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 Elkins Street, Hapeville, GA. 30354

Parcel ID #: 14 021700040120 3

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.

Applicant's signature

Date: 10/03/2016.

Sworn to and subscribed before me

This 3 **day of** October, **20**16.

Notary Public

SHAVIN M PATEL
MY COMMISSION EXPIRES
JUNE 19 2019
HENRY COUNTY, GEORGIA

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 Virgina 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
COMMUNTY SERVICE DEPARTMENT
REZONING APPLICATION

AUTHORIZATION OF PROPERTY OWNER

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

3474 Elkins 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

Signature of Owner

HARGOVIND PATEL

Print Name of Owner

Personally Appeared Before Me this 3 day of October, 20 18.

Notary Public

BHAVIN M PATEL
MY COMMISSION EXPIRES
JUNE
19
2019
HENRY COUNTY, GEORGIA

CITY OF HAPEVILLE
COMMUNTY 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

Rajesh A. Patel / Manager.
Type or Print Name and Title

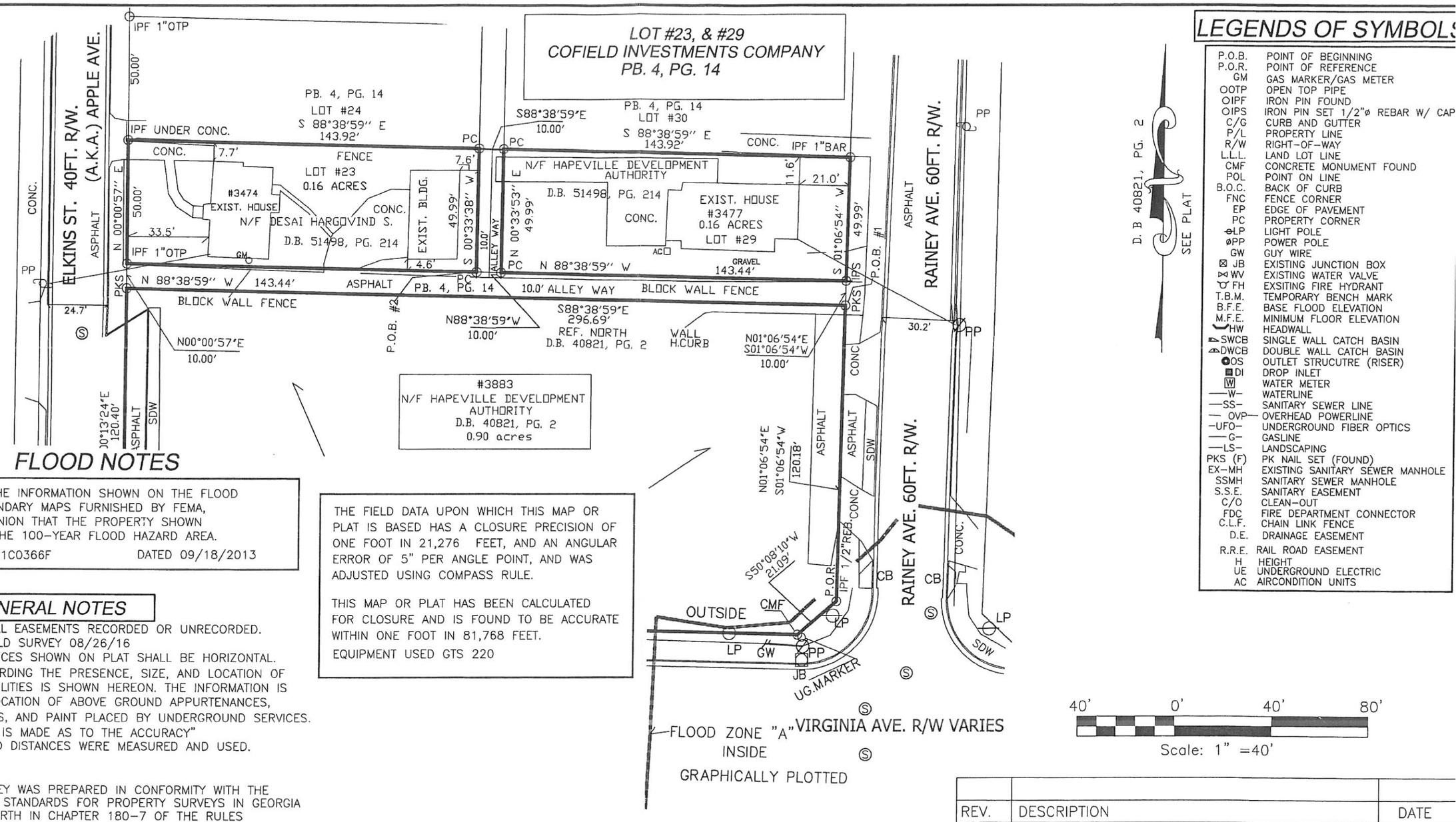
Signature of Applicant's Representative

Type or Print Name and Title

10-3-16
Signature of Notary Public Date

(Affix Raised Seal Here)

BHAVIN M PATEL
MY COMMISSION EXPIRES
JUNE
19
2019



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
øPP	POWER POLE
GW	GUY WIRE
JB	EXISTING JUNCTION BOX
WV	EXISTING WATER VALVE
FH	EXSITING 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 STRUCUTRE (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
SSMH	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

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

1. TOGETHER WITH ALL EASEMENTS RECORDED OR UNRECORDED.
2. LAST DATE OF FIELD SURVEY 08/26/16
3. ALL LINEAR DISTANCES SHOWN ON PLAT SHALL BE HORIZONTAL.
4. 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"
5. 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 No. 2642 LAND SURVEYOR ANGEL M. MARRERO

08-29-2016

A'NGEL 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

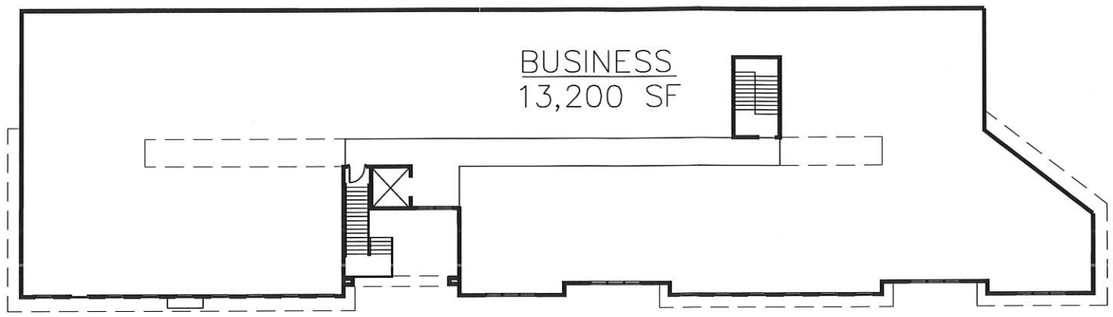
1/1

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



SECOND FLOOR PLAN

FRONT ELEVATION

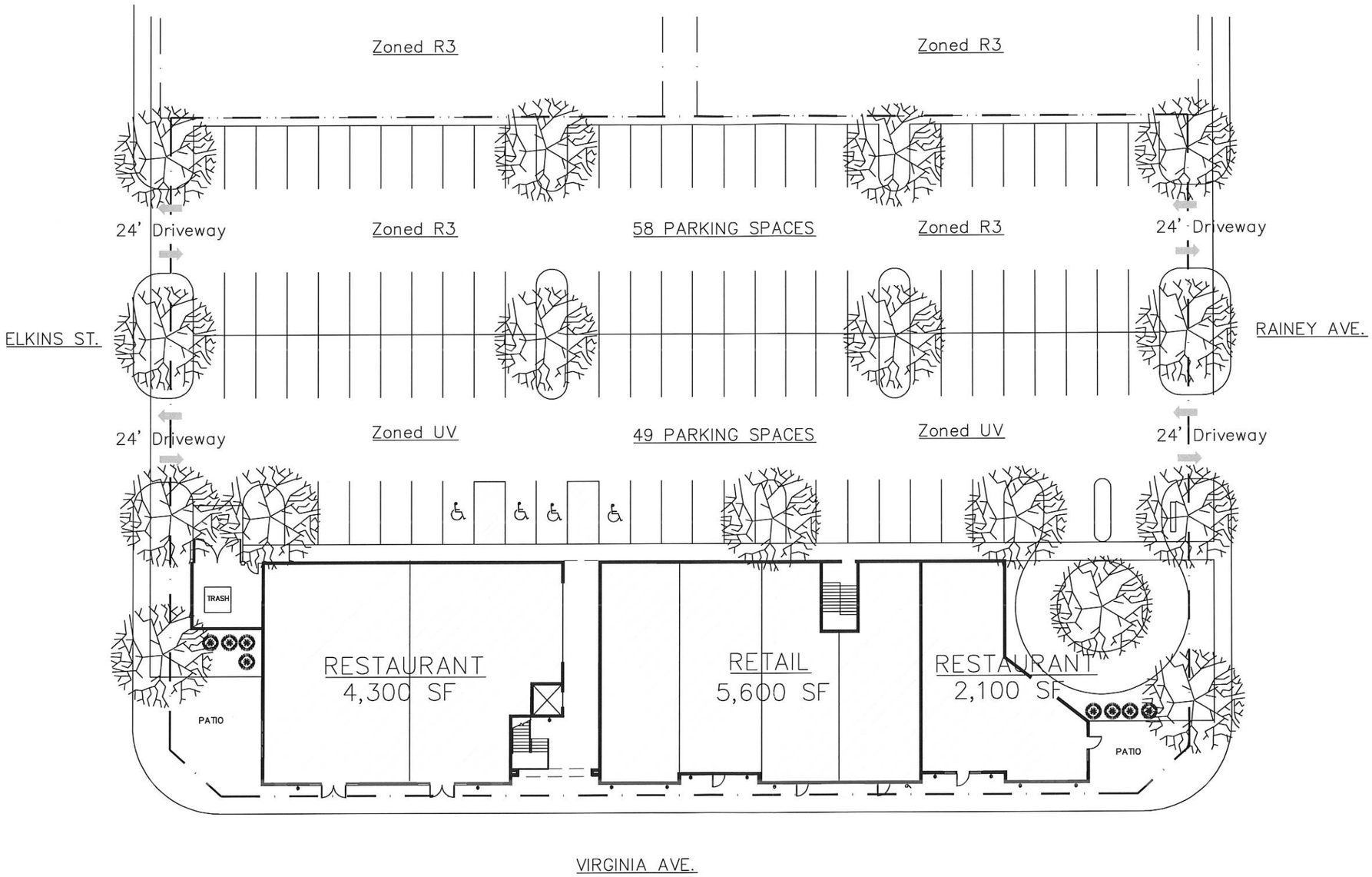
ALL DRAWINGS ARE THE INTELLECTUAL PROPERTY OF DANIEL L. LEMBERG

PERMIT SUBMITTAL	08-10-16
REVISIONS	DATE

MIXED USE DEVELOPMENT
HAPEVILLE
GEORGIA, USA

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

DRAWN
DLL
DATE
10-05-16
JOB NO.
2337
SHEET
A-2



CONCEPT MIXED USE SITE PLAN

SCALE 1"=20'-0"

OCT. 5, 2016

DELEVOPMENT DATA

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

PERMIT SUBMITTAL	08-18-16
REVISIONS	DATE

MIXED USE DEVELOPMENT

HAPEVILLE
GEORGIA, USA

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

DRAWN DLL
DATE 10-05-16
JOB NO. 2337
SHEET
A-1

ALL DRAWINGS ARE THE INTELLECTUAL PROPERTY OF DANIEL L. LEMBERG

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.

City of Hapeville
1891
GEORGIA
A Community with a Heart

Department of Planning & Zoning

M E M O R A N D U M

TO: Brian Wismer, Planning Commission Chairman

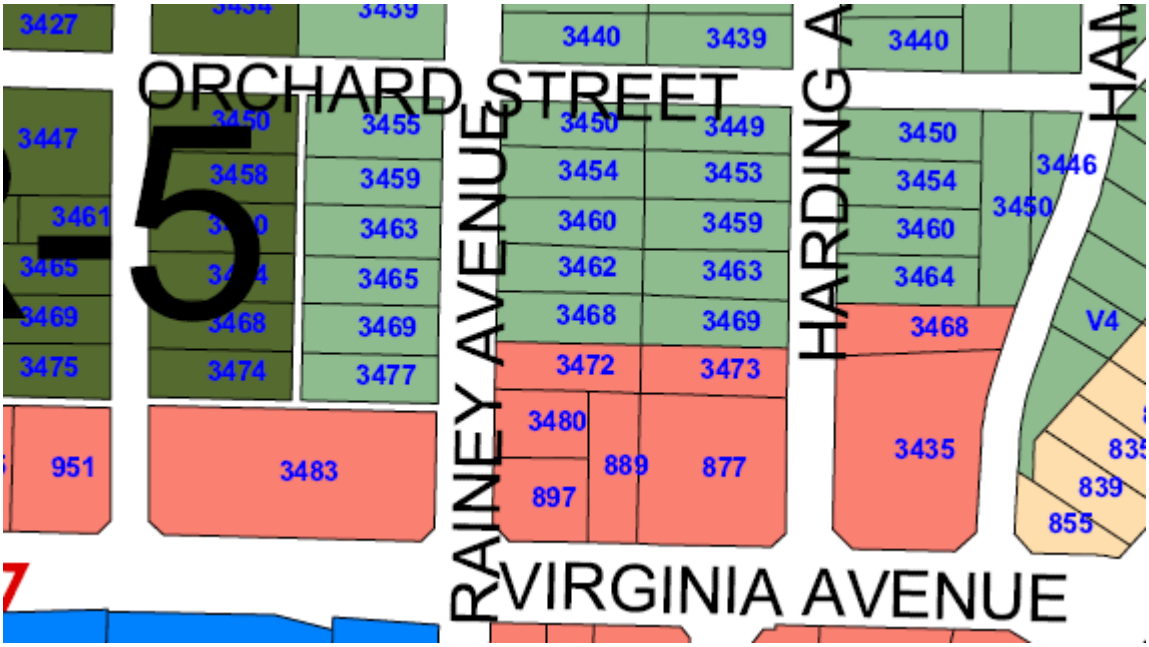
FROM: Bill Johnston, City Planner

SUBJECT: **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*."

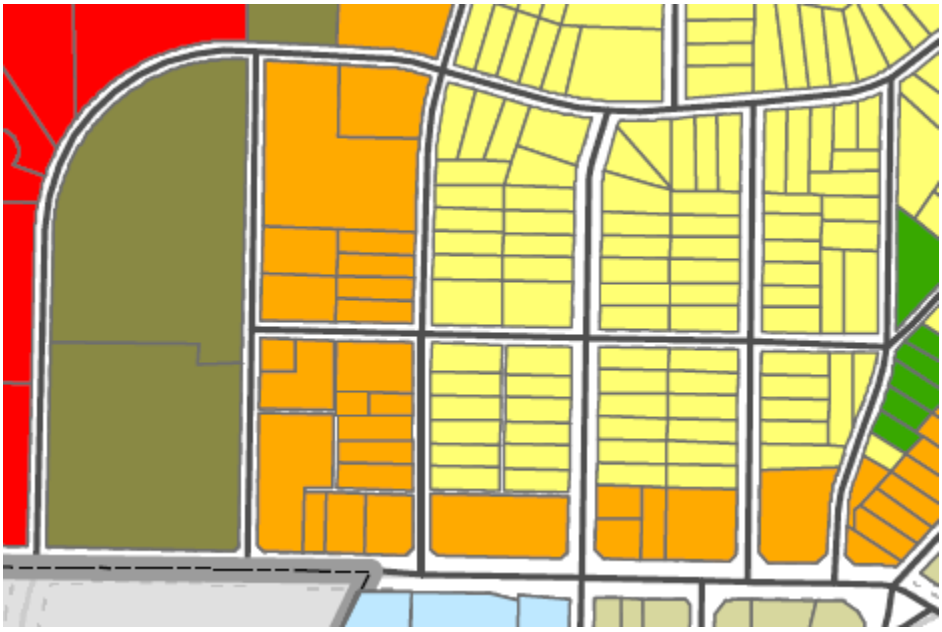
The Plan contains the following goals, objectives and strategies relevant to the rezoning application:

> **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."

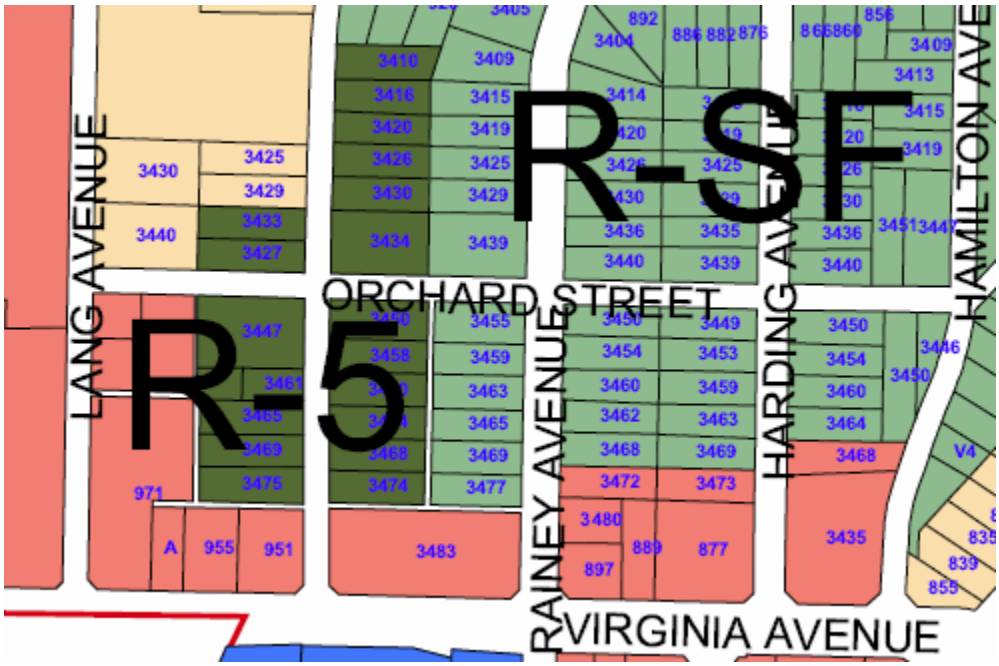
Future Development Map
Unlike the Future Land Use Map, the Future Development Map designates frontage properties along Virginia Avenue in this vicinity as "Mixed Use." The designation is limited to lots having frontage on Virginia with the single exception of 3480 Rainy the northern boundary of which 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.

Future Development Map Snip



Zoning Map Snip



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.

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.

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 overtaxing of the load one 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.

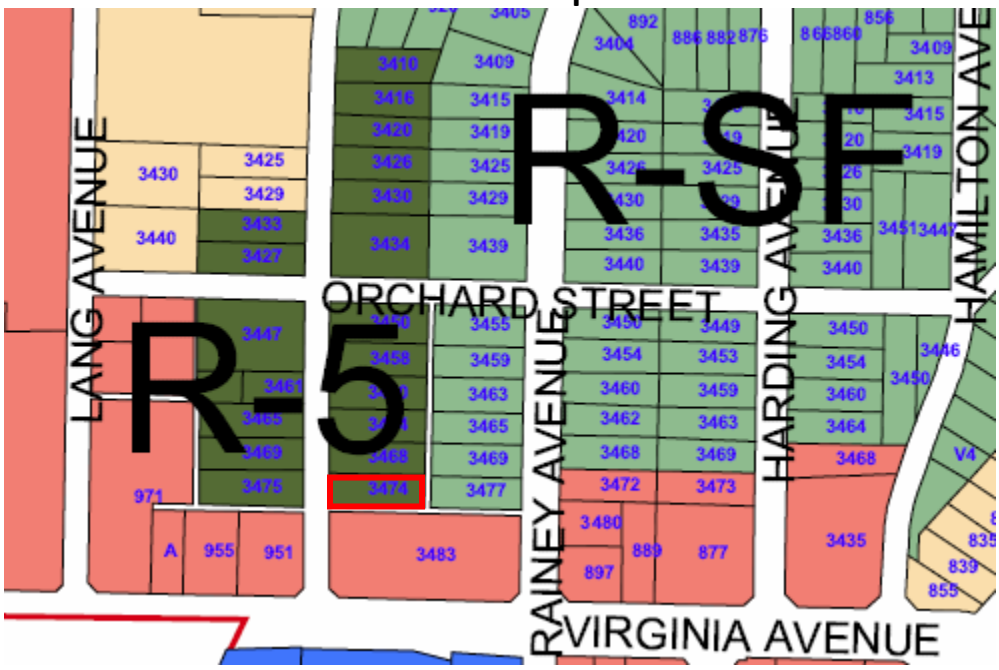
Consideration of the preservation of the integrity of residential neighborhoods shall be considered to carry great weight
The importance of preservation of neighborhoods is highlighted by the reservation of a 15-foot buffer when abutting a residential zone. A properly installed and maintained buffer 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

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

To:	**Hapeville Planning Commission, Hapeville City Council**
From: **Office**	**Mike Moffitt, P.E.** 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.

1891 Hapeville GEORGIA

A Community with a Heart

FIRE DEPARTMENT

DAVID BLOODWORTH
FIRE CHIEF

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 shoul need any more information, please let me know. Thanks.