

18-PC-07-25

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

Name of Applicant Philip Jones

Mailing Address: 2840 Peachtree Rd unit 104, Atlanta, GA, 30305

Telephone \_\_\_\_\_ Mobile # \_\_\_\_\_ Email: \_\_\_\_\_

Property Owner (s) Southeastern Pizza Real Estate Company Two LLC

Mailing Address 2 Wharfside ST BLDG 2-0, Charleston, SC 29401

Telephone \_\_\_\_\_ Mobile # \_\_\_\_\_

Address/Location of Property: 876 Virginia Ave

Parcel I.D. # **(INFORMATION MUST BE PROVIDED):** 14- 0098-0001-069-8

Present Zoning Classification: UV Size of Tract: .434 acre(s)

Present Land Use: Pizza Hut Drive Thru

Please check the following as it applies to this application

- Site Plan Review
- Conditional Use Permit
- Temporary Use Permit
- Other (Please State) \_\_\_\_\_

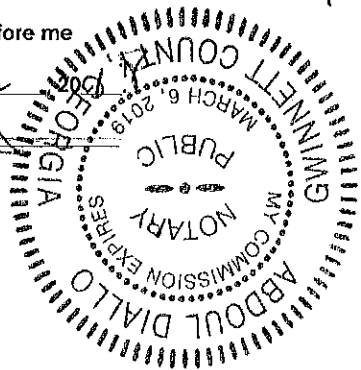
I hereby make application to the City of Hapeville, Georgia for the above referenced property. I do hereby swear or affirm that the information provided here and above is true, complete and accurate, and I understand that any inaccuracies may be considered just cause for invalidation of this application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

[Signature]  
Applicant's signature  
Date: 6/13/18

Sworn to and subscribed before me

This 13<sup>th</sup> day of June

\_\_\_\_\_  
Notary Public





**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:  
876 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 NAMED BELOW TO ACT AS THE APPLICANT IN THE PURSUIT OF THIS APPLICATION FOR PLANNING COMMISSION REVIEW.**

**Name of Applicant Philip Jones**

**Address of Applicant  
1166 Virginia Ave Ste E, Hapeville, GA 30354**

**Telephone of Applicant  
\_\_\_\_\_**

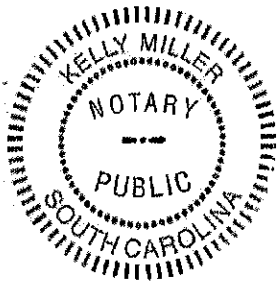
  
\_\_\_\_\_  
Signature of Owner

Warren B. Nelson  
Print Name of Owner

Personally Appeared Before Me this 27<sup>th</sup> day of June, 2018.

  
\_\_\_\_\_  
Notary Public

My Commission Expires  
January 24, 2021



**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:

(Please **initial** each item on the list above certifying the all required information has been included on the site plan)

X

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.

X

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.

\_\_\_\_\_

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 siting 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.

\_\_\_\_\_ 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 (grass, ivies, etc.). Planting in parking areas should be included, as required in Section 93-23-18.

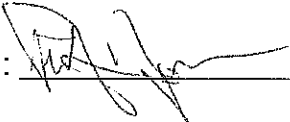
\_\_\_\_\_ The proposed general use and development of the site, including all recreational and open space areas, plazas and major landscape areas by function, and the general location and description of all proposed, outdoor furniture (seating, lighting, telephones, etc.). Detached single-family residential 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.

- \_\_\_\_\_ Provisions for both on-site and offsite storm-water drainage and detention related to the proposed development.
- \_\_\_\_\_ 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 should show all 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 initial 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.

Applicant Signature:  \_\_\_\_\_  
Date 6/12/18

## LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 98 of the 14<sup>th</sup> Land District of Fulton County, Georgia, and being more particularly described as follows:

Beginning at the corner formed by the intersection of the easterly Right of Way line of Oak Ridge Avenue with the southerly Right of Way line of Virginia Avenue, Thence run easterly along the southern Right of Way of Virginia Avenue South 88 Degrees 58 Minutes 18 Seconds East a distance of 25.09 feet to a point,

Thence North 00 Degrees 59 Minutes 49 Seconds East a distance of 4.00 feet to a 0.5" RBF,

Thence run South 89 Degrees 00 Minutes 11 Seconds East a distance of 54.98 feet to a 0.5" RBS, located on the southern R/W of Virginia Avenue,

Thence leaving said Right of Way run South 00 Degrees 22 Minutes 02 Seconds West a distance of 189.51 feet to a point,

Thence run North 88 Degrees 14 Minutes 23 Seconds West a distance of 2.08 feet to a 0.5" RBF,

Thence run North 89 Degrees 22 Minutes 37 Seconds West a distance of 103.25 feet to a Disk, Right of Way Monument, located on the eastern Right of Way line of Oak Ridge Avenue,

Thence run North 02 Degrees 11 Minutes 45 Seconds East a distance of 10.03 feet to a point,

Thence run North 00 Degrees 33 Minutes 26 Seconds East a distance of 32.17 feet to a point,

Thence run South 86 Degrees 20 Minutes 39 Seconds East a distance of 0.93 feet to a point,

Thence run North 00 Degrees 46 Minutes 05 Seconds East a distance of 53.89 feet to a 0.5" RBF,

Thence run North 89 Degrees 36 Minutes 02 Seconds East a distance of 4.08 feet to a point,

Thence run North 00 Degrees 49 Minutes 14 Seconds East a distance of 57.32 feet to a 0.5" RBF,

Thence run North 18 Degrees 38 Minutes 20 Seconds East a distance of 17.96 feet to a point,

Thence run North 41 Degrees 10 Minutes 35 Seconds East a distance of 20.38 feet to a point, said point being the True Point of Beginning.

Land Area = 0.434 AC

The End

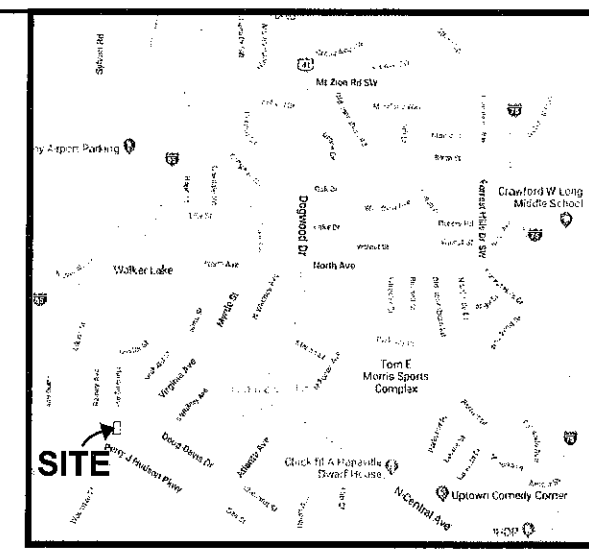
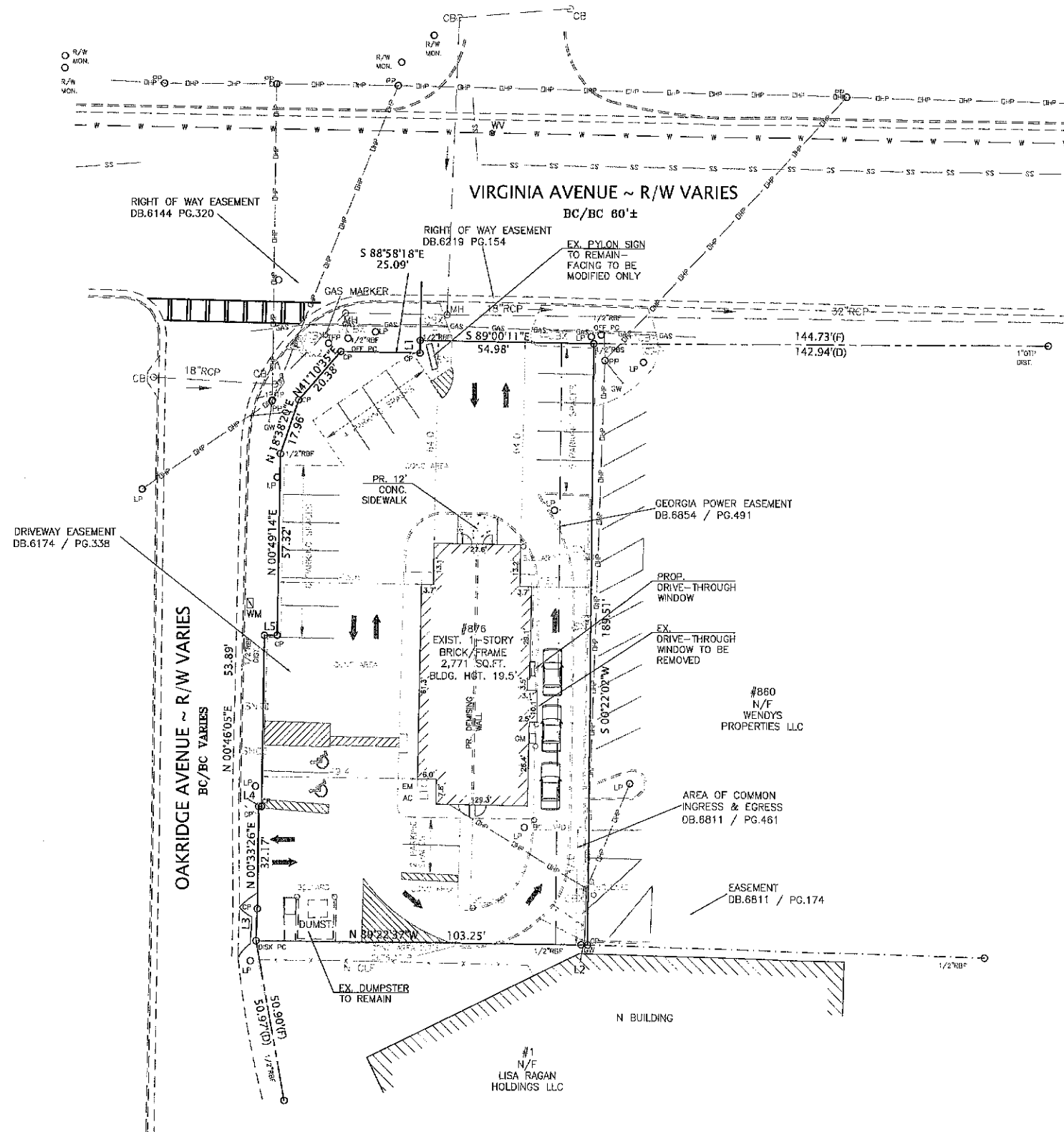




BASED ON THE INFORMATION SHOWN ON THE FLOOD HAZARD BOUNDARY MAPS FURNISHED BY THE DEPT. OF HUD THROUGH THE FEMA IT IS MY OPINION THAT THE PROPERTY SHOWN HEREON IS INSIDE OF A ZONE A FLOOD PLAIN.

COMMUNITY PANEL #13121C 0306F

DATED: SEPTEMBER 18, 2013



**SITE DATA:**

PROPERTY ADDRESS: 878 VIRGINIA AVENUE, HAPEVILLE, GA 30354

TAX PARCEL ID. NO.: 14-0098-0001-069-8.

PROPERTY ZONING: UV (URBAN VILLAGE).

LOT SIZE: 18,804 SF (0.43 AC).

BUILDING SIZE: 2,771 SQUARE FEET.

BUILDING SETBACKS: FRONT- 0' (BUILD-TO-LINE), SIDE- 0', REAR- 0'.

PROPOSED BUILDING USE: RESTAURANT.

REQUIRED PARKING: 9 SPACES (3 SPACES FOR EVERY 1,000 SF. OF ENCLOSED RESTAURANT FLOOR AREA) 2,771 SF / 1,000 = 2.77(3) X 3 = 9.

EXISTING PARKING: 19 SPACES (INCLUDES 2 HIC SPACES).

**NOTES:**

- THE EXISTING PIZZA HUT 2,771 S.F. WITH DRIVE THRU IS BEING REMOVED.
- THE EXISTING SITE DRAINAGE SHEET FLOWS TOWARDS VIRGINIA AVE.
- THERE IS NO APPARENT EXISTING DETENTION POND.
- THE PROPOSED AREA OF REDEVELOPMENT IS LESS THAN 5,000 SF. THEREFORE, NO DETENTION OR WATER QUALITY REQUIREMENTS WILL BE REQUIRED.
- THERE IS NO PROPOSED GRADING TO BE PERFORMED.
- THE EXISTING PYLON SIGN IS TO REMAIN AND FACING TO CHANGE FROM PIZZA HUT TO SMOOTHIE KING.

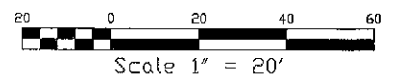
Course	Bearing	Distance
L1	N 00°59'49" E	4.00'
L2	N 88°14'23" W	2.08'
L3	N 02°11'45" E	10.03'
L4	S 86°20'39" E	0.93'
L5	N 89°36'02" E	4.08'

**OWNER/DEVELOPER:**

24 HOUR CONTACT  
PHILIP JONES  
VANCOLE INVESTMENTS, INC.  
dba SMOOTHIE KING  
1155 Virginia Ave. Sta. E  
Hapeville, GA, 30354  
PH: 404-915-7458

**LEGEND**

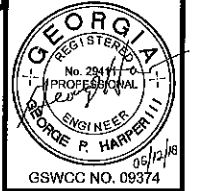
P.O.B. POINT OF BEGINNING	EXISTING EX.
P.O.R. POINT OF REFERENCE	PROPOSED PR.
O.T.P. OPEN TOP PIPE	TREE PROTECTION FENCING TPF
I.P.F. IRON PIN FOUND	PR. FIRE HYDRANT
I.P.S. IRON PIN SET	PR. FIRE HYDRANT
PL. PROPERTY LINE	EX. FIRE HYDRANT
C.M.F. CONCRETE FOUNDATION FOUND	EX. WATER VALVE
L.L.L. LAND LOT LINE	EX. WATER VALVE
B.O.C. BACK OF CURB	PR. WATER VALVE
E.O.P. EDGE OF PAVEMENT	PR. WATER VALVE
T.W. TOP OF WALL	WATER METER
B.W. BOTTOM OF WALL	WATER METER
D.E. DRAINAGE EASEMENT	ELECTRIC BOX
S. SANITARY SEWER MANHOLE - SA	FLARED END SECTION
JUNCTION BOX (JB)	SANITARY SEWER LINE
DOUBLE-WING CATCHBASIN (DWCB)	WATER LINE
SINGLE-WING CATCHBASIN (SWCB)	WATER LINE
DROP INLET (DI)	SIGN
HEADWALL	FENCE
DRAINAGE FLOW	LT-DUTY ASPHALT PAVING
LIGHT POLE (LP)	HEAVY-DUTY ASPHALT PAVING
POWER POLE (PP)	



**Paramount**  
ENGINEERING, LLC

PH: (770)-475-9578  
george@paramountengineering.com

11 E. BROAD ST.  
NEWNAN, GA. 30263



REV.	DATE:	DESCRIPTION:

DRAWING NO: 280608 - SMOOTHIE KING

**PROJECT:** SMOOTHIE KING

**SHEET:** CITY OF HAPEVILLE  
14TH DISTRICT  
FULTON COUNTY

DATE: 06/12/2018

DRAWN BY: GPH

SCALE: 1" = 20'

**SHEET**  
C1

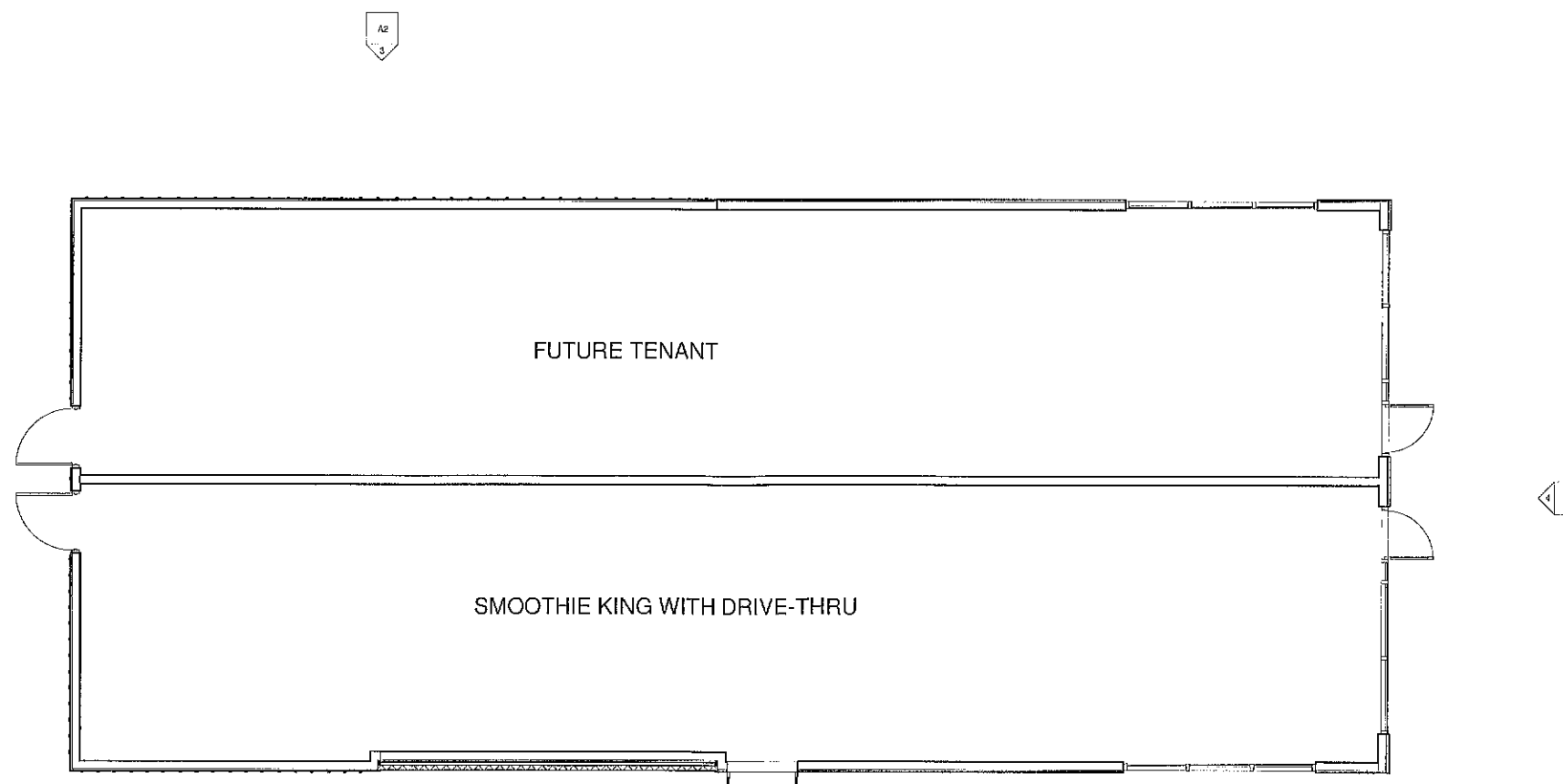


**TREY LUCAS  
ARCHITECTURE**

324 Eastland Drive  
Decatur, GA 30030  
c: 403.307.0771  
trey@treylucas.com

Philip Jones  
Jones philip29@hotmail.com  
c: 404.915.7458

**SMOOTHIE KING 913**  
876 Virginia Avenue,  
Hapeville, GA 30354



Level 1  
1/4" = 1'-0"

**DESIGN DEVELOPMENT**

No.	Description	Date

**FLOOR & ROOF  
PLANS**

Project Number	Project Number
Date	6.12.18
Drawn By	Author
Checked By	Checker

**A1**

Scale 1/4" = 1'-0"

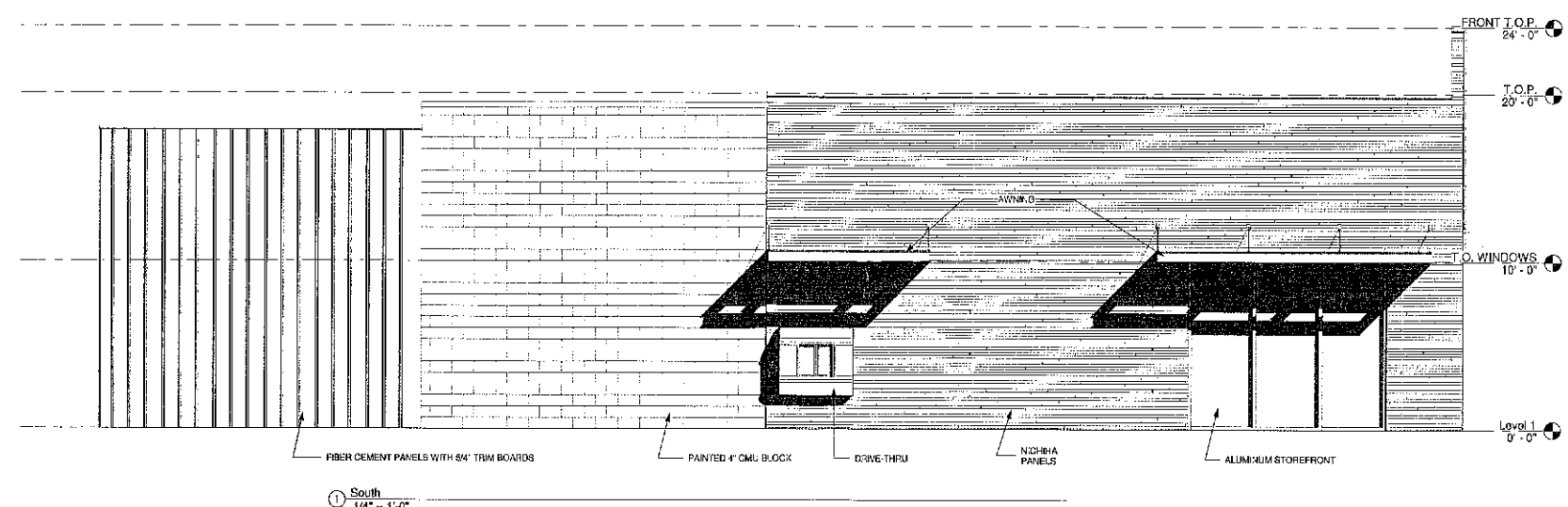
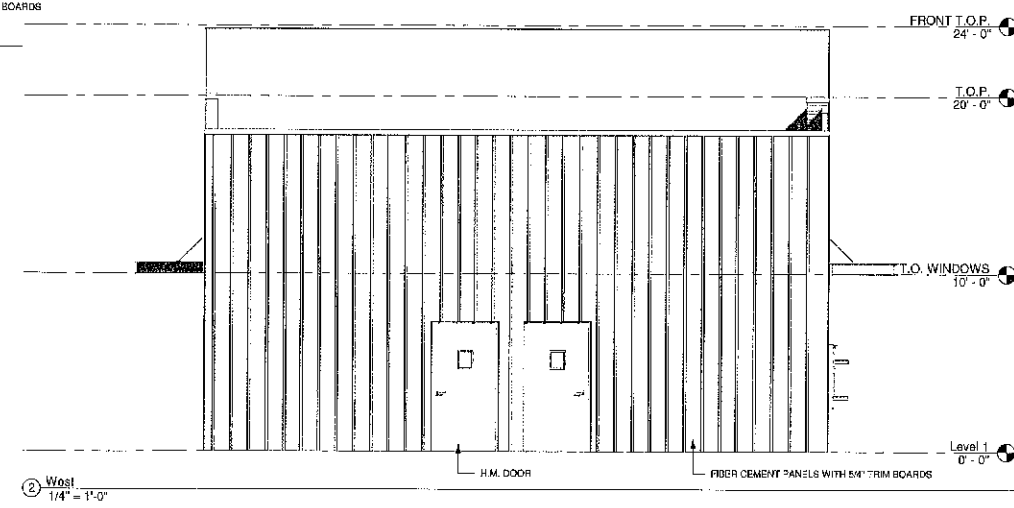
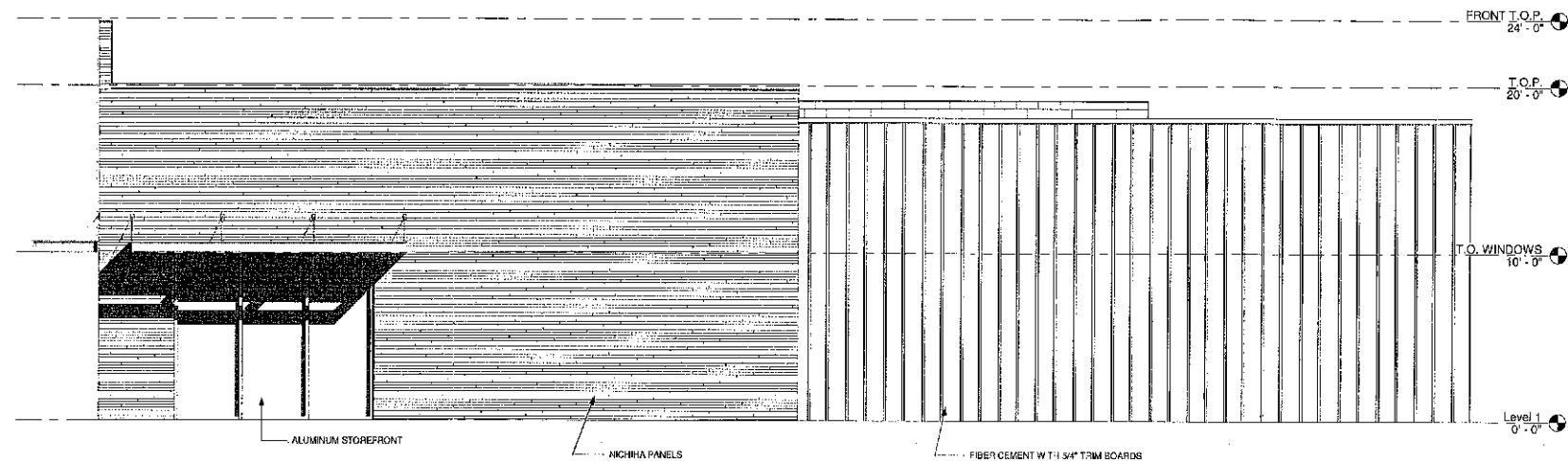
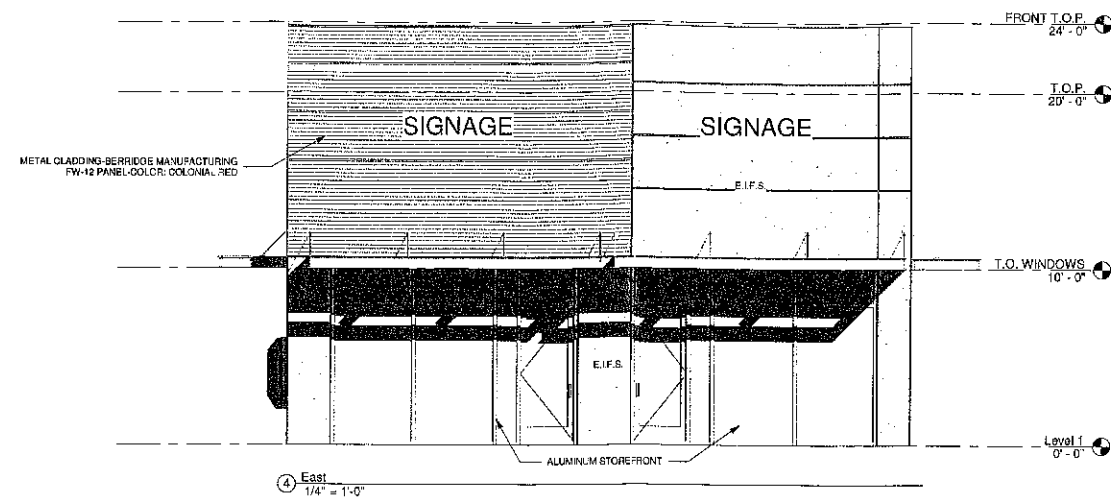


**TREY LUCAS  
ARCHITECTURE**

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Philip Jones  
Jones philip29@hotmail.com  
c: 404.915.7458

SMOOTHIE KING 913  
876 Virginia Avenue,  
Hapeville, GA 30354



DESIGN DEVELOPMENT

No.	Description	Date

EXTERIOR  
ELEVATIONS

Project Number	Project Number
Date	6.12.18
Drawn By	III
Checked By	III

**A2**

Scale 1/4" = 1'-0"



**DEPARTMENT OF PLANNING AND ZONING  
PLANNER'S REPORT**

**DATE:** July 3, 2018  
**TO:** Mayor and Council  
**FROM:** David E. Rast  
**VIA:** Lynn M. Patterson  
**RE:** **Site Plan Review/ Special Exception Request – 876 Virginia Avenue (18-PC-07-25)**

**BACKGROUND**

The City of Hapeville has received a site plan application from Mr. Philip Jones for a 0.34-acre tract of land located at the intersection of Virginia Avenue and Oakridge Drive. The site is currently developed with a freestanding Pizza Hut restaurant building and associated parking. The Applicant desires to renovate the existing, 2,771 SF building and establish a retail building with two tenants. As proposed, one of the tenant spaces would include a drive-thru window on the east side of the building (adjoining 860 Virginia Ave). The applicant has indicated there was a drive through window previously utilized on this property. There are no changes proposed to the existing driveways, parking configuration or internal vehicular circulation patterns.

The property is zoned U-V, Urban Village and is subject to the Commercial/ Mixed-Use Area requirements of the Architectural Design Standards.

**REVIEW**

The following code sections are applicable to this application:

**ARTICLE 11.2. - U-V ZONE (URBAN VILLAGE)**

**Sec. 93-11.2-1. - Intent.**

The U-V district is established in order to:

- (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.

**Sec. 93-11.2-3. - Permitted uses.**

- (9) Restaurants, grills, cafes, taverns and similar eating and drinking establishments with a maximum size of 6,000 square feet, but excluding drive-in restaurants, fast food restaurants, or restaurants in which patrons are not served exclusively seated or standing at a counter. Such restaurants, grills, cafes, taverns and similar eating and drinking establishments shall be allowed to operate no more than six billiard tables upon the premises.

**Sec. 93-22.1-1. - Chart of dimensional requirements**

Dimensional Requirements for **U-V Zoning** are as follows:

Development Type	Lot Frontage (FT)	Min. Lot Area (SF)	Lot Area/ DU (SF)	Bed/ Bath Required	Floor Area/ DU (SF)	Max. Lot Coverage (%)	Minimum Front Yard Setback		Minimum		Maximum	Feet	Min. Parking Spaces	Max. Unit/ Bldg. Lot
							Minor Col.	Maj. Arterial	Side	Rear	Stories			
Non-residential	20	2,000				90	0/15	0/15	0	0	4g.	64g.	1 DU	

*g. Buildings over four stories or 64 feet in height must be approved by the Planning Commission and the fire chief to ensure that fire safety standards are met. One off-street loading area for every 10,000 SF.*

**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:
  - (1) Reduction of the number and size of parking spaces and off-street loading space requirements;
  - (2) Location of off-street parking space and off-street loading spaces; and
  - (3) Location and number of drive-throughs.
- (d) 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.

*Considerations:*

*The drive-through configuration is existing but no longer in use. The drive-through is located on the eastside facing the adjacent property (Wendy's) and away from the right-of-way along Oakridge Avenue.*

*The particular proposed use (Smoothie King) is considered a "fast food restaurant, or restaurant in which patrons are not served exclusively seated or standing at a counter" which is not permitted in the U-V zoning district.*

*Note: There is a Wendy's located adjacent to this property with a drive-through and Schlotzsky's is across the street. These were approved prior to the institution of the U-V Code (1994 and 1999, respectively) and are considered non-conforming uses.*

*The definition of fast food in the Code is somewhat ambiguous and restrictive.*

*Drive-in/fast food restaurants will increase the traffic generated in this area, which is in opposition to the goal of the U-V zoning district intent to encourage pedestrian and neighborhood uses in the commercial area; and discourage land uses that are automobile or transportation-related.*

*The location of the property is in the Virginia Avenue Gateway. This Gateway is identified in the adopted LCI as a main entry corridor to Hapeville. The purpose of this node is to create a welcoming gateway into Hapeville that showcases the office, hotel and mixed-use potential along Virginia Avenue and provides a smooth transition and wayfinding into downtown Hapeville.*

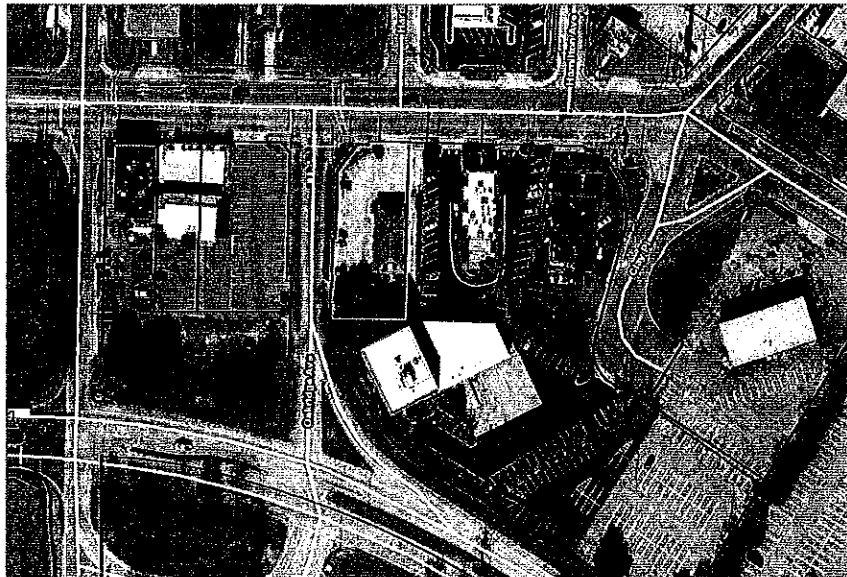
- (e) After considering the above-listed factors and after reviewing the planning commission recommendation, the mayor and council shall take any actions or establish any reasonable conditions of approval, such as planted buffers, as will accomplish the intent and purpose of this chapter.

### **RECOMMENDATION**

Taking into consideration the location of the subject tract, current zoning code and permitted/non-permitted uses, intent of the U-V district and the adopted LCI Gateway nodes, Staff cannot recommend that the Special Exception request as submitted to permit a drive-through window for a fast-food restaurant on the property be approved.

The Planning Commission may consider the following to address the increased desire for “fast food restaurants” and/or restaurants with drive-throughs in Hapeville, particularly in the gateways:

- Require any special exception recommendation with a drive-through to include significant landscaping, outdoor seating and pedestrian friendly features with the application.
- Recommend a text amendment to the Zoning Code that would further define restaurants as “restaurant”, “carry-out restaurant” and “restaurants with drive throughs”.
- Recommend a text amendment to the Zoning Code that would require restaurants with drive-throughs to obtain a conditional use permit.
- Recommend a text amendment to the Zoning Code for the “restaurant with drive throughs” to have specific drive through locations and access, landscaping, outdoor seating, and pedestrian safety requirements.



**Location Map - 876 Virginia Avenue**