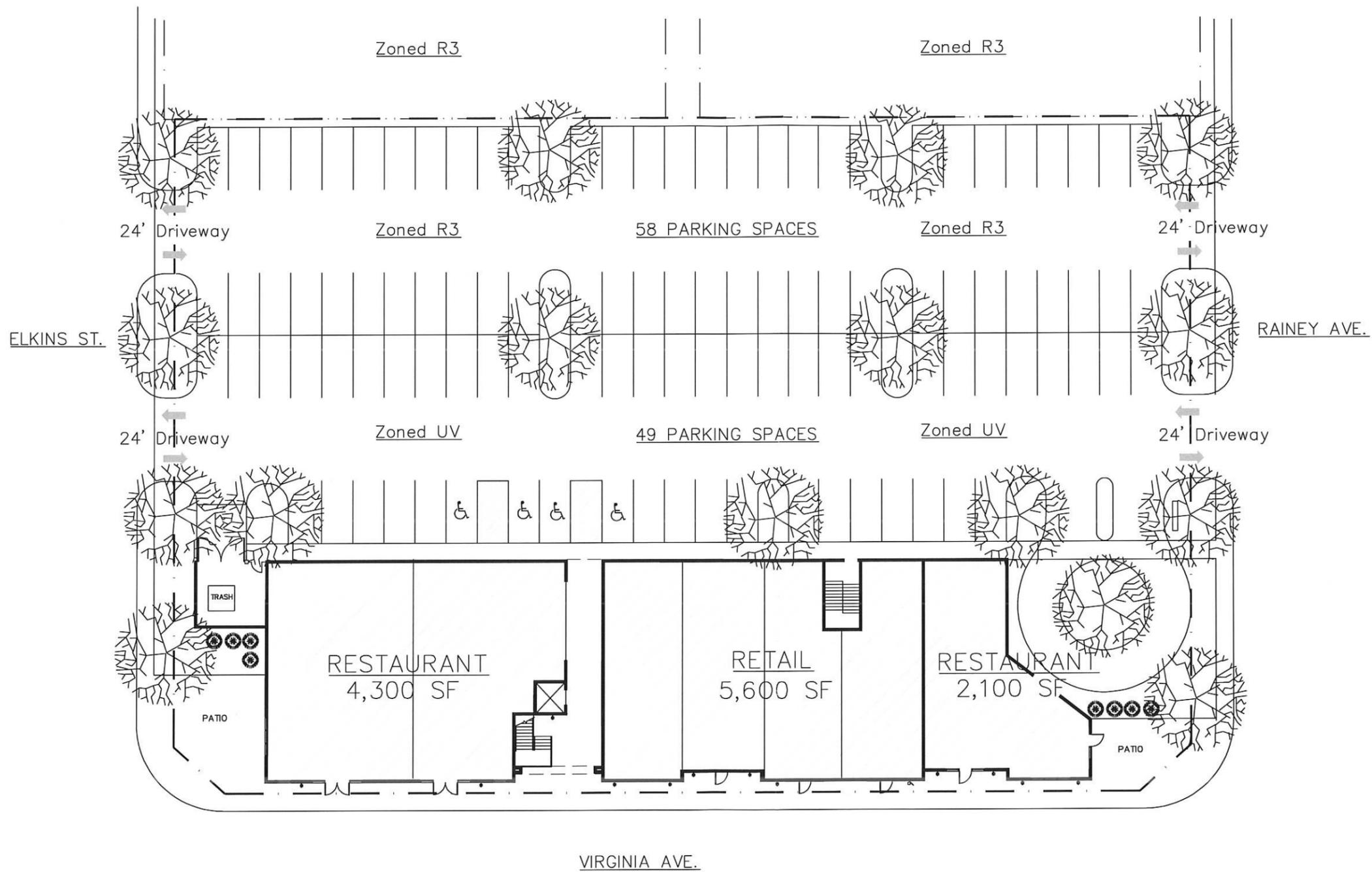
DANIEL LEMBERG — ARCHITECT
3445 CONCORD CORNER
CONYERS, GA 30013
PHONE: 770-922-8322

DRAWN
D.L.
DATE
10-05-16
JOB NO.
2337

SHEET

A-2

ALL DRAWINGS ARE THE INTELLECTUAL PROPERTY OF DANIEL L. LEMBERG



CONCEPT MIXED USE SITE PLAN

SCALE 1"=20'-0"
OCT. 5, 2016

DEVELOPMENT DATA

First Floor Retail	=	12,000sf
Second Floor Business	=	13,200sf
Total Gross Area	=	27,200sf
Total Site Area	=	1.30 Ac

PERMIT SUBMITTAL REVISIONS	DATE

MIXED USE DEVELOPMENT
HAPEVILLE
GEORGIA, USA

DANIEL LEMBERG - ARCHITECT
3445 CONCORD CORNER
CONYERS, GA 30013
PHONE: 770-922-8322



DRAWN	
DATE	10-05-16
JOB NO.	2337
SHEET	

Written Description
3477 Rainey Ave.
Lot #29
Cofield Investments Company S/D
PB 4 Page 14

All that tract or parcel of land lying and being in Land Lot 127 of the 14th District, City of Hapeville, Fulton County, Georgia and being more particularly described as follows:

Commencing at the existing intersection of Northerly R/W of Virginia Ave. (R/W varies) and the Westerly R/W of Rainey Ave. (60' R/W) (ROW miter), thence N 01°06'54" E a distance of 130.18' to an IPS; this point being the **Point of Beginning (P.O.B. #1)**.

From the Point of Beginning (P.O.B. #1),
Thence N 88°38'59" W a distance of 143.44' to a point;
Thence N 00°33'53" E a distance of 49.99' to a point;
Thence S 88°38'59" E a distance of 143.92' to an IPF 1" bar; Thence S 01°06'54" W a distance of 49.99' to the **Point of Beginning (P.O.B. #1)**.

Containing 0.16 acres.

Also granted all easements recorded or unrecorded.

Written Description
3474 Elkins St. (aka Apple Ave.)
Lot #23
Cofield Investments Company S/D
PB 4 Page 14

All that tract or parcel of land lying and being in Land Lot 127 of the 14th District, City of Hapeville, Fulton County, Georgia and being more particularly described as follows:

Commencing at the existing intersection of Northerly R/W of Virginia Ave. (R/W varies) and the Westerly R/W of Rainey Ave. (60' R/W) (ROW Miter), thence N 01°06'54" E a distance of 130.18' to an IPS; thence N 88°38'59" W a distance of 153.44' to a point; this point being the **Point of Beginning (P.O.B. #2)**.

From the Point of Beginning (P.O.B. #2),
Thence N 88°38'59" W a distance of 143.44' to an IPF 1" OTP; Thence N 00°00'57" E a distance of 50.00' to an IPF under concrete; Thence S 88°38'59" E a distance of 143.92' to a point; Thence S 00°33'38" W a distance of 49.99' to the **Point of Beginning (P.O.B. #2)**.

Containing 0.16 acres.

Also granted all easements recorded or unrecorded.



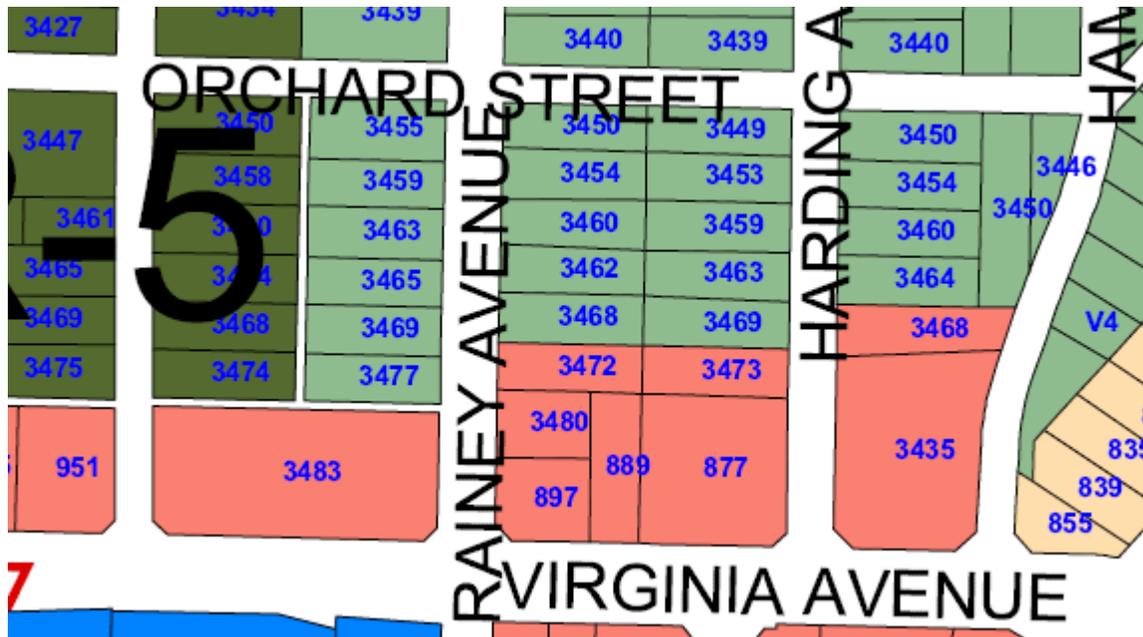
Department of Planning & Zoning

MEMORANDUM

TO: Brian Wismer, Planning Commission Chairman
 FROM: Bill Johnston, City Planner
 SUBJECT: **Rezoning of 3477 Rainey Avenue (R-SF) to U-V Zone**
 DATE: Thursday, 3 November 2016

FINDINGS

Mr. Rajesh A. Patel, representing Venus Virginia Ave. LLC, has applied for the rezoning of 3477 Rainey Avenue, in conjunction with 3474 Elkins Street. This rezoning would represent encroachment into an established neighborhood, one that has witnessed significant residential re-investment in recent years. Hapeville has long fought such encroachment. However, a precedent for such minor encroachment has been set by the U-V zoning of 3472 Rainey and 3473 and 3468 Harding as seen below. The proposed zoning would encroach somewhat less than this established zoning pattern given the respective property lines.



The proposed use of the 3483 Rainey Avenue property, which will form the development tract, is “commercial mixed use” with “retail and office.” Restaurants are also indicated on Sheet A-1. The specific use of the 3477 Rainey Avenue lot will be accessory parking. A 10-foot alley runs to the rear of 3483 Rainey from Rainey to Elkins; a second alley runs north between 3477 Rainey and 3474 Elkins. Presumably, these are owned by the City and would have to be rezoned. A re-subdivision of the three properties involved and the alleys would also be required.

Brian Wismer, Planning Commission Chairman

Rezoning of 3477 Rainey Avenue (R-SF) to U-V Zone

2 of 9

Surrounding Uses

Virginia Avenue is a low to medium intensity commercial corridor with properties in the vicinity of 3477 Rainey Avenue being low intensity. Offices, hotels, restaurants and service uses characterize the corridor, particularly west of the 3477 Rainey Avenue property. Behind and north of this property is a stable, neighborhood.

Plan Hapeville 2025 Guidance

The Future Land Use Map designates the property as “Mixed Use.” Plan Hapeville 2025 describes this land use classification as follows: *“A new land use category, “Mixed Use,” will support a diverse range of residential and commercial uses, and responds to market demand for what is commonly known as “live-work” space.”*

The Plan contains the following goals, objectives and strategies relevant to the rezoning application:

Sec. 7.4.1 Goals and Objectives

“Goal: Adopt a future land use map and regulatory codes that will guide the community through market driven change, while preserving the small town character that is attracting new residents and businesses.

An associated Objective A supports this goal: “Facilitate achievement of mixed use development models in Virginia Park, College Square, the downtown and along the Dogwood Drive corridor through land use map designations and proactive property rezonings.”

Future Development Map

Unlike the Future Land Use Map, the Future Development Map designates frontage properties along Virginia Avenue in this vicinity as “Mixed Use.” The designation is limited to lots having frontage on Virginia with the single exception of 3480 Rainey the northern boundary of which aligns with the rear lot line of the Virginia Avenue properties. In other words, the Mixed Use designation on the Future Development Map more strictly limits encroachment into the neighborhood when compared to the Future Land Use Map. The Future Development Map was adopted subsequent to the Future Land Use Map and therefore, is the controlling map.

As seen on the Zoning Map Snip below, property rezonings have occurred that are “deeper” into the neighborhood than the adopted Future Development Map anticipates. This is the case between Rainey, across Harding to Hamilton. The properties behind and north of the former apartments on Virginia Avenue, which are the subject of this proposed rezoning, are designated as “Residential” on both the Future Development Map and the Future Land Use Map.

Brian Wismer, Planning Commission Chairman

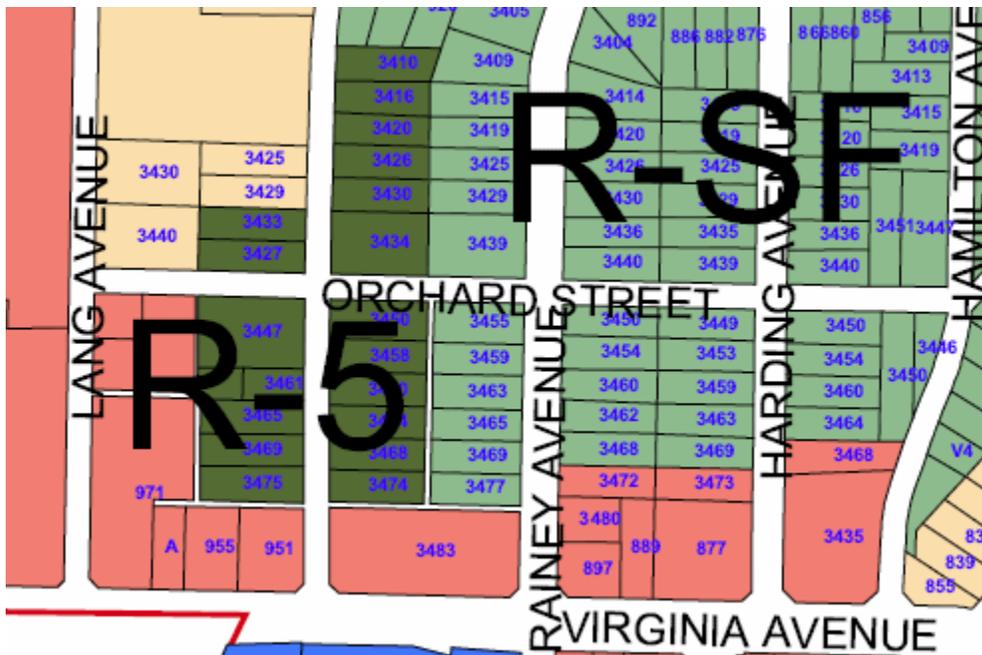
Rezoning of 3477 Rainey Avenue (R-SF) to U-V Zone

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Future Development Map Snip



Zoning Map Snip



Brian Wismer, Planning Commission Chairman

Rezoning of 3477 Rainey Avenue (R-SF) to U-V Zone

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Associated implementation strategies include the following:

Strategy A: Adopt a future land use map that focuses higher density residential and higher intensity commercial development in appropriate locations in Virginia Park and College Square, and respects the historic scale of the downtown and the Dogwood Drive corridor.

Strategy B: Revise the zoning ordinance to permit building heights, coverage ratios and densities characterizing urban settings in those zoning districts applicable to high value properties in Virginia Park and College Square.

The 3477 Rainey Avenue property is such a high value property located in an urban setting that the Plan anticipates as higher intensity commercial development. The mixed use development that will be permitted upon rezoning to U-V is consistent with these Plan strategies.

Plan Hapeville 2025 Update

Among other objectives, the 2025 Update introduced three tiers of mixed use as recommended in the LCI Study. One of these is “Low Intensity Mixed Use,” the land use designation assigned to the former apartment development that is proposed for redevelopment in conjunction with the 3477 Rainey Avenue and 3474 Elkins Street parcels. The Update describes Low Intensity Mixed Use as follows:

“The Dogwood corridor and Virginia Park may be characterized as stable, single family neighborhoods proximate to commercial development. These locations should be limited to a defined low intensity, mixed use pattern. This intensity anticipates two and three-story construction and mixed use in the same structure. The Commercial-Residential and the Urban-Village zoning classifications are well suited to allowing such mixed use flanking, abutting or near traditional neighborhoods.”

The 2025 Update reinforces a Mixed Use development pattern for Dogwood Drive and Virginia Park as indicated below:

“The areas designated on the July 2005 FLUM as “mixed use” are proposed as Low Intensity Mixed Use. These commercial properties abut low density single family neighborhoods and future development must be limited in scale. Transitional buffers adopted in the Village Zone, for example, can ensure compatibility with these neighborhoods while addressing retail, service and entertainment needs in a walkable setting.”

The Update also cites a Plan Hapeville 2025 Objective, reported as “Foster mixed use development at the periphery of Hapeville’s neighborhoods and along pedestrian scale commercial corridors. This would apply to Dogwood Drive and Virginia Park and supports a “low intensity mixed use” designation.”

Brian Wismer, Planning Commission Chairman

Rezoning of 3477 Rainey Avenue (R-SF) to U-V Zone

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Zoning Ordinance Guidance

According to Sec. 93-11.2-1 “Intent” of the Ordinance, the U-V Zone is established to accomplish the following objectives:

- (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.”

These U-V Zone objectives are consistent with the Plan Hapeville 2025 Update and can be advanced by the proposed rezoning. One provision of the U-V Zone is particularly critical to Objective (1) Accommodate a mixed-use, urban fabric that preserves neighborhood scale. That is the minimum 15-foot landscaped buffer applicable when a U-V zoned development adjoins a residential zone as reflected in Sec. 93-11.2-6 below.

Sec. 93-11.2-6. *Area, placement, and buffering requirements*, subsection (8) Residential buffer of the U-V Zone provides that “Where this district adjoins a residential zone, 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.
- b. A permanent opaque wall between six and eight feet in height.

While this is a rezoning application and not a site plan application, and compliance with all standards of the U-V Zone will ultimately be required, it is important to inform the applicant of this requirement since the project cannot be built as proposed.

Brian Wismer, Planning Commission Chairman

Rezoning of 3477 Rainey Avenue (R-SF) to U-V Zone

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A “Concept Mixed Use Site Plan” submitted with the application indicates 6,400 square feet of first floor restaurant floor area, 5,600 square feet of first floor retail and 13,200 square feet of second floor business uses. The parking requirement for these uses totals 91 spaces; 107 are provided. While this is a matter to be addressed at site plan review, Sec. 93-23-10. *Off-street parking requirements according to district and uses* provides that “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.” As proposed, the number of parking spaces would be 117 percent of the requirement.

Sec. 93-23-14. Size of off-street loading spaces establishes the following requirement for 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.” Restriping of the parking lot to accommodate one loading space could bring the number of parking spaces down to the 110 percent requirement, or 100 parking spaces. The Site Plan features two driveways on Elkins and another two driveways on Rainey, introducing commercial traffic turning movements on what are otherwise residential streets. One alternative is to contain vehicle circulation within the parking lot that could achieve two objectives. One is to reduce the “parking overage” and the other to minimize commercial traffic on these two streets.

Sec. 93-22.1-1. *Chart of dimensional requirements* sets forth a requirement of one off-street loading space for every 10,000 square feet of, presumably, total floor area. Striping could identify “dual use” parking areas to accommodate demand for either motorists or deliveries.

CONCLUSIONS

Sec. 93-25-6 of the Ordinance provides 14 “Standards of review” to be applied when considering a property rezoning. The Ordinance further provides that *“In ruling on any matter in which the exercise of discretion is required, or in ruling upon any application for zoning map amendment, the administrative official or legislative body shall act in the best interest of the health, safety, morals, and general welfare of the city. In doing so, they will consider one or more of the following factors as may be relevant to the application”* The relevant factors are reprinted below, along with an analysis of the impact of the rezoning application on these factors:

The existing land use pattern.

The land use pattern is one of low intensity commercial uses abutting low density residential uses. Significant encroachment has been avoided and the proposed rezoning would allow mixed uses to encroach no further than such encroachment as could occur on adjacent and nearby lots. This finding is based on the current U-V zoning of the 3472 Rainey and 3473 and 3468 Harding properties.

Brian Wismer, Planning Commission Chairman

Rezoning of 3477 Rainey Avenue(R-SF) to U-V Zone

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The possible creation of an isolated district unrelated to adjacent and nearby districts.

All of the properties fronting Virginia Avenue in the vicinity of the proposed development are zoned U-V. Exceptions to this are properties across Virginia Avenue that are zoned C-2, General Commercial. As acknowledged earlier, the proposed rezoning would encroach further into the neighborhood; however, no further than has already been established by prior zonings to the U-V Zone. Given the presence of U-V zoning on adjacent and nearby properties, an isolated district would not be created. The transitional buffer required in the U-V Zone anticipates this zoning district adjacent to low density residential development. That provision acknowledges the expectation that low intensity mixed use could be located adjacent to neighborhoods having an urban character.

The population density pattern and possible increase or overtaking of the load on public facilities including, but not limited to, schools, utilities, and streets.

Virginia Avenue, the street that will provide primary access to the proposed development, is a four-lane arterial. This four-lane delivers relatively easy access to I-75 and I-85. Virginia Avenue also connects to North and South Central Avenues via a nearby, two-lane segment of Virginia Avenue. Cut through traffic has long been a problem in the “Old Second Ward.” It is possible that traffic calming measures might become desirable as development along the Virginia Avenue corridor intensifies. However, the grid street network provides a number of routes to disperse traffic that may be generated by the rezoning of this property.

Whether the proposed zoning map amendment will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.

A critical aspect of development of properties zoned U-V when adjacent to a neighborhood is the 15-foot minimum buffer found in Sec. 93-11.2-6. *Area, placement, and buffering requirements.* The proposed zoning map amendment will not be a deterrent to the value of adjacent property provided the development of this property is accomplished in accordance with existing regulations.

The possible effects of the proposed zoning map amendment on the character of a zoning district, a particular piece of property, neighborhood, a particular area, or the community.

The proposed zoning map amendment serves to implement the Plan Hapeville 2025 and the Plan Hapeville 2025 Update. The size of the parcel to be developed in conjunction with 3477 Rainey Avenue and 3474 Elkins Street may not be sufficient to achieve an economic, mixed use development. Prior rezonings in the immediate vicinity allow encroachment that could adversely affect the neighborhood. The proposed rezoning will permit encroachment no greater than has already been granted on those adjacent properties.

Employment, shopping and dining opportunities that will be created by the proposed development are thought to have a positive impact on the neighborhood as residents of such intown neighborhoods expect to be able to access these destinations by walking. The proposed amendment will foster realization of this expectation and should improve the attractiveness of the neighborhood that will be served by the proposed development.

The extent to which the proposed zoning map amendment is consistent with the land use plan.

The proposed U-V zoning is not supported by the exacting designations on the Future Development Map. However, such maps are intended to be general guides to land use and do not necessarily adhere to individual property boundaries. The construction of such maps though does tend to follow such boundaries. Financially feasible developments may require that additional property be designated, in this case, to Mixed Use. Given that the desire in Hapeville is to prevent commercial encroachment into a neighborhood and the broad stroke of a land use designation may not have accurately anticipated the amount of land necessary to achieve a feasible development project, the minor expansion of the "Mixed Use" designation, one that advances goals and objectives of City plans, may not be inconsistent with the land use plan.

The relation that the proposed zoning map amendment bears to the purpose of the overall zoning scheme, with due consideration given to whether or not the proposed change will help carry out the purposes of these zoning regulations.

The proposed rezoning will accommodate a development that will advance virtually every objective of the U-V Zone. The purposes of the zoning regulations are reflected in Sec. 93-11.2-1. *Intent* of the U-V Zone. Rarely are all the purposes of a particular zone so impacted.

Consideration of the preservation of the integrity of residential neighborhoods shall be considered to carry great weight

The importance of preservation of neighborhoods is highlighted by the reservation of a 15-foot buffer when abutting a residential zone. A properly installed and maintained buffer can help protect the neighborhood. As mentioned concerning cut through traffic, close monitoring of traffic impacts and implementing of measures necessary to minimize such impacts can also help protect the neighborhood.

RECOMMENDATION

Based on the above findings and conclusions, a recommendation of approval of the rezoning proposal is appropriate.

- c: Commissioner Travis Horsley, Vice Chair
- Commissioner Lucy Dolan
- Commissioner Mark Farah
- Commissioner Jeanne Rast
- Commissioner Charlotte Rentz
- Adrienne Senter, Planning Commission Secretary

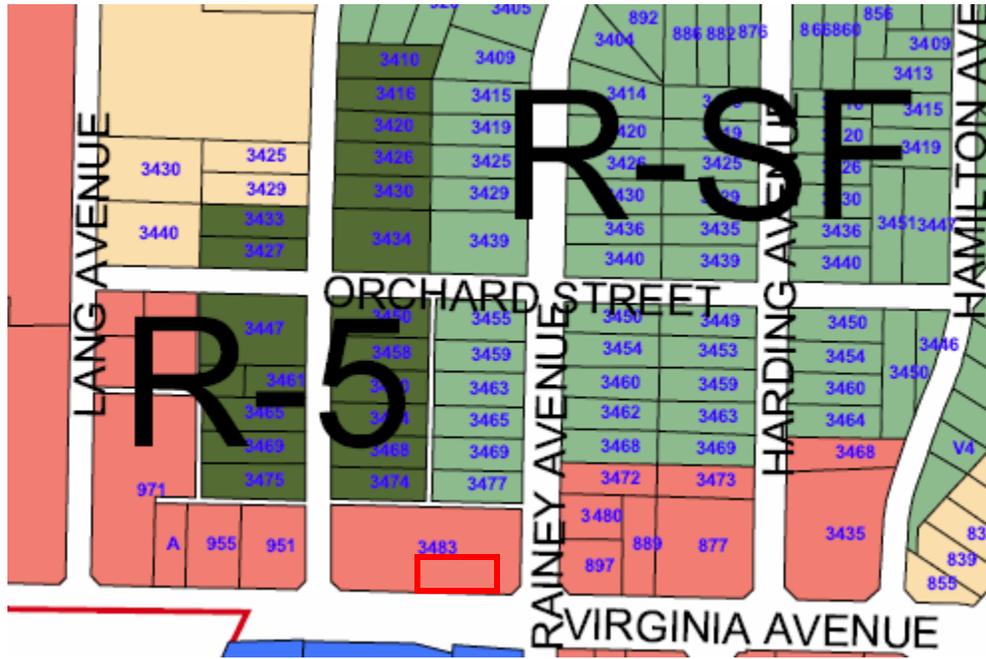
Attachment: Location Map
 Google Image

Brian Wismer, Planning Commission Chairman

Rezoning of 3477 Rainey Avenue(R-SF) to U-V Zone

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Location Map



Google Image





Keck & Wood, Inc.

3090 Premiere Parkway
Suite 200
Duluth, Georgia 30097
(678) 417-4000
Fax (678) 417-4055
www.keckwood.com

MEMO

REZONING - 3477 Rainey Avenue -

Page 1

To: Hapeville Planning Commission, Hapeville City Council

From: Mike Moffitt, P.E. 
Office: City Engineer

Date: October 28, 2016

Subject: Rezoning for 3477 Rainey Avenue

Existing Zoning: R-SF Residential Single Family District

Proposed Zoning: UV Urban Village

Applicant: Venus Virginia Ave, LLC/ Rajesh A. Patel

Owner: Hapeville Development Authority

Location & Size: 3477 Rainey Avenue, Hapeville, GA 30354
Distr 14, Land Lot 127, Parcel 0127000040187, approximately 0.16 acre

Request: The applicant is requesting a change in zoning to UV to allow use of the property as parking for a mixed use development with retail and office space as retail and office and related parking is not a permitted use within R-SF Zoning Districts.

Existing Land Use: The existing land use is single family residential with one principal building structure. The residential property structures remain in place as far back as 1993 according to Google Earth images.

Comprehensive Plan – Land Use: The 2025 Comprehensive Plan and Future Land Use Map indicate this area as residential and bordering a Low Intensity Mixed Use area.

Analysis:

The Rezoning request is to allow a parking space area to be located within property in a R-SF Zoning District. The application indicates the parking area provides needed parking for mixed use retail and office building on the adjacent parcel that fronts Virginia Avenue. The analysis of this application is made with respect to the “Standards of Review” as set forth in Article 25, Section 93-25-6 of the *Zoning Ordinance*.

(1) The existing land use pattern;

The proposed rezoning use for a parking area does not complement the existing residential use of the property. The adjacent property to the north and west is residential and the east side of the property is Rainey Avenue. Adjacent property across Rainey Avenue to the east is UV zoned property. However, a rezoning application for the west side property has been filed to change zoning to the same rezoning as this property, UV. The property to the south contains a 10 foot wide alley way and vacant UV zoned property on the other side of the alley. UV zoned property can be developed as residential or light commercial use. The subject property has predominantly been residential since its initial construction. The proposed rezoning to UV may complement the commercial use and development of adjacent and nearby property to the south. The application does not state the operating hours of the potential mixed use; however the times of operation in the evenings may conflict with the residential property use to the north.

(2) The possible creation of an isolated district unrelated to adjacent and nearby districts;

Since the adjacent property across the alley to the south and across Rainey Avenue is already zoned UV, the rezoning does not seem to create an isolated district.

(3) The population density pattern and possible increase or overtaxing of the load on public facilities including, but not limited to, schools, utilities, and streets;

The population density is not expected to increase since the property use does not have an increase in permanent occupants. The proposed property use should not overtax nearby schools and public utilities such as water, sewer, and solid waste. Some increase in traffic volume on Rainey Avenue can be expected due to the access of the proposed parking area being from Rainey Avenue.

(4) The cost of the city and other governmental entities in providing, improving, increasing or maintaining public utilities, schools, streets and other public safety;

It is not anticipated that the proposed rezoning use will cause a significant cost increase for governmental entities in handling public utilities, schools, streets, or public safety. The developer is expected to pay for all improvements and facilities to connect to utilities, streets and public safety. Such improvements and facilities could include grease traps, fire hydrants, meters, water and sewer lines, solid waste dumpsters, sidewalks, pavement markings and pedestrian access. Schools are not expected to be impacted.

(5) The possible impact on the environment, including, but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quantity;

Impacts to the environment are expected to be minimal so long as site improvements comply with all City Code requirements. The City Code requirements address concerns for drainage, soil erosion and sedimentation, flooding, and water quality among others and City development permits will not be issued until compliance with code requirements is confirmed by submitted documentation.

(6) Whether the proposed zoning map amendment will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations;

The rezoning is expected to improve the value and development of the adjacent UV property to the south because it would allow greater public access to the retail and office mixed uses proposed. However, the adjacent residential zoned property to the north may have deterred

values due to that property being directly adjacent to UV zoned property. A residential buffer stated in Section 93-11.2-6 of the zoning ordinance can be required adjacent to the residential property to minimize the deterred value of the remaining adjacent residential property.

(7) Whether there are substantial reasons why the property cannot be used in accordance with existing regulations;

Since the existing property use of residential meets the existing regulations, there are no apparent reasons why the property cannot be used in accordance with existing regulations.

(8) The aesthetic effect of existing and future use of the property as it relates to the surrounding area;

The surrounding area to the south indicates an existing and growing commercial use area. Residential use and growth to the north appears stagnant and shows limited signs of growth. Therefore, the aesthetic effect of the rezoning seems to improve the overall neighborhood appearance.

(9) The extent to which the proposed zoning map amendment is consistent with the land use plan;

The Hapeville 2025 Comprehensive Plan and Future Land Use Map depict this area as residential. The proposed rezoning to UV and parking area use is not consistent with the anticipated residential character within the “Residential” land use category of the Future Land Use Map.

(10) The possible effects of the proposed zoning map amendment on the character of a zoning district, a particular piece of property, neighborhood, a particular area, or the community;

The majority of existing development at the intersection of Rainey Avenue and Virginia Avenue is consistent with the Future Land Use Plan. Rezoning to the UV zone for the parking area will increase the UV zoned property and reduce the residential use property in the area. The rezoning will allow development of current vacant UV property and improve the retail and office space available for the neighborhood. The light commercial development may improve the overall neighborhood and encourage nearby residential property improvements.

(11) The relation that the proposed zoning map amendment bears to the purpose of the overall zoning scheme, with due consideration given to whether or not the proposed change will help carry out the purposes of these zoning regulations;

The zoning change increases the UV zoned areas in the neighborhood and would encourage development of a currently vacant adjacent UV zoned property. The change reduces the residential zoned properties in the immediate vicinity. However, having a nearby mixed use retail and office property development may encourage residential growth in the remaining residential properties.

(12) Applications for a zoning map amendment which do not contain specific site plans carry a rebuttable presumption that such rezoning shall adversely affect the zoning scheme;

A specific site plan has been submitted with this application. Therefore, this factor does not apply.

(13) The consideration of the preservation of the integrity of residential neighborhoods shall be considered to carry great weight;

The rezoning will decrease the size of the existing residential neighborhood. However, residential growth in the immediate area appears stagnant and existing residential structures appear to be several decades old. Development of the adjacent UV property with this rezoning will likely improve the neighborhood appearance and could encourage future residential growth in the neighborhood.

- (14) In those instances in which property fronts on a major thoroughfare and also adjoins an established residential neighborhood, the factor of preservation of the residential area shall be considered to carry great weight**

This property does not front on a major thoroughfare. Therefore, this factor does not apply.

Recommendation:

The proposed Rezoning to UV is recommended to be granted.



**DAVID BLOODWORTH
FIRE CHIEF**

To: Adrienne Senter

From: Brian Eskew, Fire Marshal

Re: 3477 Rainey Avenue

Date: November 1, 2016

This project should not create a problem for the Fire Department. If you should need any more information, please let me know. Thanks.

**CITY OF HAPEVILLE
COMMUNITY SERVICE DEPARTMENT
REZONING APPLICATION**

Name of Applicant Rajesh A. Patel.

Mailing Address _____ Atlanta GA. 30354

Telephone _____ Mobile# _____

Email _____

Property Owner (s) Hargovind S. Desai

Mailing Address 371 N. Central Ave. Hapeville GA. 30354

Telephone _____ Mobile# (470)362-9300.

Address/Location of Property: 3474 Etchins Street, Hapeville, GA. 30354

Parcel ID #: 14 0217 000401203

Square Foot of Property _____ Acres _____

Present Zoning Classification _____ Proposed Zoning Classification _____

Present Land Use Single Family Home

Proposed Land Use Commercial

I hereby make application to the City of Hapeville, Georgia for the above referenced property. I do hereby swear or affirm that the information provided here and above is true, complete and accurate, and I understand that any inaccuracies may be considered just cause for invalidation of this application and any action taken on this application. I understand that the City of Hapeville, Georgia, reserves the right to enforce any and all ordinances regardless of any action or approval on this application. I further understand that it is my/our responsibility to conform with all of City of Hapeville's Ordinances in full. I hereby acknowledge that all requirements of the City of Hapeville shall be adhered too. I can read and write the English language and/or this document has been read and explained to me and I have full and voluntarily completed this application. I understand that it is a felony to make false statements or writings to the City of Hapeville, Georgia pursuant to O.C.G.A. 16-10-20 and I may be prosecuted for a violation thereof.

[Signature]
Applicant's signature

Date: 10/03/2016.

Sworn to and subscribed before me

This 3 day of October, 2016.

[Signature]
Notary Public



**CITY OF HAPEVILLE
COMMUNITY SERVICE DEPARTMENT
REZONING APPLICATION**

LETTER OF INTENT

In detail, provide a summary of the proposed project in the space provided below. Include the proposed use of each existing or proposed building, and the proposed land use.

We are in process of purchasing property located at corner of Virginia Ave and Rainey Ave. to develop mixed use project with retail and offices.

Existing property will be torned down to create parking for new development.

What are the reasons the property cannot be used in accordance with the existing regulations?

Existing property is residential zoned.

Will the proposed zoning change create an isolated zoning district that is unrelated to adjacent and nearby districts? Yes _____ No

If so, why should this property be placed in a different zoning district than all adjoining property?

How would the proposed zoning change impact on public facilities and services?

None.

What environmental impacts would the proposed project have?

None.

Describe the effect the proposed zoning request will have on the adjacent properties and how it will impact the character of the neighborhood.

It will improve the value of adjacent properties and will give neighborhood more choices of restaurants.

Are there any proffered conditions you would like to apply to and be made part of this application for rezoning? Yes _____ No

Please list any written proffered conditions below.

Any development and site plans or other demonstrative materials presented as proffered conditions shall be referenced below and attached to this application as follows: (Please include a date or other identifiable information of each piece of material attached)

**CITY OF HAPEVILLE
COMMUNITY SERVICE DEPARTMENT
REZONING APPLICATION**

AUTHORIZATION OF PROPERTY OWNER

I CERTIFY THAT I AM THE OWNER OF THE PROPERTY LOCATED AT:

3474 EIKINS STREET, Hapeville, GA. 30354

City of Hapeville, County of Fulton, State of Georgia

WHICH IS THE SUBJECT MATTER OF THIS APPLICATION. I AUTHORIZE THE APPLICANT NAMED BELOW TO ACT AS THE APPLICANT IN THE PURSUIT OF A REZONING FOR THE PROPERTY.

Name of Applicant Venus Virginia Ave, LLC. / Rajesh A. Patel.

Address of Applicant Atlanta, GA. 30354.

Telephone of Applicant _____

Rajesh A. Patel
Signature of Owner

HARSHVIND PATEL
Print Name of Owner

Personally Appeared Before Me this 3 day of OCTOBER, 2016.

[Signature]
Notary Public



**CITY OF HAPEVILLE
COMMUNITY SERVICE DEPARTMENT
REZONING APPLICATION**

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS & GIFTS

Application filed on Oct 3, 2016 for action by the City Council on the following requested rezoning:

Address to be rezoned: 3474 Elkins St. Hapeville, GA. 30354

All individuals, business entities or other organizations having a property or other interest in said property that is subject of this application are as follows:

The undersigned below, making application for Rezoning, has complied with the Official Code of Georgia Section 36-67A-1, et. Seq., Conflict of Interest in Zoning Actions, and has submitted or attached the required information on this form as provided.

Have you as applicant or anyone associated with this application or property, within the two (2) years immediately preceding the filing of this application, made campaign contributions aggregating \$250 or more to a member of the Hapeville City Council? Yes No

If YES, please complete the following section (attach additional sheets if necessary):

Name and Official Position of Government Official	Contributions (List all which aggregate to \$250 or more)	Date of Contribution (Within last 2 years)

I do hereby certify the information provided herein is both complete and accurate to the best of my knowledge.

Signature of Applicant

Type or Print Name and Title

Signature of Applicant's Representative

Type or Print Name and Title

Signature of Notary Public

Date

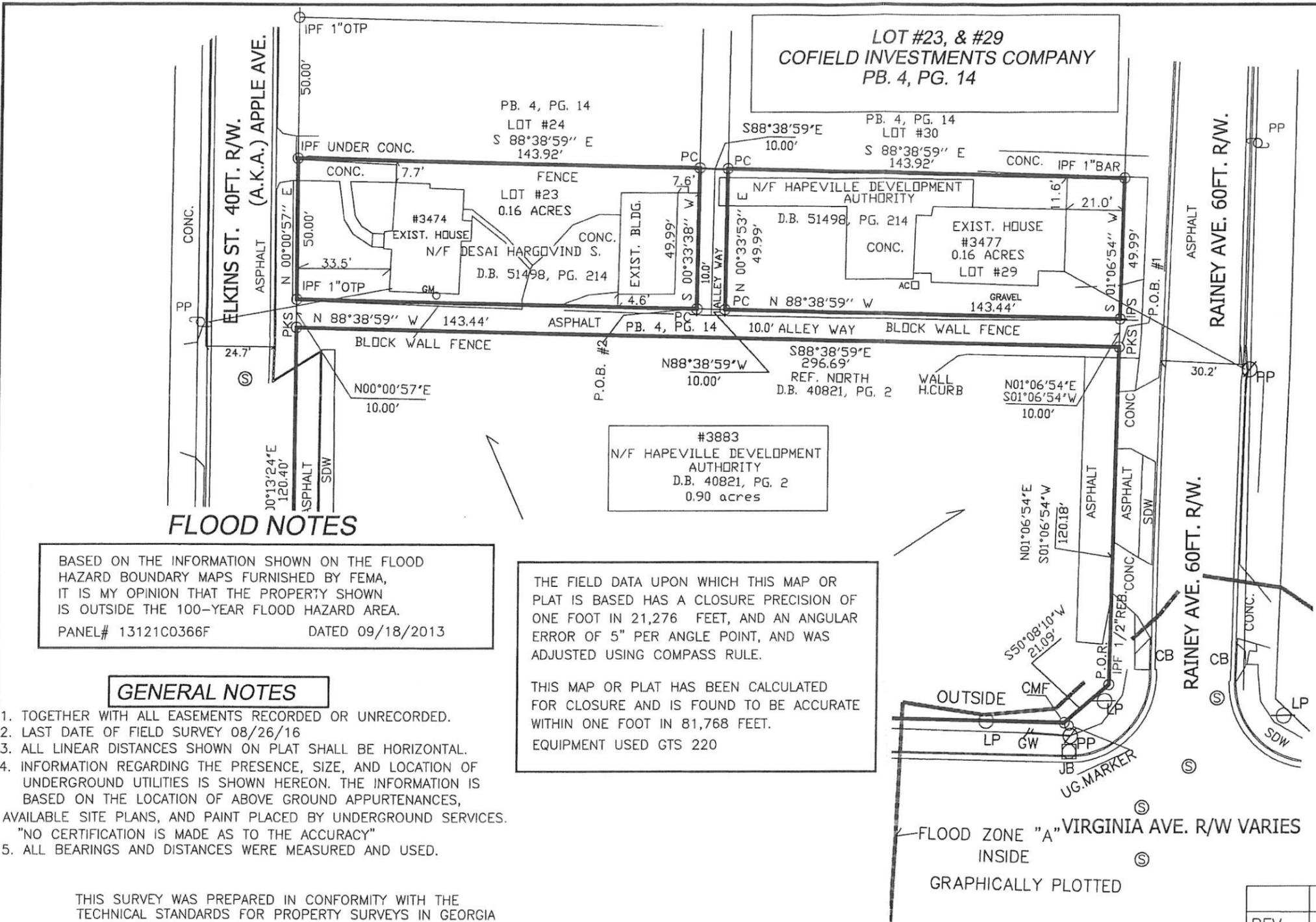
(Affix Raised Seal Here)



LEGENDS OF SYMBOLS

P.O.B.	POINT OF BEGINNING
P.O.R.	POINT OF REFERENCE
GM	GAS MARKER/GAS METER
OOTP	OPEN TOP PIPE
OIPF	IRON PIN FOUND
OIPS	IRON PIN SET 1/2" Ø REBAR W/ CAP
C/G	CURB AND GUTTER
P/L	PROPERTY LINE
R/W	RIGHT-OF-WAY
L.L.L.	LAND LOT LINE
CMF	CONCRETE MONUMENT FOUND
POL	POINT ON LINE
B.O.C.	BACK OF CURB
FNC	FENCE CORNER
EP	EDGE OF PAVEMENT
PC	PROPERTY CORNER
LP	LIGHT POLE
PP	POWER POLE
GW	GUY WIRE
JB	EXISTING JUNCTION BOX
WV	EXISTING WATER VALVE
FH	EXISTING FIRE HYDRANT
T.B.M.	TEMPORARY BENCH MARK
B.F.E.	BASE FLOOD ELEVATION
M.F.E.	MINIMUM FLOOR ELEVATION
HW	HEADWALL
SWCB	SINGLE WALL CATCH BASIN
DWCB	DOUBLE WALL CATCH BASIN
OS	OUTLET STRUCTURE (RISER)
DI	DROP INLET
W	WATER METER
W	WATERLINE
SS	SANITARY SEWER LINE
OVP	OVERHEAD POWERLINE
UFO	UNDERGROUND FIBER OPTICS
G	GASLINE
LS	LANDSCAPING
PKS (F)	PK NAIL SET (FOUND)
EX-MH	EXISTING SANITARY SEWER MANHOLE
SMH	SANITARY SEWER MANHOLE
S.S.E.	SANITARY EASEMENT
C/O	CLEAN-OUT
FDC	FIRE DEPARTMENT CONNECTOR
C.L.F.	CHAIN LINK FENCE
D.E.	DRAINAGE EASEMENT
R.R.E.	RAIL ROAD EASEMENT
H	HEIGHT
UE	UNDERGROUND ELECTRIC
AC	AIRCONDITION UNITS

D. B 40821, PG. 2
SEE PLAT



FLOOD NOTES

BASED ON THE INFORMATION SHOWN ON THE FLOOD HAZARD BOUNDARY MAPS FURNISHED BY FEMA, IT IS MY OPINION THAT THE PROPERTY SHOWN IS OUTSIDE THE 100-YEAR FLOOD HAZARD AREA.
PANEL# 13121C0366F DATED 09/18/2013

THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 21,276 FEET, AND AN ANGULAR ERROR OF 5" PER ANGLE POINT, AND WAS ADJUSTED USING COMPASS RULE.

THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 81,768 FEET.
EQUIPMENT USED GTS 220

GENERAL NOTES

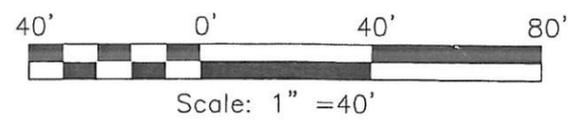
- TOGETHER WITH ALL EASEMENTS RECORDED OR UNRECORDED.
- LAST DATE OF FIELD SURVEY 08/26/16
- ALL LINEAR DISTANCES SHOWN ON PLAT SHALL BE HORIZONTAL.
- INFORMATION REGARDING THE PRESENCE, SIZE, AND LOCATION OF UNDERGROUND UTILITIES IS SHOWN HEREON. THE INFORMATION IS BASED ON THE LOCATION OF ABOVE GROUND APPURTENANCES, AVAILABLE SITE PLANS, AND PAINT PLACED BY UNDERGROUND SERVICES. "NO CERTIFICATION IS MADE AS TO THE ACCURACY"
- ALL BEARINGS AND DISTANCES WERE MEASURED AND USED.

THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67.

GEORGIA REGISTERED LAND SURVEYOR
ANGEL M. MARRERO
No. 2642
08-29-2016

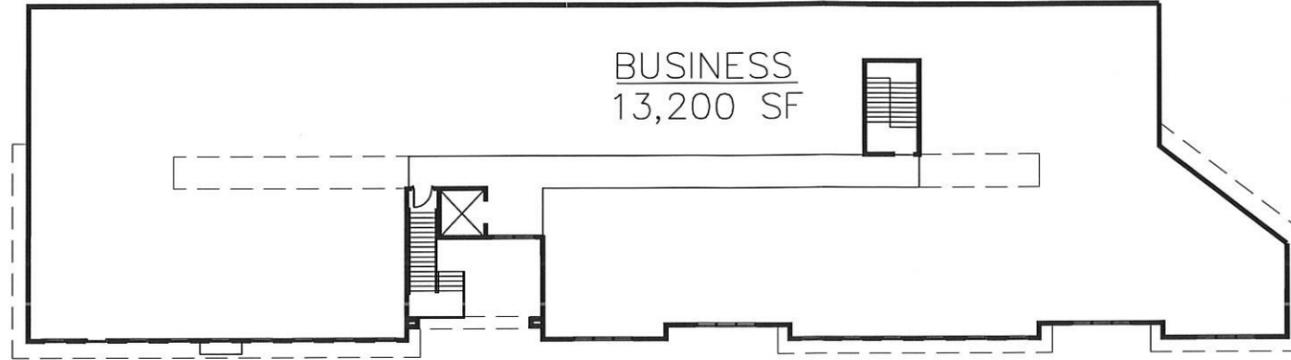
ANGEL M. MARRERO R.L.S. #2642
Certified Design Professional # 4479

** PURSUANT TO RULE 180-6.09 OF THE GEORGIA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS, THE TERM "CERTIFY" OR "CERTIFICATION" MEANS TO DECLARE A PROFESSIONAL OPINION REGARDING THOSE FACTS OR FINDINGS AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EITHER EXPRESSED OR IMPLIED.



REV.	DESCRIPTION	DATE
SOUTHSIDE SURVEYING & PLANNING LSF000831		#18 ATLANTA ST. MCDONOUGH, GA 30253 Phone: (770) 320-8009 Fax: (770) 320-8098
BOUNDARY SURVEY FOR: VENUS VIRGINIA AVE., LLC.		
Land Lot 127 14TH Dist.		CITY OF HAPEVILLE FULTON County, GA
Drawn By: AMM		Scale: 1"=40'
Dwg No: 2-1607100A		Date: 08/29/2016

ALL DRAWINGS ARE THE INTELLECTUAL PROPERTY OF DANIEL L. LEMBERG



SECOND FLOOR PLAN



FRONT ELEVATION

PERMIT SUBMITTAL	08-18-14
REVISIONS	DATE

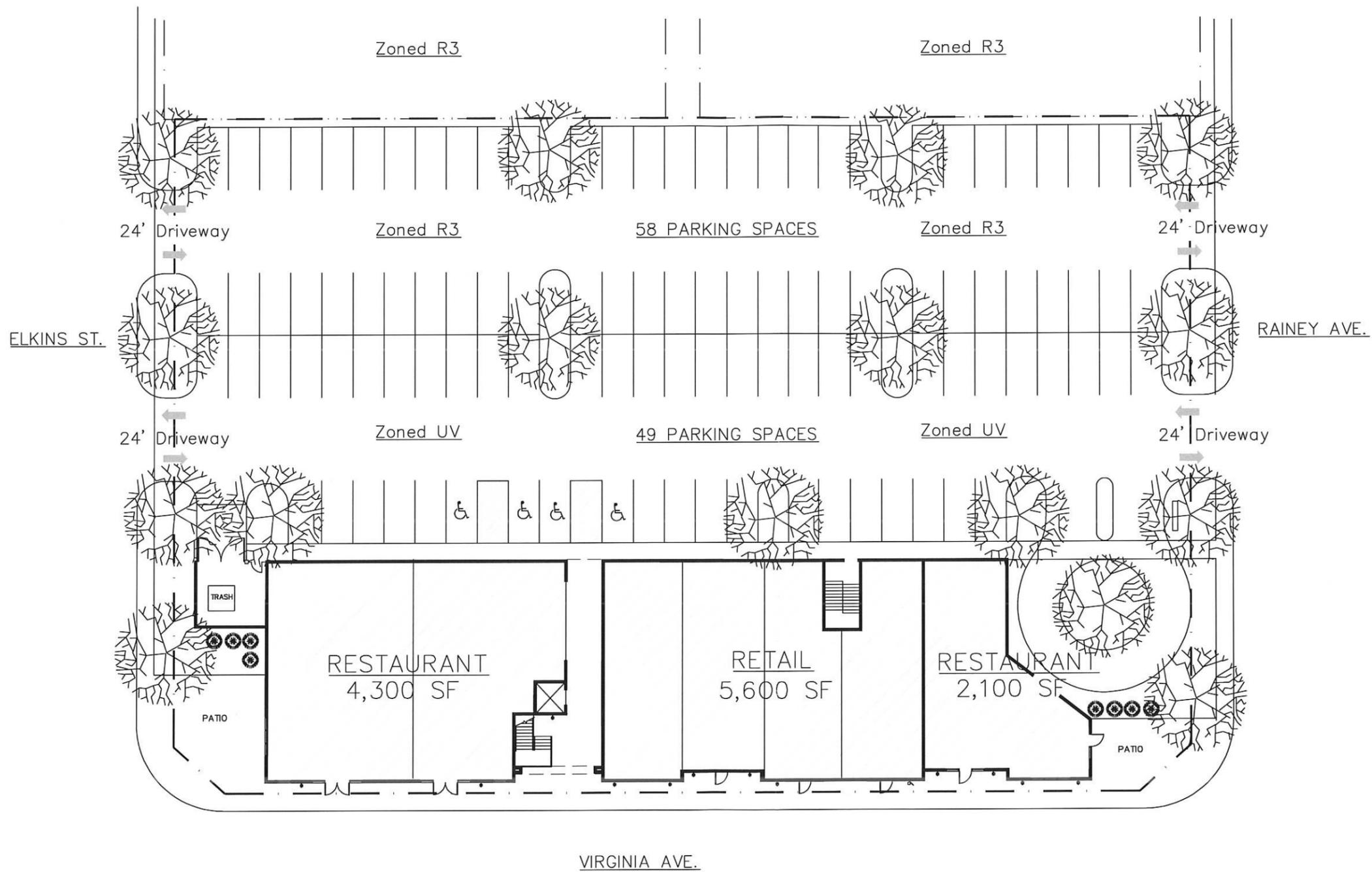
MIXED USE DEVELOPMENT
HAPEVILLE
GEORGIA, USA

DANIEL LEMBERG — ARCHITECT
3445 CONCORD CORNER
CONYERS, GA 30013
PHONE: 770-922-8322

DRAWN
D.L.
DATE
10-05-16
JOB NO.
2337

SHEET
A-2

ALL DRAWINGS ARE THE INTELLECTUAL PROPERTY OF DANIEL L. LEMBERG



CONCEPT MIXED USE SITE PLAN

SCALE 1"=20'-0"
OCT. 5, 2016

DEVELOPMENT DATA

First Floor Retail	=	12,000sf
Second Floor Business	=	13,200sf
Total Gross Area	=	27,200sf
Total Site Area	=	1.30 Ac

PERMIT SUBMITTAL REVISIONS	DATE

MIXED USE DEVELOPMENT
HAPEVILLE
GEORGIA, USA

DANIEL LEMBERG - ARCHITECT
3445 CONCORD CORNER
CONYERS, GA 30013
PHONE: 770-922-8322



DRAWN	
DATE	10-05-16
JOB NO.	2337
SHEET	

Written Description
3477 Rainey Ave.
Lot #29
Cofield Investments Company S/D
PB 4 Page 14

All that tract or parcel of land lying and being in Land Lot 127 of the 14th District, City of Hapeville, Fulton County, Georgia and being more particularly described as follows:

Commencing at the existing intersection of Northerly R/W of Virginia Ave. (R/W varies) and the Westerly R/W of Rainey Ave. (60' R/W) (ROW miter), thence N 01°06'54" E a distance of 130.18' to an IPS; this point being the **Point of Beginning (P.O.B. #1)**.

From the Point of Beginning (P.O.B. #1),
Thence N 88°38'59" W a distance of 143.44' to a point;
Thence N 00°33'53" E a distance of 49.99' to a point;
Thence S 88°38'59" E a distance of 143.92' to an IPF 1" bar; Thence S 01°06'54" W a distance of 49.99' to the **Point of Beginning (P.O.B. #1)**.

Containing 0.16 acres.

Also granted all easements recorded or unrecorded.

Written Description
3474 Elkins St. (aka Apple Ave.)
Lot #23
Cofield Investments Company S/D
PB 4 Page 14

All that tract or parcel of land lying and being in Land Lot 127 of the 14th District, City of Hapeville, Fulton County, Georgia and being more particularly described as follows:

Commencing at the existing intersection of Northerly R/W of Virginia Ave. (R/W varies) and the Westerly R/W of Rainey Ave. (60' R/W) (ROW Miter), thence N 01°06'54" E a distance of 130.18' to an IPS; thence N 88°38'59" W a distance of 153.44' to a point; this point being the **Point of Beginning (P.O.B. #2)**.

From the Point of Beginning (P.O.B. #2),
Thence N 88°38'59" W a distance of 143.44' to an IPF 1" OTP; Thence N 00°00'57" E a distance of 50.00' to an IPF under concrete; Thence S 88°38'59" E a distance of 143.92' to a point; Thence S 00°33'38" W a distance of 49.99' to the **Point of Beginning (P.O.B. #2)**.

Containing 0.16 acres.

Also granted all easements recorded or unrecorded.



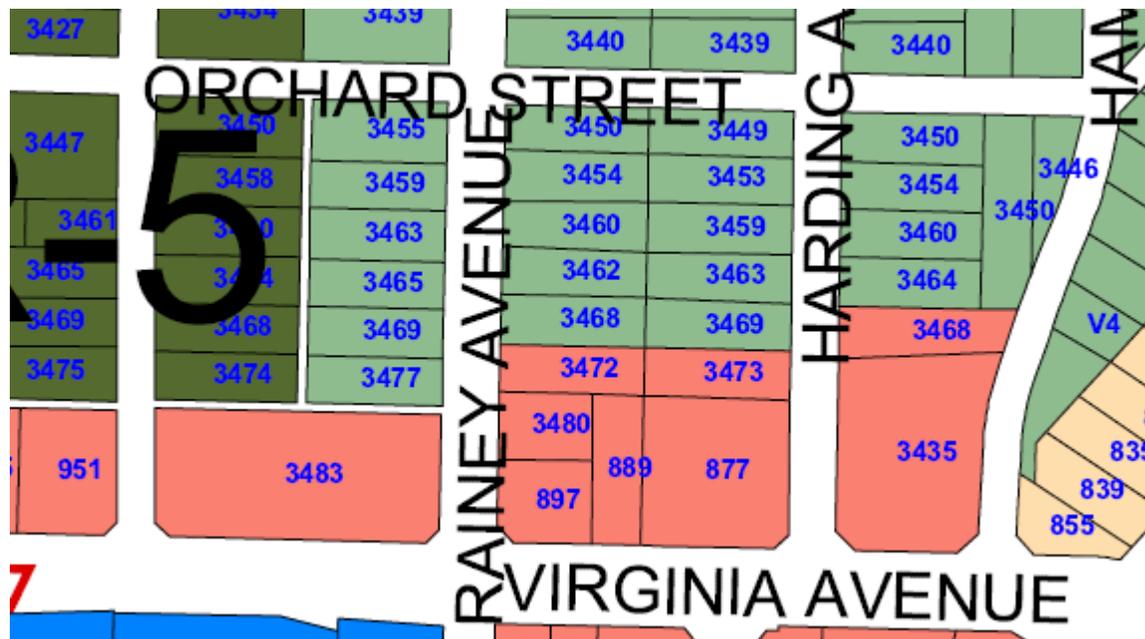
Department of Planning & Zoning

MEMORANDUM

TO: Brian Wismer, Planning Commission Chairman
 FROM: Bill Johnston, City Planner
 SUBJECT: **Rezoning of 3474 Elkins Street (R-5) to U-V Zone**
 DATE: Thursday, 3 November 2016

FINDINGS

Mr. Rajesh A. Patel has applied for the rezoning of 3474 Elkins Street, in conjunction with 3477 Rainey Avenue. This rezoning would represent encroachment into an established neighborhood, one that has witnessed significant residential re-investment in recent years. Hapeville has long fought such encroachment. However, a precedent for such minor encroachment has been set by the U-V zoning of 3472 Rainey and 3473 and 3468 Harding as seen below. The proposed zoning would encroach somewhat less than this established zoning pattern given the respective property lines.



The proposed use of the 3483 Rainey Avenue property, which will form the development tract, is “commercial mixed use” with “retail and office.” Restaurants are also indicated on Sheet A-1. The specific use of the 3474 Elkins Street lot will be accessory parking. A 10-foot alley runs to the rear of 3483 Rainey from Rainey to Elkins; a second alley runs north between 3477 Rainey and 3474 Elkins. Presumably, these are owned by the City and would have to be rezoned. A re-subdivision of the three properties involved and the alleys would also be required.

Surrounding Uses

Virginia Avenue is a low to medium intensity commercial corridor with properties in the vicinity of 3474 Elkins Street being low intensity. Offices, hotels, restaurants and service uses characterize the corridor, particularly west of the 3474 Elkins Street property. Behind and north of this property is a stable, neighborhood.

Plan Hapeville 2025 Guidance

The Future Land Use Map designates the property as “Mixed Use.” Plan Hapeville 2025 describes this land use classification as follows: *“A new land use category, “Mixed Use,” will support a diverse range of residential and commercial uses, and responds to market demand for what is commonly known as “live-work” space.”*

The Plan contains the following goals, objectives and strategies relevant to the rezoning application:

Sec. 7.4.1 Goals and Objectives

“Goal: Adopt a future land use map and regulatory codes that will guide the community through market driven change, while preserving the small town character that is attracting new residents and businesses.

An associated Objective A supports this goal: “Facilitate achievement of mixed use development models in Virginia Park, College Square, the downtown and along the Dogwood Drive corridor through land use map designations and proactive property rezonings.”

Future Development Map

Unlike the Future Land Use Map, the Future Development Map designates frontage properties along Virginia Avenue in this vicinity as “Mixed Use.” The designation is limited to lots having frontage on Virginia with the single exception of 3480 Rainey the northern boundary of which aligns with the rear lot line of the Virginia Avenue properties. In other words, the Mixed Use designation on the Future Development Map more strictly limits encroachment into the neighborhood when compared to the Future Land Use Map. The Future Development Map was adopted subsequent to the Future Land Use Map and therefore, is the controlling map.

As seen on the Zoning Map Snip below, property rezonings have occurred that are “deeper” into the neighborhood than the adopted Future Development Map anticipates. This is the case between Rainey, across Harding to Hamilton. The properties behind and north of the former apartments on Virginia Avenue, which are the subject of this proposed rezoning, are designated as “Residential” on both the Future Development Map and the Future Land Use Map.

Associated implementation strategies include the following:

Strategy A: Adopt a future land use map that focuses higher density residential and higher intensity commercial development in appropriate locations in Virginia Park and College Square, and respects the historic scale of the downtown and the Dogwood Drive corridor.

Strategy B: Revise the zoning ordinance to permit building heights, coverage ratios and densities characterizing urban settings in those zoning districts applicable to high value properties in Virginia Park and College Square.

The 3474 Elkins Street property is such a high value property located in an urban setting that the Plan anticipates as higher intensity commercial development. The mixed use development that will be permitted upon rezoning to U-V is consistent with these Plan strategies.

Plan Hapeville 2025 Update

Among other objectives, the 2025 Update introduced three tiers of mixed use as recommended in the LCI Study. One of these is “Low Intensity Mixed Use,” the land use designation assigned to the former apartment development that is proposed for redevelopment in conjunction with the 3477 Rainey Avenue and 3474 Elkins Street parcels. The Update describes Low Intensity Mixed Use as follows:

“The Dogwood corridor and Virginia Park may be characterized as stable, single family neighborhoods proximate to commercial development. These locations should be limited to a defined low intensity, mixed use pattern. This intensity anticipates two and three-story construction and mixed use in the same structure. The Commercial-Residential and the Urban-Village zoning classifications are well suited to allowing such mixed use flanking, abutting or near traditional neighborhoods.”

The 2025 Update reinforces a Mixed Use development pattern for Dogwood Drive and Virginia Park as indicated below:

“The areas designated on the July 2005 FLUM as “mixed use” are proposed as Low Intensity Mixed Use. These commercial properties abut low density single family neighborhoods and future development must be limited in scale. Transitional buffers adopted in the Village Zone, for example, can ensure compatibility with these neighborhoods while addressing retail, service and entertainment needs in a walkable setting.”

The Update also cites a Plan Hapeville 2025 Objective, reported as “Foster mixed use development at the periphery of Hapeville’s neighborhoods and along pedestrian scale commercial corridors. This would apply to Dogwood Drive and Virginia Park and supports a “low intensity mixed use” designation.”

Zoning Ordinance Guidance

According to Sec. 93-11.2-1 “Intent” of the Ordinance, the U-V Zone is established to accomplish the following objectives:

- (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.”

These U-V Zone objectives are consistent with the Plan Hapeville 2025 Update and can be advanced by the proposed rezoning. One provision of the U-V Zone is particularly critical to Objective (1) Accommodate a mixed-use, urban fabric that preserves neighborhood scale. That is the minimum 15-foot landscaped buffer applicable when a U-V zoned development adjoins a residential zone as reflected in Sec. 93-11.2-6 below.

Sec. 93-11.2-6. *Area, placement, and buffering requirements*, subsection (8) Residential buffer of the U-V Zone provides that “Where this district adjoins a residential zone, 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.
- b. A permanent opaque wall between six and eight feet in height.

While this is a rezoning application and not a site plan application, and compliance with all standards of the U-V Zone will ultimately be required, it is important to inform the applicant of this requirement since the project cannot be built as proposed.

Brian Wismer, Planning Commission Chairman

Rezoning of 3474 Elkins Street (R-5) to U-V Zone

6 of 9

A “Concept Mixed Use Site Plan” submitted with the application indicates 6,400 square feet of first floor restaurant floor area, 5,600 square feet of first floor retail and 13,200 square feet of second floor business uses. The parking requirement for these uses totals 91 spaces; 107 are provided. While this is a matter to be addressed at site plan review, Sec. 93-23-10. *Off-street parking requirements according to district and uses* provides that “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.” As proposed, the number of parking spaces would be 117 percent of the requirement.

Sec. 93-23-14. Size of off-street loading spaces establishes the following requirement for 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.” Restriping of the parking lot to accommodate one loading space could bring the number of parking spaces down to the 110 percent requirement, or 100 parking spaces. The Site Plan features two driveways on Elkins and another two driveways on Rainey, introducing commercial traffic turning movements on what are otherwise residential streets. One alternative is to contain vehicle circulation within the parking lot that could achieve two objectives. One is to reduce the “parking overage” and the other to minimize commercial traffic on these two streets.

Sec. 93-22.1-1. *Chart of dimensional requirements* sets forth a requirement of one off-street loading space for every 10,000 square feet of, presumably, total floor area. Striping could identify “dual use” parking areas to accommodate demand for either motorists or deliveries.

CONCLUSIONS

Sec. 93-25-6 of the Ordinance provides 14 “Standards of review” to be applied when considering a property rezoning. The Ordinance further provides that *“In ruling on any matter in which the exercise of discretion is required, or in ruling upon any application for zoning map amendment, the administrative official or legislative body shall act in the best interest of the health, safety, morals, and general welfare of the city. In doing so, they will consider one or more of the following factors as may be relevant to the application”* The relevant factors are reprinted below, along with an analysis of the impact of the rezoning application on these factors:

The existing land use pattern.

The land use pattern is one of low intensity commercial uses abutting low density residential uses. Significant encroachment has been avoided and the proposed rezoning would allow mixed uses to encroach no further than such encroachment as could occur on adjacent and nearby lots. This finding is based on the current U-V zoning of the 3472 Rainey and 3473 and 3468 Harding properties.

Brian Wismer, Planning Commission Chairman

Rezoning of 3474 Elkins Street (R-5) to U-V Zone

7 of 9

The possible creation of an isolated district unrelated to adjacent and nearby districts.

All of the properties fronting Virginia Avenue in the vicinity of the proposed development are zoned U-V. Exceptions to this are properties across Virginia Avenue that are zoned C-2, General Commercial. As acknowledged earlier, the proposed rezoning would encroach further into the neighborhood; however, no further than has already been established by prior zonings to the U-V Zone. Given the presence of U-V zoning on adjacent and nearby properties, an isolated district would not be created. The transitional buffer required in the U-V Zone anticipates this zoning district adjacent to low density residential development. That provision acknowledges the expectation that low intensity mixed use could be located adjacent to neighborhoods having an urban character.

The population density pattern and possible increase or overtaking of the load on public facilities including, but not limited to, schools, utilities, and streets.

Virginia Avenue, the street that will provide primary access to the proposed development, is a four-lane arterial. This four-lane delivers relatively easy access to I-75 and I-85. Virginia Avenue also connects to North and South Central Avenues via a nearby, two-lane segment of Virginia Avenue. Cut through traffic has long been a problem in the “Old Second Ward.” It is possible that traffic calming measures might become desirable as development along the Virginia Avenue corridor intensifies. However, the grid street network provides a number of routes to disperse traffic that may be generated by the rezoning of this property.

Whether the proposed zoning map amendment will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.

A critical aspect of development of properties zoned U-V when adjacent to a neighborhood is the 15-foot minimum buffer found in Sec. 93-11.2-6. *Area, placement, and buffering requirements.* The proposed zoning map amendment will not be a deterrent to the value of adjacent property provided the development of this property is accomplished in accordance with existing regulations.

The possible effects of the proposed zoning map amendment on the character of a zoning district, a particular piece of property, neighborhood, a particular area, or the community.

The proposed zoning map amendment serves to implement the Plan Hapeville 2025 and the Plan Hapeville 2025 Update. The size of the parcel to be developed in conjunction with 3477 Rainey Avenue and 3474 Elkins Street may not be sufficient to achieve an economic, mixed use development. Prior rezonings in the immediate vicinity allow encroachment that could adversely affect the neighborhood. The proposed rezoning will permit encroachment no greater than has already been granted on those adjacent properties.

Employment, shopping and dining opportunities that will be created by the proposed development are thought to have a positive impact on the neighborhood as residents of such intown neighborhoods expect to be able to access these destinations by walking. The proposed amendment will foster realization of this expectation and should improve the attractiveness of the neighborhood that will be served by the proposed development.

The extent to which the proposed zoning map amendment is consistent with the land use plan.

The proposed U-V zoning is not supported by the existing designations on the Future Development Map. However, such maps are intended to be general guides to land use and do not necessarily adhere to individual property boundaries. The construction of such maps though does tend to follow such boundaries. Financially feasible developments may require that additional property be designated, in this case, to Mixed Use. Given that the desire in Hapeville is to prevent commercial encroachment into a neighborhood and the broad stroke of a land use designation may not have accurately anticipated the amount of land necessary to achieve a feasible development project, the minor expansion of the "Mixed Use" designation, one that advances goals and objectives of City plans, may not be inconsistent with the land use plan.

The relation that the proposed zoning map amendment bears to the purpose of the overall zoning scheme, with due consideration given to whether or not the proposed change will help carry out the purposes of these zoning regulations.

The proposed rezoning will accommodate a development that will advance virtually every objective of the U-V Zone. The purposes of the zoning regulations are reflected in Sec. 93-11.2-1. *Intent* of the U-V Zone. Rarely are all the purposes of a particular zone so impacted.

Consideration of the preservation of the integrity of residential neighborhoods shall be considered to carry great weight

The importance of preservation of neighborhoods is highlighted by the reservation of a 15-foot buffer when abutting a residential zone. A properly installed and maintained buffer can help protect the neighborhood. As mentioned concerning cut through traffic, close monitoring of traffic impacts and implementing of measures necessary to minimize such impacts can also help protect the neighborhood.

RECOMMENDATION

Based on the above findings and conclusions, a recommendation of approval of the rezoning proposal is appropriate.

- c: Commissioner Travis Horsley, Vice Chair
- Commissioner Lucy Dolan
- Commissioner Mark Farah
- Commissioner Jeanne Rast
- Commissioner Charlotte Rentz
- Adrienne Senter, Planning Commission Secretary

Attachment: Location Map
 Google Image



Keck & Wood, Inc.

3090 Premiere Parkway
Suite 200
Duluth, Georgia 30097
(678) 417-4000
Fax (678) 417-4055
www.keckwood.com

MEMO

REZONING - 3474 Elkins Street - Page 1

To: Hapeville Planning Commission, Hapeville City Council

From: Mike Moffitt, P.E.
Office: City Engineer 

Date: October 28, 2016

Subject: Rezoning for 3474 Elkins Street

Existing Zoning: R-5 Single Family Attached and Detached Residential District

Proposed Zoning: UV Urban Village

Applicant: Venus Virginia Ave, LLC/ Rajesh A. Patel

Owner: Hargovind Desai

Location & Size: 3474 Elkins Street, Hapeville, GA 30354
Distr 14, Land Lot 127, Parcel 0217000401203, approximately 0.16 acre

Request: The applicant is requesting a change in zoning to UV to allow use of the property as parking for a mixed use development with retail and office space as retail and office and related parking is not a permitted use within R-5 Zoning Districts.

Existing Land Use: The existing land use is single family residential with one principal building structure. The residential property structures remain in place as far back as 1993 according to Google Earth images.

Comprehensive Plan – Land Use: The 2025 Comprehensive Plan and Future Land Use Map indicate this area as residential and bordering a Low Intensity Mixed Use area.

Analysis:

The Rezoning request is to allow a parking space area to be located within property in a R-5 Zoning District. The application indicates the parking area provides needed parking for mixed use retail and office building on the adjacent parcel that fronts Virginia Avenue. The analysis of this application is made with respect to the “Standards of Review” as set forth in Article 25, Section 93-25-6 of the *Zoning Ordinance*.

(1) The existing land use pattern;

The proposed rezoning use for a parking area does not complement the existing residential use of the property. The adjacent property to the north is residential and the west side of the property is Elkins Street. Adjacent property to the east is residential, but a rezoning application has been filed to change zoning to the same rezoning as this property, UV. The property to the south contains a 10 foot wide alley way and vacant UV zoned property on the other side of the alley. UV zoned property can be developed as residential or light commercial use. The subject property has predominantly been residential since its initial construction. The proposed rezoning to UV may complement the commercial use and development of adjacent and nearby property to the south. The application does not state the operating hours of the potential mixed use; however the times of operation in the evenings may conflict with the residential property use to the north.

(2) The possible creation of an isolated district unrelated to adjacent and nearby districts;

Since the adjacent property across the alley to the south is already zoned UV, the rezoning does not seem to create an isolated district.

(3) The population density pattern and possible increase or overtaxing of the load on public facilities including, but not limited to, schools, utilities, and streets;

The population density is not expected to increase since the property use does not have an increase in permanent occupants. The proposed property use should not overtax nearby schools and public utilities such as water, sewer, and solid waste. Some increase in traffic volume on Elkins Street can be expected due to the access of the proposed parking area being from Elkins Street.

(4) The cost of the city and other governmental entities in providing, improving, increasing or maintaining public utilities, schools, streets and other public safety;

It is not anticipated that the proposed rezoning use will cause a significant cost increase for governmental entities in handling public utilities, schools, streets, or public safety. The developer is expected to pay for all improvements and facilities to connect to utilities, streets and public safety. Such improvements and facilities could include grease traps, fire hydrants, meters, water and sewer lines, solid waste dumpsters, sidewalks, pavement markings and pedestrian access. Schools are not expected to be impacted.

(5) The possible impact on the environment, including, but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quantity;

Impacts to the environment are expected to be minimal so long as site improvements comply with all City Code requirements. The City Code requirements address concerns for drainage, soil erosion and sedimentation, flooding, and water quality among others and City development permits will not be issued until compliance with code requirements is confirmed by submitted documentation.

(6) Whether the proposed zoning map amendment will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations;

The rezoning is expected to improve the value and development of the adjacent UV property to the south because it would allow greater public access to the retail and office mixed uses proposed. However, the adjacent residential zoned property to the north may have deterred

values due to that property being directly adjacent to mixed use zoned property. A residential buffer stated in Section 93-11.2-6 of the zoning ordinance can be required adjacent to the residential to minimize the deterred value of the remaining adjacent residential property.

(7) Whether there are substantial reasons why the property cannot be used in accordance with existing regulations;

Since the existing property use of residential meets the existing regulations, there are no apparent reasons why the property cannot be used in accordance with existing regulations.

(8) The aesthetic effect of existing and future use of the property as it relates to the surrounding area;

The surrounding area to the south indicates an existing and growing commercial use area. Residential use and growth to the north appears stagnant and shows limited signs of growth. Therefore, the aesthetic effect of the rezoning seems to improve the overall neighborhood appearance.

(9) The extent to which the proposed zoning map amendment is consistent with the land use plan;

The Hapeville 2025 Comprehensive Plan and Future Land Use Map depict this area as residential. The proposed rezoning to UV and parking area use is not consistent with the anticipated residential character within the “Residential” land use category of the Future Land Use Map.

(10) The possible effects of the proposed zoning map amendment on the character of a zoning district, a particular piece of property, neighborhood, a particular area, or the community;

The majority of existing development at the intersection of Elkins Street and Virginia Avenue is consistent with the Future Land Use Plan. Rezoning to the UV zone for the parking area will increase the UV zoned property and reduce the residential use property in the area. The rezoning will allow development of current vacant UV property and improve the retail and office space available for the neighborhood. The light commercial development may improve the overall neighborhood and encourage nearby residential property improvements.

(11) The relation that the proposed zoning map amendment bears to the purpose of the overall zoning scheme, with due consideration given to whether or not the proposed change will help carry out the purposes of these zoning regulations;

The zoning change increases the UV zoned areas in the neighborhood and would encourage development of a currently vacant adjacent UV zoned property. The change reduces the residential zoned properties in the immediate vicinity. However, having a nearby mixed use retail and office property development may encourage residential growth in the remaining residential properties.

(12) Applications for a zoning map amendment which do not contain specific site plans carry a rebuttable presumption that such rezoning shall adversely affect the zoning scheme;

A specific site plan has been submitted with this application. Therefore, this factor does not apply.

(13) The consideration of the preservation of the integrity of residential neighborhoods shall be considered to carry great weight;

The rezoning will decrease the size of the existing residential neighborhood. However, residential growth in the immediate area appears stagnant and existing residential structures appear to be several decades old. Development of the adjacent UV property with this rezoning will likely improve the neighborhood appearance and could encourage future residential growth in the neighborhood.

- (14) In those instances in which property fronts on a major thoroughfare and also adjoins an established residential neighborhood, the factor of preservation of the residential area shall be considered to carry great weight**

This property does not front on a major thoroughfare. Therefore, this factor does not apply.

Recommendation:

The proposed Rezoning to UV is recommended to be granted.



**DAVID BLOODWORTH
FIRE CHIEF**

FIRE DEPARTMENT

To: Adrienne Senter

From: Brian Eskew, Fire Marshal

Re: 3474 Elkins Street

Date: November 1, 2016

This project should not create a problem for the Fire Department. If you should need any more information, please let me know. Thanks.

1 STATE OF GEORGIA

2 CITY OF HAPEVILLE

3 **ORDINANCE NO. _____**

4 AN ORDINANCE TO AMEND CHAPTER 93, ZONING, OF THE CODE OF
5 ORDINANCES OF THE CITY OF HAPEVILLE, GEORGIA; TO AMEND THE
6 PERMITTED USES IN THE C-2 (“GENERAL COMMERCIAL”), U-V (“URBAN
7 VILLAGE”), AND I-1 (“LIGHT INDUSTRIAL”) ZONES; TO CREATE DEFINITIONS FOR
8 AND ESTABLISH LIMITS ON THE ISSUANCE OF CERTIFICATES OF OCCUPANCY
9 FOR BAIL BOND OFFICES, PRIVATE PROBATION OFFICES, CHECK CASHING
10 BUSINESSES AND PAWNSHOPS; TO PROVIDE FOR CODIFICATION; TO PROVIDE
11 FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN
12 EFFECTIVE DATE; AND FOR OTHER PURPOSES.

13 **WHEREAS**, the duly elected governing authority of the City of Hapeville, Georgia (the
14 “City”) is the Mayor and Council thereof; and

15 **WHEREAS**, the Mayor and Council have, as a part of planning, zoning and growth
16 management, been in review of the City's zoning ordinances and have been studying the City's
17 best estimates and projections of the type of development which could be anticipated within the
18 City; and

19 **WHEREAS**, the Mayor and Council therefore consider it paramount that land use
20 regulation continue in the most orderly and predictable fashion with the least amount of
21 disturbance to landowners and to the citizens of the City. The Mayor and Council have always
22 had a strong interest in growth management so as to promote the traditional police power goals

23 of health, safety, morals, aesthetics and the general welfare of the community; and in particular
24 the lessening of congestion on City streets, security of the public from crime and other dangers,
25 promotion of health and general welfare of its citizens, protection of the aesthetic qualities of the
26 City including access to air and light, and facilitation of the adequate provision of transportation
27 and other public requirements; and

28 **WHEREAS**, it is the belief of the Mayor and Council that the concept of “public
29 welfare” is broad and inclusive; that the values it represents are spiritual as well as physical,
30 aesthetic as well as monetary; and that it is within the power of the City “to determine that a
31 community should be beautiful as well as healthy, spacious as well as clean, well balanced as
32 well as carefully patrolled.” Kelo v. City of New London, 545 U.S. 469 (2005); Berman v.
33 Parker, 348 U.S. 26 (1954). It is also the opinion of the City that “general welfare” includes the
34 valid public objectives of aesthetics, conservation of the value of existing lands and buildings
35 within the City, making the most appropriate use of resources, preserving neighborhood
36 characteristics, enhancing and protecting the economic well-being of the community, facilitating
37 adequate provision of public services, and the preservation of the resources of the City; and

38 **WHEREAS**, the Mayor and Council are, and have been interested in, developing a
39 cohesive and coherent policy regarding certain uses in the City, and have intended to promote
40 community development through stability, predictability and balanced growth which will further
41 the prosperity of the City as a whole; and

42 **WHEREAS**, the City desires to define, regulate the location, and regulate the number of
43 certificates of occupancy that may be issued by the City for the following uses: Bail Bond
44 Offices; Private Probation Offices; Check Cashing Businesses; and Pawnshops; and

45 **WHEREAS**, the Mayor and Council find it desirable and in the interest of the health,
46 safety, and welfare of the citizens of the City to amend certain provisions of the City’s Zoning
47 Ordinance to accomplish its desires as indicated above.

48 **BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF**
49 **THE CITY OF HAPEVILLE, GEORGIA**, and by the authority thereof:

50 **Section 1.** That the City’s Code of Ordinances is hereby amended by inserting a
51 definition of “Bail Bond Office” after the paragraph establishing the definition of “Antique
52 Shop” and before the paragraph establishing the definition of “Basement” in Section 93-1-2,
53 Definitions, of Article 1, Title, definitions and application of regulations, of Chapter 93, Zoning,
54 and inserting the following text to read and to be codified as follows:

55 *“Bail Bond Office.* Any office, building or other facility from which any person, company,
56 corporation, partnership, limited partnership or any other entity operates a business that acts as a
57 surety for a person accused of a crime and pledges money or property as bail to insure the
58 appearance of such person in a court proceeding concerning such accusations.”

59 **Section 2.** That the City’s Code of Ordinances is hereby amended by inserting the
60 definition of “Check Cashing Business” after the paragraph establishing the definition of
61 “Cellar” and before the paragraph establishing the definition of “City Council” in Section 93-1-2,
62 Definitions, of Article 1, Title, definitions and application of regulations, of Chapter 93, Zoning,
63 and inserting the following text to read and to be codified as follows:

64 *“Check Cashing Business.* Any office, building or other facility from which any person,
65 company, corporation, partnership, limited partnership or any other entity operates a business
66

67 that cashes payroll, personal and other checks for the general public for a fee. The term does not
68 include a bank, savings and loan association or credit union that is incorporated or organized
69 under the law of the United States or any state thereof. Nor does this term include an office,
70 building or other facility whose primary business would be retail sales or services and that would
71 cash checks only as an incidental, accessory convenience service to its customers.”

72 **Section 3.** That the City’s Code of Ordinances is hereby amended by inserting the
73 definition of “Pawnshop” after the paragraph establishing the definition of “Patio Houses” and
74 before the paragraph establishing the definition of “Planned Unit Development (PUD)” in
75 Section 93-1-2, Definitions, of Article 1, Title, definitions and application of regulations, of
76 Chapter 93, Zoning, and inserting the following text to read and to be codified as follows:

77 “*Pawnshop.* Any office, building or other facility from which any person, company, corporation,
78 partnership, limited partnership or any other entity operates a business that loans money on the
79 security of pledged goods (as that term is defined in O.C.G.A. § 44-12-130(5)), or purchases
80 tangible personal property on a condition that it may be redeemed or repurchased by the seller
81 for a fixed price within a fixed period of time, or purchases tangible personal property from
82 persons or sources other than manufacturers or licensed dealers.”

83 **Section 4.** That the City’s Code of Ordinances is hereby amended by inserting the
84 definition of “Private Probation Office” after the paragraph establishing the definition of
85 “Planned Unit Development (PUD)” and before the paragraph establishing the definition of
86 “Residential Infill” in Section 93-1-2, Definitions, of Article 1, Title, definitions and application
87 of regulations, of Chapter 93, Zoning, and inserting the following text to read and to be codified
88 as follows:

89
90
91 *“Private Probation Office.* Any office, building or other facility from which any person,
92 company, corporation, partnership, limited partnership, enterprise, agency or any other entity
93 pursuant to a written contract with a court of a county or a municipality, operates a business that
94 provides probation supervision, counseling and collection services for all monies to be paid by a
95 defendant according to the terms of a sentence imposed on such defendant as well any monies
96 which by operation of law are to be paid by such defendant in consequence of a sentence, and
97 other probation services for defendants convicted in such court and placed on probation.”

98 **Section 5.** That the City’s Code of Ordinances is hereby amended by inserting new
99 Subsections (42), (43), (44) and (45) to Section 93-14-3, Permitted uses, of Article 14, C-2 Zone
100 (General Commercial), of Chapter 93, Zoning, and inserting the following text to read and to be
101 codified as follows:

102 “(42) Bail Bond Offices, subject to sec. 93-2-23.
103 (43) Check Cashing Businesses, subject to sec. 93-2-23.
104 (44) Pawnshops, subject to sec. 93-2-23.
105 (45) Private Probation Offices, subject to sec. 93-2-23.”

106
107 **Section 6.** That the City’s Code of Ordinances is hereby amended by striking through the
108 existing text of subsection (19) of Section 93-11.2-3, Permitted uses, of Article 11.2, U-V Zone
109 (Urban Village), of Chapter 93, Zoning, and inserting new Subsections (19), (20), (21), (22), and
110 (23) in lieu thereof, to read and to be codified as follows:

111 “(19) Bail Bond Offices, subject to sec. 93-2-23.
112 (20) Check Cashing Businesses, subject to sec. 93-2-23.
113 (21) Pawnshops, subject to sec. 93-2-23.
114 (22) Private Probation Offices, subject to sec. 93-2-23.
115 (23) Residential density limitations shall be as follows:

- 116 a. The maximum permitted residential density of a master planned development shall be
 117 40 units per acre as calculated based on the sum of all residential uses and the total
 118 acreage of the project, including multiple parcels or city blocks, but not rail lines, public
 119 streets, or other areas not owned by the applicant;
 120 b. The built residential density of individual parcels or blocks within a master planned
 121 development may be greater or less than 40 units per acre, provided the project's
 122 combined average maximum permitted residential density is not exceeded; and
 123 c. Any changes to an approved site plan shall require approval of the city planning
 124 commission and shall be reviewed based on the geographic extent of the original
 125 approved site plan, shall not exceed maximum density requirements of the original
 126 application, and shall indicate all built or planned improvements.”
 127

128 **Section 7.** That the City’s Code of Ordinances is hereby amended by striking through the
 129 existing text of subsection (1) of Section 93-11.2-4, Nonpermitted uses, of Article 11.2, U-V
 130 Zone (Urban Village), of Chapter 93, Zoning, and inserting the following text, in lieu thereof, to
 131 read and to be codified as follows:

132 “(1) Reserved;”
 133

134 **Section 8.** That the City’s Code of Ordinances is hereby amended by striking through the
 135 existing text of Section 93-15-3, Permitted uses, of Article 15, I-1 Zone (Light Industrial), of
 136 Chapter 93, Zoning, and inserting the following text, in lieu thereof, to read and to be codified as
 137 follows:

138 “The following uses are permitted within any I-1 zone:

- 139 (1) Automobile laundries.
 140 (2) Automobile servicing and repairing.
 141 (3) Bail Bond Offices, subject to sec. 93-2-23.
 142 (4) Building materials sales yards and contractors' equipment yards, provided these yards are
 143 completely enclosed by a solid wall at least six feet high. These walls shall comply with
 144 all setback requirements for this zone.
 145 (5) Check Cashing Businesses subject to sec. 93-2-23.
 146 (6) Customary accessory buildings and uses.
 147 (7) Electronic manufacturing and assembly.
 148 (8) Electrical repair shops.

- 149 (9) Establishments manufacturing prepared food and miscellaneous food products, such as
 150 bakeries, bottling plants, ice plants, etc.
- 151 (10) Fabricating shops such as sheet metal works, woodworking shops, cabinet shops
 152 and upholstery shops.
- 153 (11) Film developing.
- 154 (12) Gasoline service stations.
- 155 (13) Instruments manufacturing for professional, scientific, photography, optical and
 156 similar uses.
- 157 (14) Laboratories for industrial testing and research.
- 158 (15) Laundry and dry cleaning establishments.
- 159 (16) Leather products manufacturing.
- 160 (17) Nurseries, greenhouses and truck gardens.
- 161 (18) Parking facilities.
- 162 (19) Pawnshops, subject to sec. 93-2-23.
- 163 (20) Printing shops.
- 164 (21) Private Probation Offices, subject to sec. 93-2-23.
- 165 (22) Sign manufacturing and construction.
- 166 (23) Small items manufacturing, such as toys, clocks, jewelry, fountain pens, pencils,
 167 and plastic products.
- 168 (24) Textile cutting, assembly and processing plants, not including spinning, knitting,
 169 weaving, dyeing, combing, scouring and similar activities.
- 170 (25) Veterinarians, animal hospitals and kennels.
- 171 (26) Warehouses and other storage facilities.
- 172 (27) Welding shops, provided all glare is shielded from outside view.”

173 **Section 9.** That the City’s Code of Ordinances is hereby amended by inserting a new
 174 Section 93-2-23, to be entitled “Provisions concerning Bail Bond Offices, Check Cashing
 175 Businesses, Pawnshops and Private Probation Offices”, within Article 2, General Provisions, of
 176 Chapter 93, Zoning, and inserting the following text to read and to be codified as follows:

177 “Sec. 93-2-23. – Provisions concerning Bail Bond Offices, Check Cashing Businesses,
 178 Pawnshops and Private Probation Offices.

- 179
- 180 (a) Permitted locations. Bail Bond Offices, Check Cashing Businesses, Pawnshops and
 181 Private Probation Offices shall be allowed only in those areas designated as “Permitted
 182 Locations for Private Probation Offices, Bail Bond Offices, Check Cashing Businesses,
 183 and Pawnshops” as indicated on those certain maps prepared by the Ecological Planning

184 Group, dated _____, 2016, which maps are kept on file with the City Clerk. Any
185 person, entity, or individual may review said map upon request to the City Clerk.

186 (b) Limitation on Certificates of Occupancy. The number of certificates of occupancy
187 allowed, at one time, each for the operation of a Bail Bond Office, Check Cashing
188 Business, Pawnshop and Private Probation Office within the city shall not exceed one per
189 each 10,000 persons living in the City according to the most recent decennial census of
190 the United States as published by the United States Bureau of the Census.”

191 **Section 10.** The maps entitled “Permitted Locations for Private Probation Offices, Bail
192 Bond Offices, Check Cashing Businesses, and Pawnshops,” adopted _____, 2016 and
193 referenced in Section 9 of this Ordinance (and to be referenced in Section 93-2-23 of the Code of
194 Ordinances), are attached hereto and incorporated herein by reference. A true and correct copy
195 of such maps are displayed in Exhibit “A.” A copy of such maps, as are displayed in Exhibit A,
196 are available for inspection during normal business hours in the office of the City Clerk

197 **Section 11.** The preamble of this Ordinance shall be considered to be and is hereby
198 incorporated by reference as if fully set out herein.

199 **Section 12.**

200 (a) It is hereby declared to be the intention of the Mayor and Council that all sections,
201 paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment,
202 believed by the Mayor and Council to be fully valid, enforceable and constitutional.

203 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest
204 extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this
205 Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this
206 Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the
207 greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this

208 Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase
209 of this Ordinance.

210 (c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance
211 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise
212 unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the
213 express intent of the Mayor and Council that such invalidity, unconstitutionality or
214 unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional
215 or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or
216 sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases,
217 clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional,
218 enforceable, and of full force and effect.

219 **Section 13.** All ordinances and parts of ordinances in conflict herewith are hereby
220 expressly repealed.

221 **Section 14.** Penalties in effect for violations of the Zoning Ordinance of the City of
222 Hapeville at the time of the effective date of this Ordinance shall be and are hereby made
223 applicable to this Ordinance and shall remain in full force and effect.

224 **Section 15.** The effective date of this Ordinance shall be the date of adoption unless
225 otherwise specified herein.

226 **ORDAINED** this ____ day of _____, 2016.

227

228 [SIGNATURES CONTINUED TO NEXT PAGE]

229

230

CITY OF HAPEVILLE, GEORGIA

231

232

233

ALAN HALLMAN, Mayor

234 **ATTEST:**

235

236

237 **JENNIFER ELKINS**, City Clerk

238

239 **APPROVED AS TO FORM:**

240

241

242 **STEVE FINCHER**, City Attorney

243

244
245

EXHIBIT A

Airport Loop Rd



Adopted on _____, 2016 via Ordinance _____

1 inch = 600 feet



Permitted locations for private probation offices, bail bond offices, check cashing businesses and pawnshops

Permitted locations for private probation offices, bail bond offices, check cashing businesses and pawnshops



Sylvan Rd / Springdale Rd



1 inch = 150 feet

Adopted on _____, 2016 via Ordinance _____

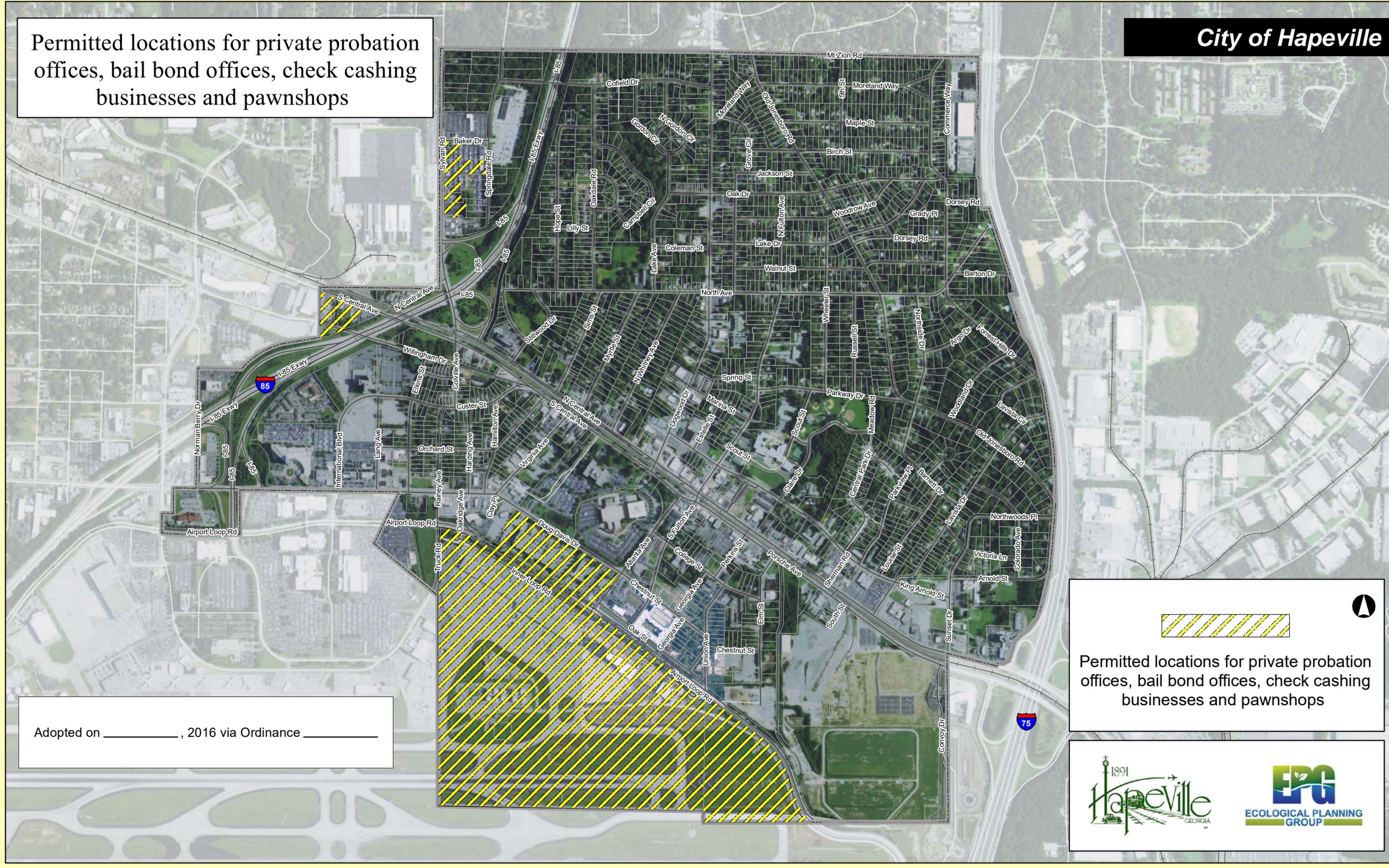


Permitted locations for private probation offices, bail bond offices, check cashing businesses and pawnshops

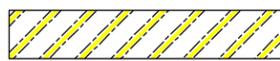
Permitted locations for private probation offices, bail bond offices, check cashing businesses and pawnshops



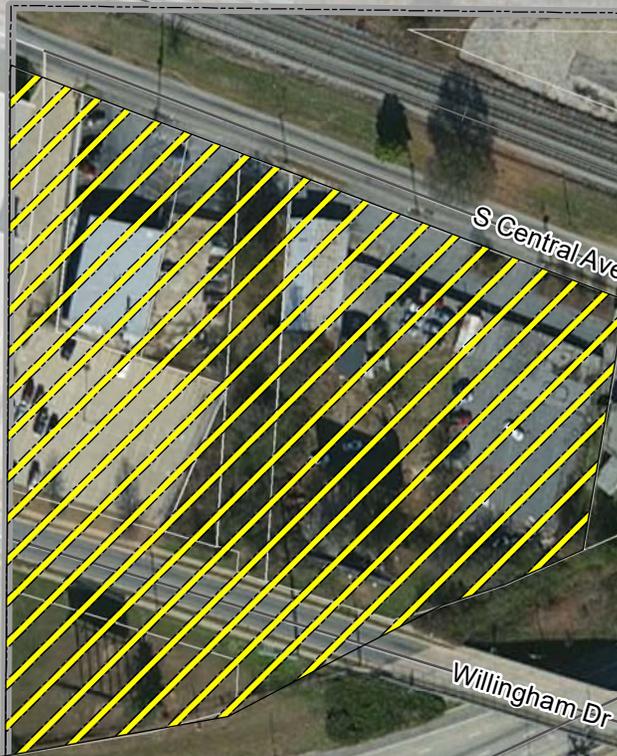
Permitted locations for private probation offices, bail bond offices, check cashing businesses and pawnshops



Adopted on _____, 2016 via Ordinance _____


Permitted locations for private probation offices, bail bond offices, check cashing businesses and pawnshops

South Central Ave



S Central Ave

N Central Ave

I-85 Exwy

Willingham Dr

I-85

I-85 Exwy

I-85 Exwy

I-85

Adopted on _____, 2016 via Ordinance _____

1 inch = 150 feet



Permitted locations for private probation offices, bail bond offices, check cashing businesses and pawnshops

Permitted locations for private probation offices, bail bond offices, check cashing businesses and pawnshops





Department of Planning & Zoning

MEMORANDUM

TO: Brian Wismer, Planning Commission Chairman

FROM: Bill Johnston, City Planner

SUBJECT: **Ordinance Text Amendment Concerning Regulation of Bail Bond Offices, Private Probation Offices, Check Cashing Businesses and Pawnshops**

DATE: Friday, 4 November 2016

FINDINGS

Mayor and Council adopted a Moratorium concerning Bail Bond Offices, Private Probation Offices, Check Cashing Businesses and Pawnshops on August 3, 2016 which expires on December 7, 2016. The moratorium represents a limited cessation on issuance of development and building permits, occupation tax permits, and other licenses and permits related to these uses. The stated purpose of the moratorium is to “ensure that the design, development and location” of these uses are consistent with the long-term planning objectives of the City. The moratorium acknowledges that “the City’s development ordinances, Zoning Ordinance and/or Comprehensive Land Use Plan require an additional review by the City of Hapeville as they relate to the development of bail bond offices, private probation offices, check cashing offices, or pawnshops.”

A proposed Ordinance text amendment would limit these uses to specific areas of the city to be accomplished by adopting what is essentially an overlay. Such overlays define the geography within which certain uses or methods of development may occur. In this case, those uses that may be permitted are bail bond offices, private probation offices, check cashing businesses, or pawnshops.

The proposed Ordinance limits the location of these uses as follows:

“Permitted locations. Bail Bond Offices, Check Cashing Businesses, Pawnshops and Private Probation Offices shall be allowed only in those areas designated as “Permitted Locations for Private Probation Offices, Bail Bond Offices, Check Cashing Businesses, and Pawnshops” as indicated on those certain maps prepared by the Ecological Planning Group, dated _____, 2016, which maps are kept on file with the City Clerk.”

Brian Wismer, Planning Commission Chairman

Regulation of Bail Bond Offices, Private Probation Offices, Check Cashing Businesses and Pawnshops

2 of 4

The proposed Ordinance further limits these uses by controlling the number of certificates of occupancy that may be issued referenced to the population of the city:

“Limitation on Certificates of Occupancy. The number of certificates of occupancy allowed, at one time, each for the operation of a Bail Bond Office, Check Cashing Business, Pawnshop and Private Probation Office within the city shall not exceed one per each 10,000 persons living in the city according to the most recent decennial census of the United States as published by the United States Bureau of the Census.”

The underlying zoning districts within which these uses may be permitted are proposed for amendment to include the uses as permitted uses. These are the C-2, General Commercial Zone, the U-V, Urban Village Zone and the M-1, Light Industrial Zones. These zoning districts are assigned to properties included on “Permitted Locations for Private Probation Offices, Bail Bond Offices, Check Cashing Businesses, and Pawnshops” Map. Only properties located within the “Permitted Locations” may be considered for any of these uses.

Finally, the proposed Ordinance defines each of the terms Private Probation Offices, Bail Bond Offices, Check Cashing Businesses, and Pawnshops.

Plan Hapeville 2025 Guidance

Sec. 7.2.11 *Commercial Districts are Revitalizing* of the 2005-2025 Plan states “Gentrification is on the way to Hapeville. At the time the 1997 Plan was written, this outcome was by no means certain. Even today, downtown vacancies exist, and vacant lots and buildings can be found along Dogwood Drive. However, both corridors have experienced renovation and new construction. As renewed investment in Hapeville’s neighborhoods surrounding these, essentially “neighborhood” commercial districts, the pace and scope of revitalization is projected to accelerate.”

Ten years after that observation was noted in that Plan, certain commercial corridors, including Dogwood Drive, continue to struggle. This circumstance suggests that the City’s desire to limit the presence of uses some would deem to be associated with adverse impacts may be justified to the extent this position is well-founded.

Plan Hapeville 2025 contains the following objective that would be advanced by limiting Private Probation Offices, Bail Bond Offices, Check Cashing Businesses and Pawnshops to the locations identified on the Permitted Locations for Private Probation Offices, Bail Bond Offices, Check Cashing Businesses, and Pawnshops Map as these are far removed from single family neighborhoods the Plan seeks to preserve:

“Objective C: Preserve Hapeville's stable, single family neighborhoods from encroachment by incompatible uses, which may include higher density housing; and provide such mechanism as buffers, transitional height planes and appropriate building setbacks designed to mitigate the impact of more intense development.”

CONCLUSIONS

Sec. 93-25-6 of the Ordinance provides 14 “Standards of review” to be applied when considering a property rezoning. The Ordinance further provides that *“In ruling on any matter in which the exercise of discretion is required, or in ruling upon any application for zoning map amendment, the administrative official or legislative body shall act in the best interest of the health, safety, morals, and general welfare of the city. In doing so, they will consider one or more of the following factors as may be relevant to the application”* The relevant factors are reprinted below, along with an analysis of the impact of the rezoning application on these factors:

The existing land use pattern.

The uses proposed in the draft Ordinance are commercial uses. The locations proposed for these uses are commercial and industrial as to zoning and land use. Accordingly, the proposal is consistent with the existing land use pattern in the locations proposed for Private Probation Offices, Bail Bond Offices, Check Cashing Businesses, and Pawnshops.

The possible creation of an isolated district unrelated to adjacent and nearby districts.

The draft Ordinance does not impact the underlying zoning districts, rather it simply introduces new uses that are commercial in nature. Private Probation Offices and, Bail Bond Offices, are similar as concerns the method of operation to other offices, and Check Cashing Businesses and Pawnshops may “perform” as retailers.

The population density pattern and possible increase or overtaxing of the load on public facilities including, but not limited to, schools, utilities, and streets.

While it is difficult to project the scale of these uses, the impact on public facilities and services can be expected to be similar to that of now permitted uses in the respective zoning districts.

Whether the proposed zoning map amendment will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.

An inherent assumption in limiting the number and location of the uses that are the subject of the draft Ordinance is that these uses have the potential to be a deterrent to the value of adjacent property. By restricting these uses as to number and location, bearing in mind that the method of operation is strictly controlled by state law, the City believes that the severity of such assumed impacts will be minimized.

The possible effects of the proposed zoning map amendment on the character of a zoning district, a particular piece of property, neighborhood, a particular area, or the community.

Similar to the potential impact on the value of adjacent property, the potential impact on a neighborhood is of concern to the City. The limitation as to number and location will tend to minimize the possible “adverse” effects on the character of a neighborhood. This finding is based on the distance of any of the potential locations from a neighborhood. Such separation is difficult to achieve in Hapeville given its compact nature and will not be achieved uniformly by the proposed Ordinance.

Regulation of Bail Bond Offices, Private Probation Offices, Check Cashing Businesses and Pawnshops

4 of 4

Research conducted in conjunction with the proposed text amendment reveals that “Approximately 28% of Americans don’t use traditional banking to handle personal finances. The majority of these people use check cashing centers for handling their financial needs.” The proposed amendment could have adverse impacts on that portion of the Hapeville community that accesses such services and uses. Restrictions on the possible locations themselves may not be a significant factor as Hapeville is a very compact community with most locations readily accessible to residents. However, as the population of the city is just over 6,000 individuals (6,683), each such use would be limited to a single entity. This limitation tends to foster a monopoly as only a single such operation may be allowed at any given time. This can impact the costs consumers of such services incur, particularly those charges by pawnshop operators, which includes title pawn, and check cashing businesses.

While this research describes pros and cons associated with check cashing businesses in particular, of concern is the possible impact on crime: “Since the majority of people use check cashing centers for cashing payroll and other types of checks, they are usually left having to leave the facility with a significant amount of cash in hand. This can be potentially dangerous when considering the proximity around most check cashing locations.” This aspect of such operations could have adverse impacts on the community as the incidence of crime could increase.

Observations concerning the presence of individuals potentially created by bail bondsmen offices and private probation offices offered in the attachment may also be a justification for limits on location of these uses.

Consideration of the preservation of the integrity of residential neighborhoods shall be considered to carry great weight.

The limitation as concerns the number of such uses that may be permitted in the city and the limitation as concerns location, in most instances achieving the maximum separation for a neighborhood, will tend to preserve the integrity of Hapeville’s neighborhoods.

RECOMMENDATION

Based on the above findings and conclusions, a recommendation of approval of the proposed amendment given the objective to limit such uses.

- c: Commissioner Travis Horsley, Vice Chair
- Commissioner Lucy Dolan
- Commissioner Mark Farah
- Commissioner Jeanne Rast
- Commissioner Charlotte Rentz
- Adrienne Senter, Planning Commission Secretary

Attachment: Summary of Research on Bail Bond Offices, Private Probation Offices, Check Cashing Businesses and Pawnshops
Draft Ordinance Concerning Bail Bond Offices, Check Cashing Businesses, Pawnshops and Private Probation Offices

Check Cashing Businesses, Pawnshops, Bail Bondsmen and Private Probation Offices

Factual Basis for Regulations

Background

Research has been conducted to establish a factual basis for adoption of the proposed Ordinance that will regulate Check Cashing Businesses, Pawnshops, Bail Bondsmen and Private Probation Offices. Google searches, appeals to the Georgia Association of Zoning Administrators and inquiries at county probation offices have yielded little in terms of assessing the impact of such facilities as bail bondsmen offices and private probation offices on the surrounding areas.

These offices and businesses could be rendered subject to approval as a conditional use. The City of Hapeville has chosen to limit the extent of such offices to certain areas of the city, in this case the locations within which adult entertainment establishments may also be permitted. The presumption is that such offices and businesses are associated with potentially adverse impacts. While this conclusion may appear reasonable, such evidence of adverse impacts as may be documented in studies or even anecdotal evidence solicited from local police departments has not yet been identified. Each use that will be impacted by the proposed Ordinance is addressed below:

Check Cashing Businesses

An "Account Now" website discusses the pros and cons of Check Cashing Establishments:

"Check Cashing Center Pros"

"Approximately 28% of Americans don't use traditional banking to handle personal finances. The majority of these people use check cashing centers for handling their financial needs. However, there is debate concerning whether these financial service centers provide a useful alternative to traditional banking, or exploit those who use them.

For some, the use of check cashing centers is almost necessary because they are unable to open checking accounts at banks, usually because of blemishes on their banking history. For others, check cashing centers are used because of the convenience they provide, like business hours that begin earlier and extend later than banks. While flexible hours may play a role in their use, others enjoy the variety of services offered in one place, such as:

- Payday loans and other types of loans
- Money transfers
- Bill payments
- Money orders
- P.O. boxes
- Stamps, envelopes, and mailing services

- Notary public
- Currency exchange
- Prepaid debit and credit cards
- Public transportation passes and tokens
- EBT services
- Photocopying and faxing services
- ATM machines
- Motor vehicle renewal and registration

Check Cashing Center Cons

Although some may consider check cashing centers as providing a convenience to its consumers, it may come at a hefty price. Critics of check cashing centers claim they exploit the consumers they serve, while providing a facade of convenience. The most common argument against the use of check cashing centers is the fees associated with them. Checks cashed at these centers can incur an average of 3-5% of the check amount in fees, regardless of the nature of the check. On average, the annual costs of using a financial service center for check cashing is greater than fees associated with using a checking account for similar needs. . .

Aside from the convenience check cashing centers may present, there is an inherent danger associated with them. Since the majority of people use check cashing centers for cashing payroll and other types of checks, they are usually left having to leave the facility with a significant amount of cash in hand. This can be potentially dangerous when considering the proximity around most check cashing locations. Most check cashing centers are located in more urban neighborhoods, where crime may be more prominent.

Deciding on whether to use a check cashing center comes down to personal choice. There are good reasons for and against using such a service. Accessibility, convenience, cost, potential danger and preference all come into play when deciding which service works best for you.”

<https://www.accountnow.com/content/check-cashing/check-cashing-centers-pros-and-cons/>

Anecdotal evidence provided by the Hapeville Police Chief indicates that Check Cashing Centers located on properties that contain additional businesses that serve other consumer needs have not been the subject of reported crime. However, he believes that a standalone location could be a target for robbery crimes.

Pawn Shops

The City of Lithonia has adopted extensive regulations concerning pawn shops. However, most of these duplicate state law. A 1,500-foot separation the City enforces serves to prevent a concentration of such uses: “This use shall not be permitted within 1,500 feet of an existing pawn shop or check cashing establishment.”

College Park prohibits Pawn shops, Check cashing services other than banks and licensed financial establishments, and Bail bond businesses in the downtown zoning district. The Old National Overlay District prohibits Check cashing outlets, Loan establishments and Pawn shops.

Bail Bondsmen

Bail Bondsmen offices are typically located near detention facilities. To the extent that the clients of these offices are seeking to have a bond posted following an arrest, the presence of these offices to attract individuals that may later found to be guilty of committing a misdemeanor or felony crime, one could conclude that Bail Bondsmen offices can introduce criminals into the community. The same could be said of the detention facilities themselves. Both scenarios can lead to the reasonable conclusion that the location of Bail Bondsmen offices and detention facilities must be restricted in consideration of potentially adverse impacts on the surrounding area. This is often done by limiting such facilities to appropriate locations through overlay districts such as has been proposed.

Private Probation Offices

The same conclusion as to the role bail bondsmen offices may play in attracting individuals that may later found to be guilty of committing a misdemeanor or felony crime may be applied to private probation offices. The clarifier “private” is an acknowledgement of the City’s inability to regulate public probation offices. The clients of these facilities have been by definition found guilty of committing a misdemeanor or felony crime. To that extent, limiting such facilities to appropriate locations through overlay districts such as is proposed may also be appropriate.

Research findings concerning this use appear to be limited based on the very small bore of the use. No information on probation offices or private probation offices has been identified.

Atlanta and Marietta do not specifically identify Bail Bondsmen offices or private probation offices in their regulations. Marietta mentions pawnshops which are permitted by right in certain commercial districts. The City of Decatur allows Pawnshop, payday/title loans, check cashing by right in the C-3 Heavy Commercial District. Bail bondsmen and probation offices are not addressed.