# CITY OF HAPEVILLE **ECONOMIC DEVELOPMENT DEPARTMENT** PLANNING COMMISSION APPLICATION

Name of Applicant Rajesh A Patel	
Mailing Address: 3434 Browns Mill Road	
Telephone (404)564-1701 Mobile # Email_raj@apsilonhotels.com	
Property Owner (s) Venus Virginia Ave LLC	
Mailing Address 3434 Browns Mill Road	
Telephone (404) 564-1701 Mobile #	
Address/Location of Property: 925 Virginia Ave. Hapeville, GA 30354	
Parcel I.D. # (INFORMATION MUST BE PROVIDED): 14-0127-0004-037-7 &14-0127-0004-018-7	
Present Zoning Classification: Mixed Use Size of Tract: 1.22acre(s)	
Present Land Use: Vacant	
Please check the following as it applies to this application	
Site Plan ReviewConditional Use PermitTemporary Use Permit Other (Please State)  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. 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	nm
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: 11/19/2018	
Sworn to and subscribed before me  This 19 day of November, 2018, 1111 M. 184  Notary Public Paragraphic Sybrid Systems of the subscribed before me  A Notary Public Sybrid Systems of the subscribed before me  A Notary Public Sybrid Systems of the subscribed before me  A Notary Public Sybrid Systems of the subscribed before me  A Notary Public Sybrid Systems of the subscribed before me  A Notary Public Sybrid Systems of the subscribed before me  A Notary Public Sybrid Systems of the subscribed before me  A Notary Public Systems of the subscribed before me	

# CITY OF HAPEVILLE ECONOMIC DEVELOPMENT 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.)
We would like to modified perviously approved drive thru for this site. See attached layout of updated drive thru.
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<del></del>

## **CITY OF HAPEVILLE ECONOMIC DEVELOPMENT DEPARTMENT** PLANNING COMMISSION APPLICATION

# **AUTHORIZATION OF PROPERTY OWNER**

I CERTIFY THAT I AM THE OWNER OF THE PROPERTY LOCATED AT:	
925 Virginia 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 NAMBELOW TO ACT AS THE APPLICANT IN THE PURSUIT OF THIS APPLICATION FOR PLANNING COMMISSION REVIEW.	
Name of Applicant Rajesh A Patel	
Address of Applicant 3434 Browns Mill Road Atlanta, GA 30354	
Telephone of Applicant	
Signature of Own	er
Print Name of Own	 r
	GI
Personally Appeared Before Me this 19 day of November, 2018.  Notary Public  NOTARY  A STARY  OF THE STARY OF THE STARY  OF THE STARY	
The County in the	5

## 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 <u>must</u> contain the following information:

(Please <u>initial</u> each item on the list above certifying the all required information has been included on the site plan)

- 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.
- Site plans shall be submitted indicating project name, applicant's name, adjoining streets, scale, north arrow and date drawn.
- 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.
- PP 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).

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. 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. RP Existing and proposed grades at an interval of five (5) feet or less. 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). 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 Planting in parking areas should be (grass, ivies, etc.). included, as required in Section 93-23-18.

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.

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.

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.

Br	Provisions for both on-site and offsite storm-water drainage and detention related to the proposed development.
\$P	Location and size of all signs. Detached single-family residential development may be exempt from this

requirement.

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

proposed exterior building materials. Exterior elevatio should show <u>all</u> sides of a proposed building.

Site area (square feet and acres).

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.

Floor area in nonresidential use by category. Detached single-family residential development may be exempt from this requirement.

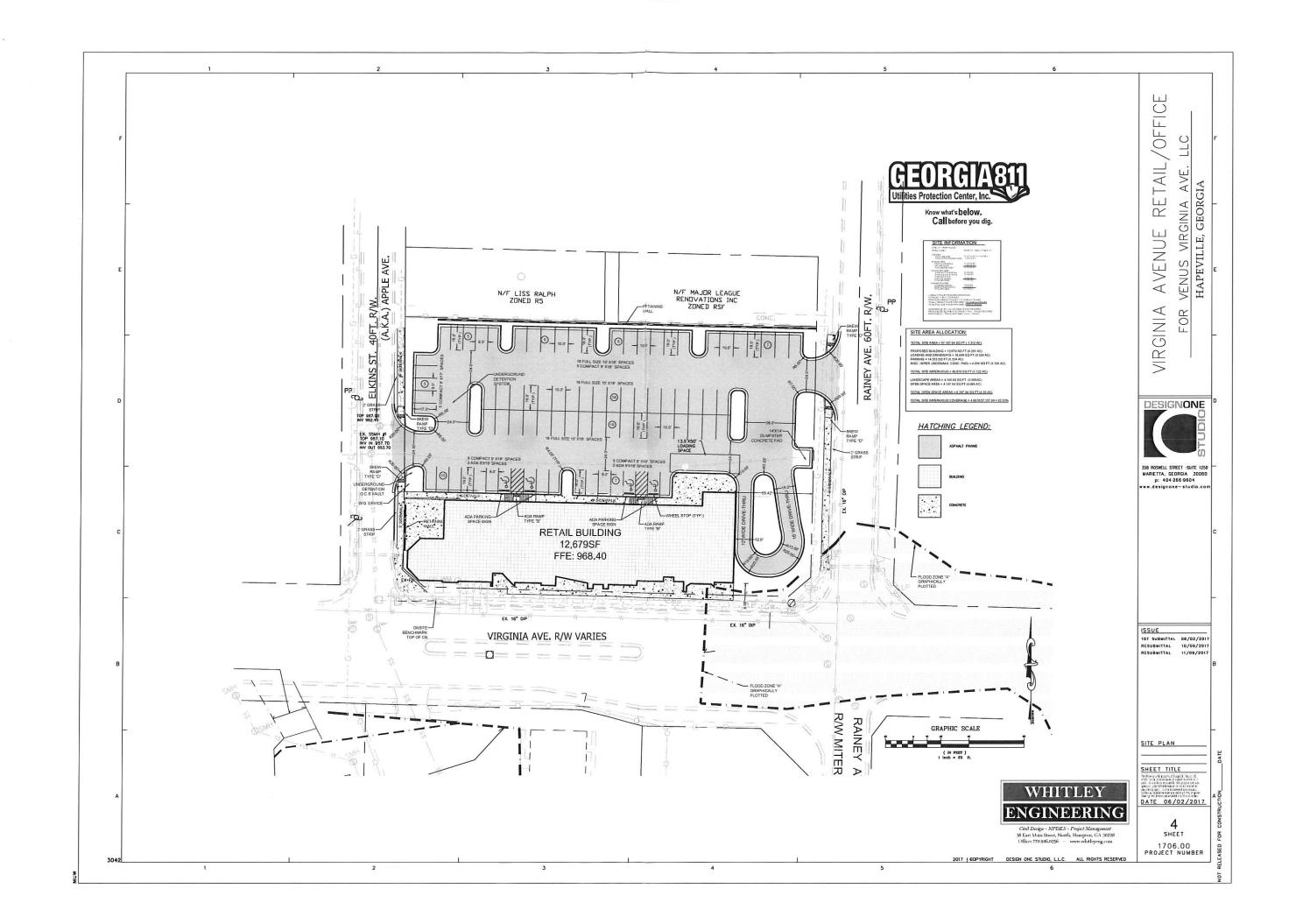
Total floor area ratio and/or residential density distribution.

Number of parking spaces, and area of paved surface for parking and circulation

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 <u>initial</u> each item on the list above certifying the all 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.

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LEGENDS OF SYMBOLS P.O.B. POINT OF BEGINNING
P.O.R. POINT OF REFERENCE
GM GAS MARKER/AGS METER
OOTP OPEN TOP PIPE
OIPP IRON PIN FOUND
OIPS IRON PIN SET 17278 REBAR W/ CAP
GRENNING TOP STATE OF THE SET 17278 REBAR W/ CAP
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OIP IN SET 17278 REBAR W/ CAP
OIPP THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF LOT #23, & #29 ONE FOOT IN 21,276 FEET, AND AN ANGULAR COFIELD INVESTMENTS COMPANY ERROR OF 5" PER ANGLE POINT, AND WAS PB. 4, PG. 14 ADJUSTED USING COMPASS RULE. IPF 1"OTP 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 PB. 4, PG. 14 60FT. R/W. LOT #24 PB. 4, PG. 14 LOT #30 288\*38'59\*E S 88\*38'59" E S 88\*38'59" E FENCE 0.16 ACRES #3474 32UOH .T2IX3 #3477 0.16 ACRES N 88\*38'59" W 143.44' ASPHALT PB. 4, PC. 14 10.0' ALLEY VAY BEDCK VALL FENCE BLOCK WALL FENCE 24.7 296.69°E (S) REF. NORTH D.B. 40821, PG. 2 N01\*06'54\*E S01\*06'54\*V WALL H.CURB N00\*00'57\*E #3883 #3883 N/F HAPEVILLE DEVELOPMENT AUTHORITY D.B. 40821, PG. 2 R/W. 0.90 ocres H HEIGHT
UE UNDERGROUND ELECTRIC
AC AIRCONDITION UNITS CO SMH CO NBB\*30'00'W EXIT. R/W JB / SDW OPP SMH S SMH VIRGINIA AVE. R/W VARIES S SMH S -FLOOD ZONE "A" (5) OUTSIDE GRAPHICALLY PLOTTED **ASPHALT** SDW LP \_\$-\$-LP OUTSIDE & OUTSIDE CONC. WALL SDW RAINEY #940 EXIT. R/W MITER GENERAL NOTES TOGETHER WITH ALL EASEMENTS RECORDED OR UNRECORDED.
 LAST DATE OF FIELD SURVEY 0B/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 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 BASED ON THE LOCATION OF ABOVE GROUND APPURTENANCES. AVAILABLE SITE PLANS, AND PAINT PLACED BY UNDERGROUND SERVICES. 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. "NO CERTIFICATION IS MADE AS TO THE ACCURACY"
5. ALL BEARINGS AND DISTANCES WERE MEASURED AND USED. REV. DESCRIPTION DATE **FLOOD NOTES** #18 ATLANTA ST. MCDONOUGH, GA 30253 SOUTHSIDE SURVEYING & PLANNING BASED ON THE INFORMATION SHOWN ON THE FLOOD HAZARD BOUNDARY MAPS FURNISHED BY FEMA, IT IS MY OPINION THAT THE PROPERTY SHOWN Phone: (770) 320-8009 No. 2644 LAND SAVEYOR LSF000831 Fax: (770) 320-8098 IS PARTIALLY INSIDE THE 100-YEAR FLOOD HAZARD AREA. BOUNDARY SURVEY FOR: PANEL# 13121C0366F DATED 09/18/2013 VENUS VIRGINIA AVE., LLC. \*\* PURSUANT TO RULE 180-6.09 OF THE GEORGIA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS, THE 11/30/16 CITY OF HAPEVILLE 14TH Dist Land Lot 127 FULTON County, GA M. MARE 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. Drawn By: AMM Scale: 1"=40' A'NGFI M. MARRERO R.I.S. #2642 Certified Design Professional # 4479 Dwg No: 2-1607100A Date: 08/29/2016



#### PLANNER'S REPORT

TO: Adrienne Senter FROM: Lynn Patterson

RE: Special Exception Request for 917 Virginia Ave

DATE: December 7, 2018

#### **BACKGROUND**

Raj Patel, applicant and developer, has submitted a revised plan for the 22,000 sf mixed- use commercial/retail building. The building will be two stories with 13,000 sf of retail on the first floor and 9,000 sf of office space on the second floor. The site plan calls for a side drive-through window to accommodate a national food chain as part of the overall project. The property is accessed from Virginia Ave, Rainey Avenue, and Elkins Street with curb cuts only on Rainey Avenue and Elkins Avenue. Eighty-two parking spaces are provided. The property is zoned U-V, Urban Village and is subject to the Commercial Mixed Use Area requirements of the Architectural Design Standards.

The proposed project will front Virginia Avenue with a 5' setback adjacent to an existing sidewalk. The purpose of this design is to create infill along Virginia Avenue that is pedestrian friendly and creates a visual cue of desired retail and commercial activity. Parking is located to the rear of the building.

Though staff worked with Mr. Patel and his design team to re-orient the drive-through window to the rear and allow for stacking within the site and not onto Rainey, the national tenant has indicated that the queueing is not sufficient and has requested an alternate drive-through location (side). The City recently adoped a zoning text amendment regarding restaurants and drive-throughs. For the U-V zoning district,

(9) Restaurants or carryout restaurants but not including drive-through/drive-in restaurants with a maximum size of 6,000 square feet. Such restaurants shall be allowed to operate no more than six billiard tables upon the premises. Drive-through or drive-in restaurants may be allowed through special permit. The desired configuration for a drive-through or drive-in restaurant in this district is not a standalone building but rather part of a larger development and the site plan specifically addresses pedestrian orientation and safety.

The proposed re-location of the proposed drive-through is to the side. The drive-through is located 50'+ from both Rainey and Virginia Avenue. No pedestrians would cross the drive-through lanes and would not conflict with pedestrian accessibility nor create an environment not reminiscent of fast food row. The applicant is proposing additional landscaping to screen the queueing lanes and drive-through.

Through the Special Exceptions section of the Code of Ordinances, Mayor & Council can grant location of drive through windows with a recommendation from the Planning Commission.

### CODE

## Sec. 93-24-10. - Special exceptions.

- (a) Special exceptions and special property use permits shall be decided by the mayor and council.
- (b) The planning commission shall review and make nonbinding recommendations to the mayor and council on special exceptions and special property use permits.
- (c) Special exceptions may be sought for:
  - (3) Location and number of drive-throughs.

When acting upon an application for a special exception, in addition to the requirements listed under the above references, the planning commission and the mayor and council shall give consideration to the following factors where applicable:

- (1) The proposed design and location of the particular development;
- (2) The possible traffic generating characteristics of the proposed development;
- (3) The effects the proposed development will have on the present or intended character of the area in which it proposes to locate;
- (4) The availability of public utilities, facilities and services; and
- (5) The character, and effect of the parking demands of the proposed development.
- (e) After considering the above-listed factors and after reviewing the planning commission recommendation, the mayor and council shall take any actions or establish any reasonable conditions of approval, such as planted buffers, as will accomplish the intent and purpose of this chapter.

## **RECOMMENDATION**

Given the location and character of the proposed development as a project encompassing more than the single restaurant (see definition above) and the previous special exceptions granted by the Mayor & Council, staff recommends the modification of the previously approved special exception to locate the drive-through to the side of the building. This will enable the applicant to secure a national brand and service the community while maintaining the intent of the U-V zoning.



Location Map 917 Virginia Avenue