

MAYOR AND COUNCIL MEETING

Meeting Date:

October 18, 2016

Department:

Planning & Zoning

Attachments: Application, Staff Report

1. Executive Summary
2. Conditional Use Permit Application
3. Planners Report
4. Legal Advertisement/Posting
5. Planning Commission Minutes

Agenda Item:

Mr. Roger Fisher is seeking approval of a Conditional Use Permit for the construction of a 62'x160' gravel parking area for a Commercial Parking area at 1155 Virginia Avenue. The property is zoned UV, Urban Village.

Recommendation:

The City of Hapeville's Planning Commission recommended DENIAL of the Conditional Use Permit on September 8, 2016.

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)

A 62' X 160' CRUSHER RUN PARKING AREA TO
PROVIDE ADDITIONAL OVERFLOW PARKING AT PEAK
BUSINESS HOURS. PROJECT WILL INCLUDE SAFETY
BARRIER ALONG NORTH PROPERTY LINE OF PARKING
AREA.

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:

- RAF ✓ 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.
- RAF ✓ Site plans shall be submitted indicating project name, applicant's name, adjoining streets, scale, North arrow and date drawn.
- RAF N/A 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.
- RAF ✓ 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).

- RAF ✓ 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.
- RAF ✓ 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.
- RAF N/A Existing and proposed grades at an interval of five (5) feet or less.
- RAF N/A 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).
- RAF N/A 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.
- RAF ✓ 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.
- RAF ✓ 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.
- RAF ✓ 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.

- ~~RAF~~ N/A Provisions for both on-site and offsite storm-water drainage and detention related to the proposed development.
- ~~RAF~~ N/A Location and size of all signs. Detached single-family residential development may be exempt from this requirement.
- ~~RAF~~ N/A 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.
- RAF ✓ Site area (square feet and acres).
- ~~RAF~~ N/A 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.
- ~~RAF~~ N/A Floor area in nonresidential use by category. Detached single-family residential development may be exempt from this requirement.
- ~~RAF~~ N/A Total floor area ratio and/or residential density distribution.
- ~~RAF~~ ✓ Number of parking spaces and area of paved surface for parking.
- RAF ✓ 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: 7/19/16

Exhibit "A"

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 127 of the 14th District of Fulton County, Georgia, and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, commence at an iron pin found at the intersection of the northerly right-of-way of Virginia Avenue with the easterly right-of-way line of Norman Berry Drive and thence North 25 degrees 47 minutes 16 seconds West a distance of 37.77 to an iron pin on the easterly line of the 50' right-of-way of Norman Berry Drive; thence North 00 degrees 45 minutes 11 seconds East along said right-of-way line a distance of 316.81 feet to THE TRUE POINT OF BEGINNING; FROM SAID TRUE POINT OF BEGINNING, running thence North 00 degrees 45 minutes 11 seconds East along said easterly right-of-way of Norman Berry Drive a distance of 183.07 feet to a point; thence leaving said easterly right-of-way of Norman Berry Drive and following the right-of-way of the Virginia Avenue exit ramp from I-85 to following courses and distances: North 27 degrees 37 minutes 48 seconds East a distance of 58.32 feet to a point; thence along the arc of a 250' radius curve to the right an arc distance of 121.52 feet (said arc being subtended by a chord bearing North 75 degrees 05 minutes 40 seconds East and having a chord distance of 120.33') to a point; thence along the arc of an 85.20' radius curve to the right an arc distance of 135.64 feet (said arc being subtended by a chord bearing South 49 degrees 16 minutes 08 seconds East and having a chord distance of 121.76') to a point; thence South 00 degrees 13 minutes 16 seconds West a distance of 189.19 to an iron pin set; thence leaving said exit ramp and running North 89 degrees 14 minutes 49 seconds West along the center line of a 31' Joint Access Easement a distance of 237.56 feet to the POINT OF BEGINNING; being as more fully shown by ALTA/ACSM Survey for Diplomat Development Company, LLC, by Charles S. Crisp, GA RLS No. 2936, dated September 18, 2007 (the "Survey").

TOGETHER WITH the rights, easements, privileges and obligations appurtenant to the above-described land created and established under that certain Declaration of Reciprocal Easement by Diplomat PR Hotels, LLC, dated December 19, 2007, filed December 26, 2007, and recorded in Deed Book 46143, page 689, Records of Fulton County, Georgia.

Deed Book 55231 Pg 560
Filed and Recorded Aug-03-2015 08:28am
2015-0235122
Real Estate Transfer Tax \$0.00
Cathelene Robinson
Clerk of Superior Court
Fulton County, Georgia

STATE OF GEORGIA
COUNTY OF COBB

Upon recording, please return to:
H. Dennis Panter, Esq.
H. Dennis Panter & Associates, LLC
1827 Powers Ferry Road
Building 10, Suite 200
Atlanta, GA 30339

QUITCLAIM DEED

THIS INDENTURE, Made as of the 1st day of May, in the year two thousand fifteen, between HAPEVILLE CAPITAL, LLC a Georgia limited liability company, as party of the first part, and FORT WAYNE CAPITAL, LLC a Georgia limited partnership, as party of the second part.

WITNESSETH:

That said party of the first part for and in consideration of the sum of ONE (\$1.00) DOLLAR AND OTHER VALUABLE CONSIDERATIONS, cash in hand paid, the receipt of which is hereby acknowledged, has bargained, sold and does by these presents bargain, sell, remise, release and forever quit-claim to the said party of the second part, its successors and assigns, all the right, title, interest, claim or demand which the said party of the first part has or may have had in and to:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF
("Property")

With all the rights, members and appurtenances to the said described Property in anywise appertaining or belonging.

TO HAVE AND TO HOLD the said described Property unto the party of the second part, its successors and assigns, so that neither the said party of the first part nor its successors or assigns, nor any other person or persons claiming under it shall at any time, claim or demand any right, title or interest to the Property or appurtenances.

IN WITNESS WHEREOF, the said party of the first part has signed and sealed this Deed, the day and year first above written.

Signed, sealed and delivered in the presence of:

[Redacted Signature]
Witness

[Redacted Signature]
Notary Public

HAPEVILLE CAPITAL, LLC
A GEORGIA LIMITED LIABILITY COMPANY

BY: [Redacted Signature]
Jay Patel

ITS: Manager

My commission expires:
2/27/2016



Deed Book 55231 Pg 562
Cathelene Robinson
Clerk of Superior Court
Fulton County, Georgia

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JEFFERIES LOANCORP, LLC
 A DELAWARE LIMITED LIABILITY COMPANY
 HAYNEVILLE CAPITAL, LLC
 FIRST AMERICAN TITLE INSURANCE COMPANY

APPROXIMATE TOTAL AREA
 1,881 SQUARE FEET
 78,800 SQ FT

ADD BUMPERS TO BAYS
SEE PLAN

1	CONCRETE
2	ASPHALT
3	GRAVEL
4	PAVING
5	ROOFING
6	MECHANICAL
7	ELECTRICAL
8	PLUMBING
9	PAINTING
10	LANDSCAPING
11	DEMOLITION
12	FOUNDATION
13	STRUCTURE
14	INTERIORS
15	EXTERIORS
16	UTILITIES
17	ENVIRONMENTAL
18	SAFETY
19	ACCESSIBILITY
20	COMMISSIONING

REVISED 12-10-2013
 REVISIONS 02-08-2014
 REVISIONS 07-15-2014

THIS PLAN HAS BEEN PREPARED FOR THE PURPOSES OF THE PROJECT AND IS NOT TO BE USED FOR ANY OTHER PURPOSES.



THE USER OF THIS PLAN HAS BEEN ADVISED THAT THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AGENCIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AGENCIES.

NOTES:
 1. THERE IS A 10' BINARY SERVICE EASEMENT ON THE EASTERN BOUNDARY OF THE PROPERTY.
 2. THERE ARE NO UTILITIES UNDER THE PROPERTY.
 3. THERE ARE NO OBSERVED EVIDENCES OF CURRENT OR FUTURE WORK, INCLUDING CONSTRUCTION OF BUILDING FOUNDATIONS.
 4. THERE ARE NO OBSERVED EVIDENCES OF PRESENT OR FUTURE CONSTRUCTION ON THE PROPERTY.

REVISIONS:
 02-08-2014 PAGE 25
 07-15-2014 PAGE 25

NO.	DESCRIPTION	DATE	BY
1	ISSUED FOR PERMIT	12-10-2013	MS
2	REVISIONS	02-08-2014	MS
3	REVISIONS	07-15-2014	MS

NO.	DESCRIPTION	DATE	BY
1	ISSUED FOR PERMIT	12-10-2013	MS
2	REVISIONS	02-08-2014	MS
3	REVISIONS	07-15-2014	MS

SET BACKS:
 1. FRONT SET BACK
 2. SIDE SET BACK
 3. REAR SET BACK

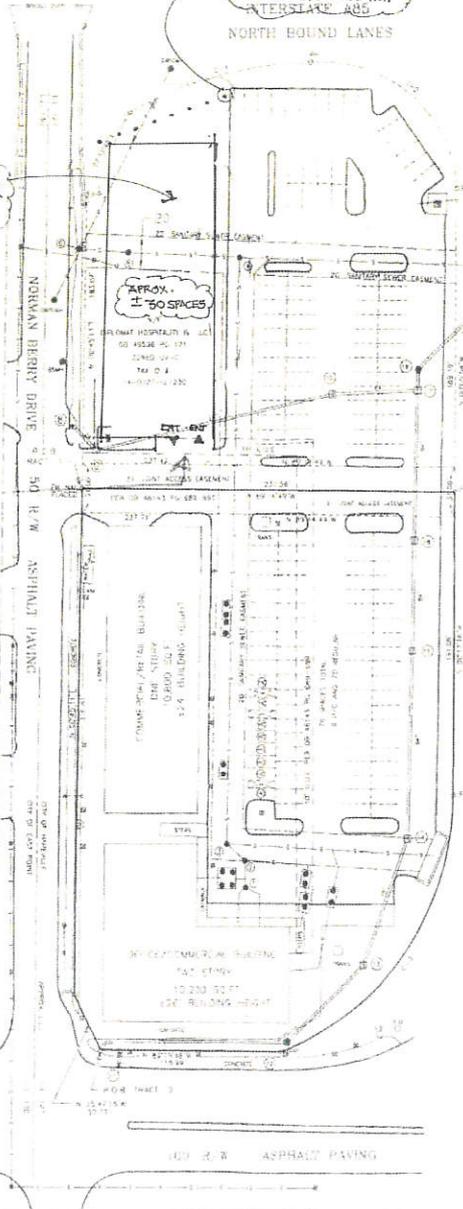
60' x 160' CRUSHER RUN GRAVEL PARKING AREA W/ ROSEMARY INTER-LAYMENT

APPROX. 150 SPACES

CVAB CVT

CONCRETE-FILLED BOLLARDS (10' o.c. (TYP) W/ CONTINUOUS WIRE CONNECTION AT INTERLACE ADD

REMOVE BUMPERS AND PLAN ON OTHER SIDE OF NEAR SIDE DRIVE WAY



NO.	DESCRIPTION	DATE	BY
1	ISSUED FOR PERMIT	12-10-2013	MS
2	REVISIONS	02-08-2014	MS
3	REVISIONS	07-15-2014	MS



Department of Planning & Zoning

MEMORANDUM

TO: Brian Wismer, Planning Commission Chairman
FROM: Bill Johnston, City Planner
SUBJECT: Conditional Use Application to allow a Commercial Parking Lot behind 1155 Virginia Avenue on Norman Berry Drive – Addendum Report
DATE: Thursday, 8 September 2016

Background

This application was tabled at the August meeting of Planning Commission. The applicant has now submitted a “Quit Claim Deed” conveying ownership interest in Tract 1, the northern tract and the site of a proposed “Yotel” hotel, to the owner of Tract 2, location of the Landmark Diner and other businesses. This results in the entire property being owned by a single entity.

The Findings, Conclusions and Recommendation from the August 4, 2016 report are generally unchanged unless noted otherwise and follow below:

Findings

This property, known as Hapeville Center, was originally developed as a single tract and assigned an address of 1155 Virginia Avenue. Subsequently, the property which is zoned U-V, Urban Village, was subdivided into Tract 1 and Tract 2 with the latter being developed in such hospitality uses as Landmark Diner, Michon’s and Smoothie King. Tract 1 contains paved parking that was installed prior to the subdivision and presumably used for overflow parking generated by uses at 1155 Virginia Avenue. The reason for the re-platting was a proposed “Yotel” hotel on Tract 1, the northern tract. The centerline of the driveway off Norman Berry forms the east-west common boundary.

The tracts are held in different ownerships with Tract 1 owned by Fort Wayne Capital LLC, Brian Knight, and Tract 2 owned by Hapeville Capital LLC, Jay R. Patel. While these entities share a common address, the Secretary of State’s Office lists those respective individuals as owning the LLC’s. Accordingly, the lot in question, Tract 1, is a separate lot of record. Any parking on this lot constitutes a free-standing parking lot. The parking lot cannot be considered as accessory to the Tract 2 uses, that is, the retail and hospitality uses.

The application for a conditional use permit to allow a commercial parking lot proposes a 62-foot by 160-foot gravel surfaced parking lot. (See ALTA Survey dated December 2, 2013) This would accommodate approximately 30 vehicles. The existing paved parking located on Tract 1 accommodates 78 vehicles for a total of roughly 108 spaces. The application describes the project as a “parking area to provide additional overflow parking at peak business hours.”

Brian Wismer, Planning Commission Chairman

Conditional Use Application to allow a Commercial Parking Lot behind 1155 Virginia Avenue on Norman Berry Drive – Addendum Report

Thursday, 8 September 2016

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Surrounding Context

Surrounding uses are hotels, limited retail, office and service uses. No “free standing” commercial parking lots are operated in the vicinity.

Adopted Plans Guidance

The Future Development Map designates the property as “Commercial,” along with nearby properties in this commercial node. The proposed use is compatible with that designation. Guidance in the Hapeville Comprehensive Plan 2005-2025, other than the Future Land Use designation of “Commercial” as well, is not small bore enough to encompass a relatively minor parking lot. The property is not located within the 2005 LCI Study boundary.

Ordinance Guidance as to the U-V Zone

According to Sec. 93-11.2-1 *Intent* of the Ordinance, the U-V, Urban Village Zone was 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
- (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.”

The proposed parking lot conflicts with objectives (4) and (5) and does not advance the others with the exception of objective (7).

Ordinance Provisions as to Parking

Sec. 93-23-5. *Surfacing and maintenance*, subsection (a) provides the following parking standard:

Brian Wismer, Planning Commission Chairman

Conditional Use Application to allow a Commercial Parking Lot behind 1155 Virginia Avenue on Norman Berry Drive – Addendum Report

Thursday, 8 September 2016

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“Nonresidential. All driveways, off-street parking and loading facilities required, pursuant to the provisions of this chapter, shall be hard surfaced pavement, drained, lighted and maintained by the owner in accordance with specifications of the city. Parking areas that are in excess of the parking requirements of this chapter may consist of pervious materials provided the total number of parking spaces does not exceed 110 percent of the requirement.”

Accordingly, the proposed gravel surface does not comply with the Ordinance hard surfaced pavement standard. In addition, the referenced pervious materials do not apply to the proposed parking lot as no parking demand is generated on the property. Therefore, there can be no “parking areas that are in excess of the parking requirements.” NOTE: The proposed parking on the entire lot can be considered as a combination of parking accessory to the established businesses AND parking available to the public.

The applicant is seeking approval of a conditional use to allow the existing paved parking and the proposed gravel parking to be used to provide additional overflow parking, presumably generated by establishments on Tract 1, Hapeville Center, at peak business hours. That process is described below; NOTE: While the applicant is not proposing “public parking,” unless Mayor and Council were to override the provision of Sec. 93-23-5 concerning the limitation of 110 percent, the parking would have to be considered a parking lot.

Sec. 93-11.2-5. *Conditional uses* of the U-V Zone permits parking lots as a conditional use:

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

(6) Parking lots (except for municipal parking lots benefiting the U-V zone)

Conditional Use Procedures Mirror the Rezoning Process

Conditional uses are subject to procedures identical to those for consideration of a property rezoning as provided below:

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

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

The process for reviewing conditional use applications is established in Sec. 93-3.2-2. *Review of applications:*

Brian Wismer, Planning Commission Chairman

Conditional Use Application to allow a Commercial Parking Lot behind 1155 Virginia Avenue on Norman Berry Drive – Addendum Report

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

Sec. 93-3.2-3. *Issuance of permit* also sets forth the process for Mayor and Council review of conditional use applications:

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

This means that conditions of approval may be recommended by Planning Commission and assigned to the granting of the conditional use by Mayor and Council.

Conclusions

Sec. 93-25-6. *Standards of review* establishes the following criteria for evaluating the appropriateness of a property rezoning and a conditional use:

“In ruling on any matter herein 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 they may be relevant to the application:”

The relevant criteria and analysis of the impact of the proposed conditional use on these criteria are reprinted below:

The existing land use pattern.

Properties near the I-85 interchange, including the 1155 Virginia Avenue property, comprise a hospitality node. The property is removed from neighborhoods and is situated in a relatively, intensely developed commercial district. The proposed parking lot is consistent with the existing land use pattern established by nearby commercial uses, all of which contain surface parking.

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

Brian Wismer, Planning Commission Chairman

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The proposed parking lot will add approximately 30 vehicles to the area. However, as the property ownership is now established and the parking lot configured, some 108 spaces will be added. As five hotels are found in the immediate vicinity, including the massive Hilton, the impact on four-lane Virginia Avenue will be minimal. A report by Hapeville PD that focused on the traffic that would have been generated by the then proposed “Yotel” concluded that traffic impacts, including the intersection of Norman Berry Boulevard and Virginia Avenue, would not overtax local streets. Finally, 78 of the 108 spaces are presumably now being used. NOTE: The Quit Claim Deed has caused a reversion of the property back to a single lot. Accordingly, only 30 spaces would be “new” spaces.

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

Considerable attention has recently been focused on permeable pavements and stormwater runoff. The proposed gravel will minimize stormwater runoff and properly maintained over what is expected to be an interim period, will not add to sedimentation of the city’s surface water drainage system. NOTE: More recent guidance from GAEPD indicates that “gravel” becomes “impervious.” The impact on stormwater would then be that of pavement and the City Engineer would enforce development standards in reviewing civil plans.

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

Appropriate screening, in compliance with Sec. 93-23-18. *Landscape requirements for vehicular use areas*, can mitigate any adverse impact on surrounding uses. Given that screening, the proposed conditional use will not be a deterrent to the value or development of adjacent property.

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

A wide range of office, institutional, retail, service and other commercial uses is available to the property owner. Many adjacent and nearby properties have been developed in such uses.

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

In response to an application for a conditional use on nearby property that could have introduced approximately 800 vehicles, the following observation was made: “*Commercial parking lots play a very diminished role in community building and in promoting the hospitality and office environment represented by the uses on Tract 1, by Delta operations, Delta Credit Union, and hotels and services establishments in the immediate vicinity. The latter uses are complementary in forming a commercial node that caters to residents, office workers, airport employees and air travelers. The parking lot proposal would not fulfill such a role and could have a deleterious effect on future use of the property and the surrounding area.*” The proposed parking lot differs in two respects, the use being proposed here is expected to be temporary and would be limited to approximately 108 parking spaces, 78 of which have been on the ground and used for a number of years without apparent incident.

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

The location is far removed from the nearest neighborhood, the Virginia Park neighborhood. Vehicles accessing the proposed parking are expected to represent traffic already drawn to this commercial node. The proposed conditional use is not expected to adversely impact Hapeville's neighborhoods.

Recommendation

Based on the above findings and conclusions, a recommendation of approval of the proposed parking lot as a conditional use is appropriate, subject to the following conditions. The existing paved parking is apparently already used for parking. Accordingly, no new demand is associated with that 78-space parking lot. The addition of some 30 spaces yields a scale that will not significantly increase vehicle traffic. In fact, the addition of parking may enhance traffic flow as motorists will have a new avenue for parking that will allow them to park and walk to nearby venues.

1. The parking lot shall comply with all pavement standards of the Ordinance, including Sec. 93-23-5. *Surfacing and maintenance*, subsection (a) which requires hard surfaced pavement and shall be drained, lighted and maintained by the owner in accordance with the specifications of the City. The use of gravel as a finish top course shall not be permitted.
2. Landscaping in compliance with Sec. 93-23-18. *Landscape requirements for vehicular use areas* shall be installed along the frontage of Norman Berry Drive adjacent to the parking lot to screen vehicles. The original site plan that placed the buildings on the adjoining lot, Tract 2, with parking to the rear served to eliminate the view of the parking lot from the right-of-way. Such landscaping will reduce glare and the visual impact of the proposed parking lot.
3. The conditional use shall expire within 18 months of issuance of a Certificate of Occupancy.
4. No shuttle operation shall be associated with the parking lot.
5. Use of the lot shall be limited to the hours during which alcohol may be served in the city of Hapeville.
6. The provision of Sec. 93-23-5. *Surfacing and maintenance* which states "Parking areas that are in excess of the parking requirements of this chapter may consist of pervious materials provided the total number of parking spaces does not exceed 110 percent of the requirement" is being overridden as the parking on the property would exceed that 110 percent limit as accessory parking. The spaces that are not accessory to the buildings on the premises would be considered in approval of a "parking lot" in which spaces are presumably available to the public. NOTE: This is a new condition.

Brian Wismer, Planning Commission Chairman

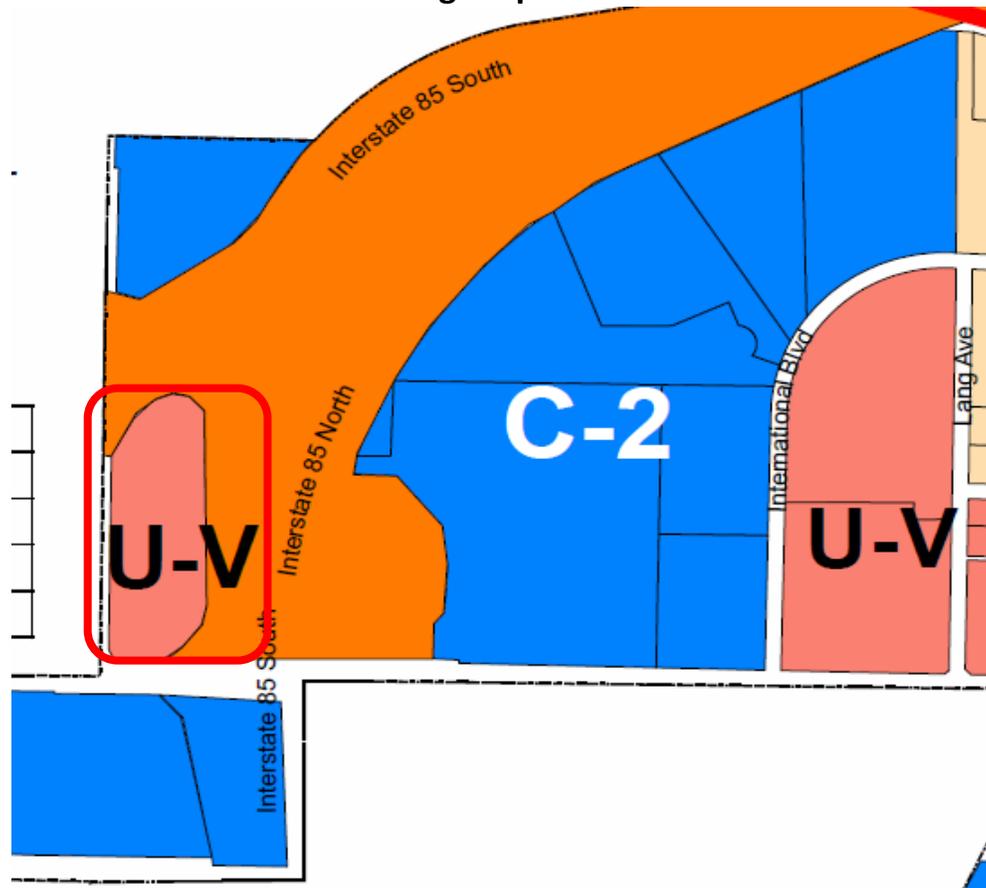
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- c: Commissioner Travis Horsley, Vice Chair
- Commissioner Lucy Dolan
- Commissioner Mark Farah
- Commissioner Kaity Ferrero
- Commissioner Jeanne Rast
- Commissioner Charlotte Rentz
- Adrienne Senter, Planning Commission Secretary
- Rick Glavosek, Police Chief
- Steven Fincher, City Attorney

Zoning Map Exhibit



Brian Wismer, Planning Commission Chairman

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Google Map Image

Tract 1



NOTICE City of Hapeville

A Public Hearing will be held by the City of Hapeville Mayor and Council on Tuesday, October 18, 2016 in the City of Hapeville Municipal Court Annex located at 700 Doug Davis Drive, Hapeville, Georgia 30354 at 6:00 PM to consider the following:

Conditional Use Permit:

Consideration of a Conditional Use Permit for the construction of a 62' x 160' gravel parking lot at 1155 Virginia Avenue. The property is zoned UV, Urban Village and is subject to the zoning regulations under Section 93-11.2-5 *Conditional uses* and Section 93-23-5. *Surfacing and maintenance* of the City of Hapeville Zoning Ordinance.

Applicant: Roger Fisher

**A PUBLIC HEARING WILL BE
HELD BY THE HAPEVILLE**

Mayor and Council **ON**
October 18, 2016 **AT 6:00 PM**

**AT HAPEVILLE MUNICIPAL ANNEX
700 DOUG DAVIS DRIVE TO**

*Consider a Conditional Use Permit
for the construction of a gravel parking lot*

ECON. DEV. 404-669-8269



**Planning Commission Meeting
700 Doug Davis Drive
Hapeville, Georgia 30354**

September 13, 2016 6:00PM

MINUTES

1. Welcome and Introduction

Chairman Brian Wismer called the meeting to order at 6:00 p.m. in the City of Hapeville Municipal Annex located at 700 Doug Davis Drive, Hapeville, Georgia 30354. Members in attendance included Vice Chairman Travis Horsley, Kaity Ferrero, Lucy Dolan, Charlotte Rentz, Jeanne Rast, and Mark Farah. City Planner Bill Johnston and Planning Commission Secretary Adrienne Senter were also present.

2. Minutes of August 9, 2016

Motion Item: Travis Horsley made a motion, Jeanne Rast seconded to approve the minutes of August 9, 2016 as submitted. Motion Carried: 6-0.

3. Old Business

Commissioner Horsley requested the LCI/Comprehensive Plan Study be added to the Planning Commission agenda in the near future as a discussion item.

4. New Business

a. 1155 Virginia Avenue

Conditional Use Permit

Mr. Roger Fisher sought approval of a Conditional Use Permit for the construction of a 62' x 160' gravel parking area at 1155 Virginia Avenue. The property is zoned UV, Urban Village.

Mr. Fisher stated that the property proposed to install a 62'x 162 four (4) inch crush and run gravel with a roadway matting beneath, to provide a structurally sound area. The intent is for a non-permanent gravel area that will be used to provide overflow parking during peak business hours. The applicant proposes to complete a hotel development at this location in the near future.



Public Comment:

Laura Murphy, 201 Colorado Avenue
George Rogan, 2108 Woodland Drive
Diane Dimmick, 3360 Old Jonesboro Road

There was brief discussion regarding the need for a Text Amendment to address restrictions within the City's Gravel Ordinance.

Motion Item:

Lucy Dolan made a motion to recommend the Mayor and Council deny the Conditional Use Permit application for 1155 Virginia Avenue. Jeanne Rast seconded. Motion Carried: 6-0.

b. 2116 Woodland Drive

Subdivision Plat Review

Mr. J. Pascal Grubbs authorized representative for J. Allen Poole of Saint/Hornet Investments, LLC sought subdivision plat approval to allow the subdivision of two lots at 2116 Woodland Drive and 2118 Woodland Drive. The properties are zoned R-2, Single-Family Residential.

Mr. Poole requested the Subdivision to accomplish a "boundary line adjustment" at 2116 and 2118 Woodland Drive. Currently, 2116 Woodland Drive is comprised of two (2) lots. The lot identified as 2118 Woodland Drive will gain approximately 10 feet of street frontage through the boundary line adjustment.

Public Comment

None

Discussion ensued regarding updating the Subdivision Ordinance revisions in Municode. The Planning Commission requested the City look into this matter so the public could have access to the updated codes.

Motion Item:

Charlotte Rentz made a motion, Travis Horsley seconded to approve the Subdivision Plat for 2116 Woodland Drive. Motion Carried: 6-0.

c. 3161 Oakdale Road

Site Plan Review

Ms. Michelle L. Jenkins of Homebilt, Inc. sought site plan approval to allow the construction of a 3,071 single family home at 3161 Oakdale Road. The property is zoned R-1, Single-Family Residential.



The proposed 3,071 square foot, two-story home, craftsman-style home will feature four bedrooms and three and one-half baths with a 462 square foot detached rear garage. The applicant intends to extend existing sidewalk.

Public Comment

None

Motion Item:

Mark Farah made a motion, Charlotte Rentz seconded to approve the site plan application for 3161 Oakdale Road, Lot 11 subject to the satisfaction of the identified deficiencies noted in the City Planners report and the City Engineers report and delivery of the recorded final plat for the subdivision and the recorded Homeowners Association documents to the Department of Community Services . Motion Carried: 6-0.

d. 3159 Oakdale Road

Site Plan Review

Ms. Michelle L. Jenkins of Homebilt, Inc. sought site plan approval to allow the construction of a 2,994 single family home at 3159 Oakdale Road. The property is zoned R-1, Single-Family Residential.

The proposed 2,994 square foot, two-story home, craftsman-style home will feature four bedrooms and three and one-half baths with a 462 square foot detached rear garage. The applicant intends to extend existing sidewalk.

Public Comment

None

Motion Item:

Mark Farah made a motion, Lucy Dolan seconded to approve the site plan application for 3159 Oakdale Road, Lot 12 subject to the satisfaction of the identified deficiencies noted in the City Planners report and the City Engineers report and delivery of the recorded final plat for the subdivision and the recorded Homeowners Association documents to the Department of Community Services . Motion Carried: 6-0.

e. 3157 Oakdale Road

Site Plan Review

Ms. Michelle L. Jenkins of Homebilt, Inc. sought site plan approval to allow the construction of a 3,071 single family home at 3157 Oakdale Road. The property is zoned R-1, Single-Family Residential.



The proposed 3,071 square foot, two-story home, craftsman-style home will feature four bedrooms and three and one-half baths with a 462 square foot detached rear garage. The applicant intends to extend existing sidewalk.

Public Comment

None

Motion Item:

Mark Farah made a motion, Charlotte Rentz seconded to approve the site plan application for 3157 Oakdale Road, Lot 13 subject to the satisfaction of the identified deficiencies noted in the City Planners report and the City Engineers report and delivery of the recorded final plat for the subdivision and the recorded Homeowners Association documents to the Department of Community Services . Motion Carried: 6-0.

f. Halfway House Ordinance

Text Amendment

Consideration and action on an Ordinance to amend Chapter 93, Zoning, of the Code of Ordinances for the City of Hapeville, Georgia regarding Halfway Houses.

The amendment to the zoning ordinance defines halfway houses and introduces standards applicable to the use. Currently, the ordinance does not define or establish standards for the regulation of halfway houses.

Commission member Travis Horsely pointed out that the code sections referenced in the proposed ordinance did not coincide with the code sections listed on Municode. The Commission requested a copy of the amended code in order to compare the proposed changes.

Public Comment

Rod Mack, 506 King Arnold Street
Laura Murphy, 201 Colorado Avenue
Mike Murphy, 201 Colorado Avenue
Carol Seaton, 3333 Myrtle Street

Motion Item:

Jeanne Rast made a motion, Lucy Dolan seconded to table the Halfway House Text Amendment until the October 11, 2016 Planning Commission meeting. Motion Carried: 6-0.

5. Next Meeting Date – October 11, 2016 at 6:00PM



Prior to adjourning the meeting, Commissioner Horsley stated the importance of coordinating the City's GIS mapping with Fulton County Tax Assessor's office in an effort to keep the County's records up-to-date with the City's zoning changes.

The Commission requested the batteries in the microphones for presenters and the public comment are changed prior to the next meeting.

There being no further discussion, the following action was taken:

6. Adjourn

MOTION: Kaity Ferrero made a motion, Lucy Dolan seconded to adjourn the meeting at 7:47 p.m. Motion Carried: 6-0.

Respectfully submitted by,

[Redacted signature]

Chairman, Brian Wismer

[Redacted signature]

Planning Commission Secretary, Adrienne Senter