



Board of Appeals Meeting

700 Doug Davis Drive
Hapeville, GA 30354

September 23, 2021 6:00 PM

Agenda

1. Call to Order

2. Roll Call

Michael Simpson, Chairman
John Stalvey, Vice Chairman
Rod Mack
Jason Morris
William Slocumb
Melanie Williams

3. Approval of Minutes

3.I. Minutes of May 27, 2021

4. Public Hearing

4.I. 300 Porsche Avenue Variance Requests

Background:

Daniel Barcham of Porsche Cars North America, Inc. submitted a variance requests to (1) to increase the driveway width, (2) allow temporary parking between the building and the front property line, (3) obtain temporary relief from the landscape requirements for vehicular use areas during site construction, and (4) allow the installation of a chain link fence along the public right-of-way for the property located at One Porsche Drive, Parcel Identification Numbers 14-0096-LL0593 and 14-0096-LL0619. The properties are zoned B-P, Business Park, and are subject to the zoning regulations under Sections 93-23-2(a), 93-18-5(2)(b), 93- 23-18, and 93-2-5(4)(b).

Staff Comments:

Applicant Comments:

Public Comments:

Documents:

1. Application - 300 Porsche Avenue_Variance_Redacted
2. Plans - 300 Porsche Avenue_Conceptual Site Plan Review
3. Planners Report One Porsche Phase I
4. Legal Adv. 9-23-2021_Board of Appeals

5. New Business

5.I. Meeting Rules and Procedures Text Amendment

Background:

Consideration of an Ordinance to amend Chapter 2 (Administration), Article 2 (Mayor and Council), Section 2-2-5 (Rules and procedures of Mayor and Council) to provide for appropriate rules and procedures for the City Council meetings.

Documents:

1. Ordinance - Rules for Order (02088533-3)
2. Planner's Report Text Amendment Public Comments

6. Next Meeting Date - October 28, 2021

7. Adjourn



Chairman, Michael Simpson
Vice Chairman, John Stalvey
Rod Mack
Jason Morris
Martha Revelo
William Slocumb
Melanie Williams

Board of Appeals Meeting

700 Doug Davis Drive
Hapeville, Georgia 30354
May 27, 2021 6:00 PM

MINUTES

1. Called to Order at 6:01 PM.

2. Roll Call

Michael Simpson, Chairman
John Stalvey, Vice Chairman – teleconference
Rod Mack
Jason Morris
Martha Revelo – absent
William Slocumb – absent
Melanie Williams

3. Approval of Minutes

3.I. Minutes of April 22, 2021

MOTION ITEM: Rod Mack made a motion, Melanie Williams seconded to approve the minutes of April 22, 2021 as submitted.

John Stalvey recused himself from the following item:

4. Public Hearing

4.I. 748 Virginia Avenue

Variance Request

Background:

Audrey Plummer of Source Urbanism and representative for the Hapeville Development Authority requested variances to reduce the setback from 15' to 1- 6" on Virginia Avenue, reduce the setback along the east property line from 15' to 5'6", and reduce the parking requirement from 16 spaces to 11 spaces, increase the lot coverage from 70% to 81%, allow for reduced parking buffer to less than 5' and reduction in the sidewalk width for the property located at 748 Virginia Avenue, Parcel Identification Number 14-0098-0006-001-6. The property is zoned V, Village and is subject to the zoning regulations under Sections 93-11.1-6 (Area, placement, and buffering requirements) and 93-22.1-1 (Chart of dimensional requirements) and 93-23-2 (Entrance and exit points) of the City of Hapeville Zoning Ordinance.

Staff Comments:

City Planner, Dr. Lynn Patterson, stated the project is a redevelopment of an existing historic gas station to an arts center with a renovation of and addition to the existing building and an

open space in the supplemental area. The site conditions include almost 100% lot coverage, an existing building, and encroachment of the existing building on the east side.

The applicant received conditional approval for the Site Plan from the Planning Commission on April 13, 2021 and conditional approval from the Design Review Committee on April 21, 2021 with recommendations from both Boards to grant the requested variances.

Per Sec. 87-3-3. – Powers and duties.

(2) *Variances.* To authorize, upon appeal in specific cases, those variances from the provisions of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter will, in an individual case, result in unnecessary hardship, so that the spirit of this chapter shall be observed, public safety and welfare secured and substantial justice done. A variance may be granted in any individual cases of practical difficulty or unnecessary hardship only upon a finding by the board of appeals that:

- a. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;

The property is located at the intersection of Virginia Avenue and South Central Avenue.

The existing building encroaches into the west side setback. This condition will not change.

The site currently consists of the building and asphalt. The 81% would be a reduction in the existing coverage, but still allow for a hardscaped open space gathering, parking and the building.

The location of the building limits the location of the parking to the rear of the site or in the supplemental area, which is not allowed by the City's Architectural Design Standards*. The Design Review Committee granted an exception for supplemental parking to allow for handicapped space.

- b. The application of this chapter to this particular piece of property would create an unnecessary hardship;

Renovating the existing historic building limits some of what can be accomplished on the site thereby created an unnecessary hardship or violating other parts of the Code.

- c. Such conditions are peculiar to the particular piece of property involved; and

This particular property, because of its location on a prominent intersection, proximity to the downtown area, and the desire to bring back the historical elements of the existing building create unique conditions to support the requested variances.

- d. Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of this chapter.

Relief would not cause substantial detriment to the public.

Recommendation:

The Design Review Committee, Planning Commission and staff recommendation is to grant the five variances as requested.

Rod Mack asked if the plan included preserving the existing trees. Ms. Plummer stated they will preserve the existing trees, however because they are impacted by the existing asphalt they do not count towards the required density. They will be adding three trees within the plaza and six street trees. Mr. Mack asked if there was a plan for overflow parking. Ms. Plummer stated the plan includes signage to address any anticipated parking issues and directs visitors to the public on street parking along S. Central Avenue.

Jason Morris asked if bollards would be placed within the open plaza area. Ms. Plummer stated bollards will be installed around the plaza area. Mr. Morris also asked if the sidewalk is ADA compliant. Ms. Plummer stated the width, and the sloop of the sidewalk is ADA compliant. Mr. Morris stated there is a handicap parking space located to the left of the loading zone. Mr. Morris asked if the applicant would consider adding a right loading zone. Ms. Plummer stated due to site constraints reconfiguring the loading zones would encroach into the required buffer or eliminate a parking space.

Public Comments: None.

MOTION ITEM: Rod Mack made a motion, Melanie Williams seconded to approve the variance request to reduce the setback from 15' to 1-6" along Virginia Avenue for the property located at 748 Virginia Avenue. Motion Carried: 3-0-1; John Stalvey recused himself.

MOTION ITEM: Jason Morris made a motion, Melanie Williams seconded to grant the variance request to reduce the setback along the east property line from 15' to 5'6" for the property located at 748 Virginia Avenue. Motion Carried: 3-0-1; John Stalvey recused himself.

MOTION ITEM: Melanie Williams made a motion, Jason Morris seconded to grant the variance request to reduce the parking requirement from 16 spaces to 11 spaces for the property located at 748 Virginia Avenue. Motion Carried: 3-0-1; John Stalvey recused himself.

MOTION ITEM: Melanie Williams made a motion, Jason Morris seconded to grant the variance request to increase the lot coverage from 70% to 81% for the property located at 748 Virginia Avenue. Motion Carried: 3-0-1; John Stalvey recused himself.

MOTION ITEM: Jason Morris made a motion, Rod Mack seconded to grant the variance request to allow for a reduced parking buffer to less than 5' and reduce the sidewalk width for the property located at 748 Virginia Avenue. Motion Carried: 3-0-1; John Stalvey recused himself.

5. Next Meeting Date – June 24, 2021 at 6 PM

6. Adjourn

MOTION ITEM: John Stalvey made a motion, Jason Morris seconded to adjourn the meeting at 6:24 p.m. Motion Carried: 4-0.

Respectfully submitted by,

Michael Simpson, Chairman

Adrienne Senter, Secretary

21-BOA-09-04

**CITY OF HAPEVILLE
ECONOMIC DEVELOPMENT DEPARTMENT
VARIANCE APPLICATION**

Name of Applicant Daniel Barcham (Porsche Cars North America, Inc.)

Mailing Address One Porsche Drive, Atlanta, GA 30354

Telephone 770-290-3095 Mobile # [REDACTED] Email daniel.barcham@porsche.us

Property Owner (s) Porsche Cars North America, Inc.

Mailing Address One Porsche Drive, Atlanta, GA 30354

Telephone 770-290-3095

Mobile # [REDACTED]

Property Address/Location: One Porsche Drive, Atlanta, GA 30354

Parcel I.D. # (INFORMATION MUST BE PROVIDED): 14 0096 LL0593, 14 0096 LL0619

Square Foot of Property 1,329,887 Building Size 79,712 Zoning BP

Present Land Use Commercial

Variance Requested (1) Access drive width (2) temp parking in frontage (3) temp parking landscape waiver (4) construction fencing around temp parking

Applicable Code Section (1) Sec. 93-23-2.a (2) Sec. 93-18-5.2.b (3) Sec.93-23-18 (4) Sec. 93-2-5.4.b

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

Daniel Barcham

Applicant's signature

Date: 8/10/21

Sworn to and subscribed before me

This 10th day of August, 2021.

Kristina Lynn Warbington
Notary Public



4

**CITY OF HAPEVILLE
ECONOMIC DEVELOPMENT DEPARTMENT
VARIANCE APPLICATION**

WRITTEN SUMMARY

In detail, explain any extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that would qualify for a variance.

The property contains an existing temporary parking facility which serves as the employee parking for the Porsche Experience Center. The proposed construction of the track extension, parking deck, and classic car restoration facility will require that this temporary parking lot be demolished. A replacement temporary parking facility must be created once the existing facility is demolished and before the permanent parking deck is constructed. The parking facility needs to be located in a location that does not conflict with the construction taking place for the permanent parking deck, and it needs to be safe for employees to get from the facility to the experience center where they work. The property also contains existing infrastructure from the Ford plant that needs to be demolished for the build-out of the track. Paired with soils that require treatment, these reasons have caused the need to conduct the project into two phases. One phase includes limited demolition and mass grading of the site, while phase 2 includes the full build-out of the project which includes the track, parking deck, classic car restoration facility, and associated utilities. This necessitates the temporary parking facility relocation for an interim period until the permanent parking deck is constructed.

Explain how the application of the ordinance to this particular piece of property would create an unnecessary hardship.

- (1) The maximum allowed driveway width per code is too small for trucks to enter the site from Porsche Avenue. The proposed width is only wide enough to accommodate truck turns for deliveries. There also needs to be at least 3 lanes.
- (2) The temp parking location near the frontage of Porsche Avenue will keep the parking area out of conflict with construction of the deck. It will keep employees safe by giving them a direct path to the experience center until the deck is built.
- (3) The temp parking facility will be in operation for only 12 months before the parking deck is constructed and operational. Landscaping will have the potential to be damaged by construction deliveries and will not be utilized permanently.
- (4) The temporary parking facility will be located adjacent to construction activity. Permanent fencing would be subject to damage from construction activities. It would also be removed once the parking deck is complete. Therefore, permanent fencing will be infeasible to install instead of construction fencing with a windscreen, which matches the intent of other construction site frontages in the City.

Explain how these conditions are peculiar to the particular piece of property involved.

The project is separated into two phases. Phase 1 is limited demolition and mass grading. The demolished Ford plant left utility infrastructure and slabs that need to be further demolished before construction of the track, parking deck, and classic car restoration facility can begin. The temporary parking for the employees will be required to be open during construction until the parking deck is complete. Therefore, the existing temp parking needs to be relocated at the start of the project to a location that will not conflict with construction. Phase 2 of the project includes construction of the deck, classic car restoration facility, and track as well as utilities and associated parking. Phase 2 will also include demolition of the temporary parking and fencing and will replace it with landscape and fencing to match the character of the existing Porsche development. The driveway widths were determined by the turning radius necessary for the Porsche vehicle delivery trucks to be used at this facility.

What, if any, detriment to the public good would the proposed project have if a variance was granted?

There will be no detriment to the public good as a result of these variances being granted. The variances associated with the temporary parking facility will only be needed for 12 months until the facility is demolished and the parking deck is utilized. The access drive will be easier to traverse for public customers and delivery drivers with the drive wider than what the code allows.

**CITY OF HAPEVILLE
ECONOMIC DEVELOPMENT DEPARTMENT
VARIANCE APPLICATION**

AUTHORIZATION OF PROPERTY OWNER

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

One Porsche Drive

Atlanta, 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 VARIANCE FOR THE PROPERTY.

Name of Applicant

Daniel Barcham (Porsche Cars North America, Inc.)

Address of Applicant

One Porsche Drive, Atlanta, GA 30354

Telephone of Applicant

770-290-3095



Daniel Barcham

Signature of Owner

Daniel Barcham

Print Name of Owner

Personally Appeared Before Me this 10th day of August, 2021.

Kristina Lynn Warbington
Notary Public

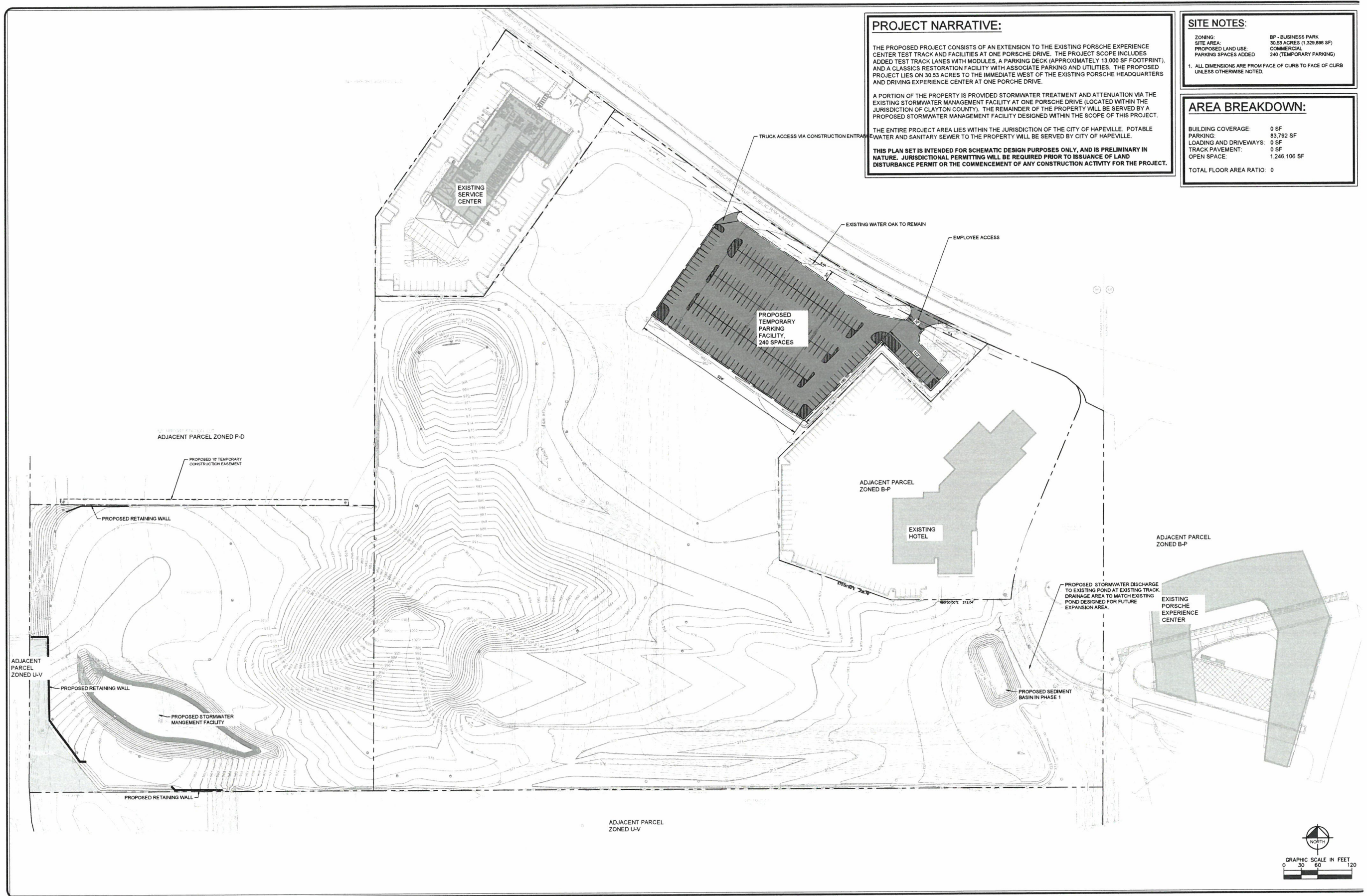
Combined Tract

All that tract or parcel of land lying and being in land lot 96 of the 14th District, City of Hapeville, Fulton County, Georgia and being more particularly described as follows:

Beginning at a nail set on the southwesterly right-of-way of Porsche Avenue (formerly known as Henry Ford II Avenue and having a varied right-of-way) at its intersection with the line common to land lots 65 and 96; Thence leaving said right-of-way and running along said land lot line South 00 degrees 24 minutes 44 seconds West a distance of 664.01 feet to an iron pin set; Thence leaving said land lot line and running South 90 degrees 00 minutes 00 seconds West a distance of 1285.06 feet to an iron pin set; Thence running South 90 degrees 00 minutes 00 seconds West a distance of 605.17 feet to an iron pin set; Thence running North 03 degrees 54 minutes 50 seconds West a distance of 11.58 feet to an iron pin set; Thence running North 00 degrees 20 minutes 05 seconds East a distance of 496.19 feet to an iron pin set; Thence running South 89 degrees 35 minutes 16 seconds East a distance of 606.58 feet to an iron pin set; Thence running North 00 degrees 24 minutes 44 seconds East a distance of 379.81 feet to an iron pin set; Thence running South 89 degrees 35 minutes 16 seconds East a distance of 191.68 feet to an iron pin set; Thence running North 35 degrees 19 minutes 11 seconds East a distance of 402.62 feet to an iron pin set; Thence continuing along said right-of-way South 53 degrees 39 minutes 04 seconds East a distance of 300.85 feet to a point; Thence continuing along said right-of-way along a curve to the left an arc distance of 478.12 feet (said arc having a radius of 2437.76 feet and being subtended by a chord 477.35 feet in length lying to the northeast of said arc and bearing South 60 degrees 07 minutes 47 seconds West) to a point; Thence leaving said right-of-way and running South 45 degrees 00 minutes 00 seconds West a distance of 144.04 feet to an iron pin set; Thence running North 45 degrees 00 minutes 00 seconds West a distance of 122.00 feet to an iron pin set; Thence running South 44 degrees 40 minutes 27 seconds West a distance of 257.60 feet to an iron pin set; Thence running South 00 degrees 00 minutes 00 seconds West a distance of 181.08 feet to an iron pin set; Thence running South 70 degrees 00 minutes 00 seconds East a distance of 208.76 feet to a nail set; Thence running North 90 degrees 00 minutes 00 seconds East a distance of 212.04 feet to an iron pin set on the westerly right-of-way of Porsche Drive (having a varied private right-of-way); Thence running along said private right-of-way along a curve to the right an arc distance of 126.77 feet (said arc having a radius of 432.62 feet and being subtended by a chord 126.32 feet in length lying to the southeast of said arc and bearing North 13 degrees 57 minutes 08 seconds East) to a point; Thence continuing along said private right-of-way North 22 degrees 47 minutes 15 seconds East a distance of 230.40 feet to a point; Thence continuing along said private right-of-way along a curve to the left an arc distance of 44.79 feet (said arc having a radius of 45.00 feet and being subtended by a chord 42.97 feet in length lying to the southwest of said arc and bearing North 05 degrees 43 minutes 43 seconds West) to a nail set at its intersection with the southwesterly right-of-way of Porsche Avenue; Thence running along the southwesterly right-of-way of Porsche Avenue along a curve to the right an arc distance of 36.12 feet (said arc having a radius of 54.00 feet and being subtended by a chord 35.45 feet in length lying to the southwest of said arc and bearing South 30 degrees 01 minutes 11 seconds East) to a point; Thence continuing along said right-of-way South 63 degrees 35 minutes 46 seconds East a distance of 34.32 feet to a point at its intersection with the line common to land lots 65 and 96

and The Point of Beginning;

Said tract contains 30.53 acres (1,329,898 square feet).



PROJECT NARRATIVE:

THE PROPOSED PROJECT CONSISTS OF AN EXTENSION TO THE EXISTING PORSCHE EXPERIENCE CENTER TEST TRACK AND FACILITIES AT ONE PORSCHE DRIVE. THE PROJECT SCOPE INCLUDES ADDED TEST TRACK LANES WITH MODULES, A PARKING DECK (APPROXIMATELY 13,000 SF FOOTPRINT), AND A CLASSICS RESTORATION FACILITY WITH ASSOCIATE PARKING AND UTILITIES. THE PROPOSED PROJECT LIES ON 30.53 ACRES TO THE IMMEDIATE WEST OF THE EXISTING PORSCHE HEADQUARTERS AND DRIVING EXPERIENCE CENTER AT ONE PORSCHE DRIVE.

A PORTION OF THE PROPERTY IS PROVIDED STORMWATER TREATMENT AND ATTENUATION VIA THE EXISTING STORMWATER MANAGEMENT FACILITY AT ONE PORSCHE DRIVE (LOCATED WITHIN THE JURISDICTION OF CLAYTON COUNTY). THE REMAINDER OF THE PROPERTY WILL BE SERVED BY A PROPOSED STORMWATER MANAGEMENT FACILITY DESIGNED WITHIN THE SCOPE OF THIS PROJECT.

THE ENTIRE PROJECT AREA LIES WITHIN THE JURISDICTION OF THE CITY OF HAPEVILLE. POTABLE WATER AND SANITARY SEWER TO THE PROPERTY WILL BE SERVED BY CITY OF HAPEVILLE.

THIS PLAN SET IS INTENDED FOR SCHEMATIC DESIGN PURPOSES ONLY, AND IS PRELIMINARY IN NATURE. JURISDICTIONAL PERMITTING WILL BE REQUIRED PRIOR TO ISSUANCE OF LAND DISTURBANCE PERMIT OR THE COMMENCEMENT OF ANY CONSTRUCTION ACTIVITY FOR THE PROJECT.

SITE NOTES:

ZONING: BP - BUSINESS PARK
SITE AREA: 30.53 ACRES (1,329,896 SF)
PROPOSED LAND USE: COMMERCIAL
PARKING SPACES ADDED: 240 (TEMPORARY PARKING)

1. ALL DIMENSIONS ARE FROM FACE OF CURB TO FACE OF CURB UNLESS OTHERWISE NOTED.

AREA BREAKDOWN:

BUILDING COVERAGE: 0 SF
PARKING: 83,792 SF
LOADING AND DRIVEWAYS: 0 SF
TRACK PAVEMENT: 0 SF
OPEN SPACE: 1,246,106 SF

TOTAL FLOOR AREA RATIO: 0

Kimley»Horn

11720 AMBER PARK DRIVE, SUITE 600, ALPHARETTA, GEORGIA 30009
PHONE: (770) 619-4280 | www.kimley-horn.com

TITLE:

ZONING SITE PLAN - PHASE 1

PROJECT:

PCNA TRACK EXTENSION

APPLICANT:

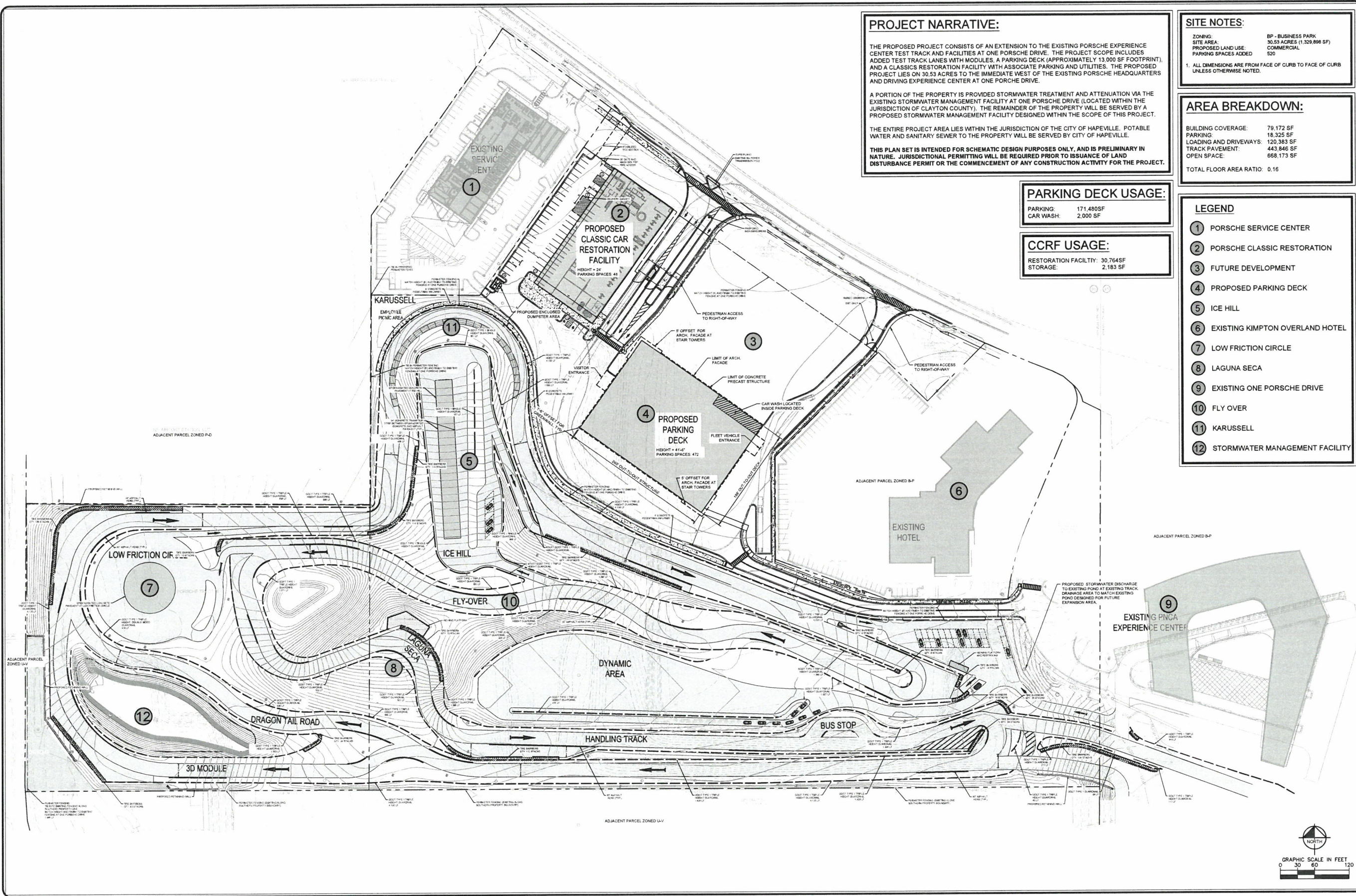
**PORSCHE CARS
NORTH AMERICA, INC.**

JOB NUMBER: 0191891003

SCALE: 1" = 60'

DATE: 08/10/2021

SHEET: **EXHIBIT 1**



PROJECT NARRATIVE:

THE PROPOSED PROJECT CONSISTS OF AN EXTENSION TO THE EXISTING PORSCHE EXPERIENCE CENTER TEST TRACK AND FACILITIES AT ONE PORSCHE DRIVE. THE PROJECT SCOPE INCLUDES ADDED TEST TRACK LINES WITH MODULES, A PARKING DECK (APPROXIMATELY 13,000 SF FOOTPRINT), AND A CLASSICS RESTORATION FACILITY WITH ASSOCIATE PARKING AND UTILITIES. THE PROPOSED PROJECT LIES ON 30.53 ACRES TO THE IMMEDIATE WEST OF THE EXISTING PORSCHE HEADQUARTERS AND DRIVING EXPERIENCE CENTER AT ONE PORSCHE DRIVE.

A PORTION OF THE PROPERTY IS PROVIDED STORMWATER TREATMENT AND ATTENUATION VIA THE EXISTING STORMWATER MANAGEMENT FACILITY AT ONE PORSCHE DRIVE (LOCATED WITHIN THE JURISDICTION OF CLAYTON COUNTY). THE REMAINDER OF THE PROPERTY WILL BE SERVED BY A PROPOSED STORMWATER MANAGEMENT FACILITY DESIGNED WITHIN THE SCOPE OF THIS PROJECT.

THE ENTIRE PROJECT AREA LIES WITHIN THE JURISDICTION OF THE CITY OF HAPEVILLE. POTABLE WATER AND SANITARY SEWER TO THE PROPERTY WILL BE SERVED BY CITY OF HAPEVILLE.

THIS PLAN SET IS INTENDED FOR SCHEMATIC DESIGN PURPOSES ONLY, AND IS PRELIMINARY IN NATURE. JURISDICTIONAL PERMITTING WILL BE REQUIRED PRIOR TO ISSUANCE OF LAND DISTURBANCE PERMIT OR THE COMMENCEMENT OF ANY CONSTRUCTION ACTIVITY FOR THE PROJECT.

PARKING DECK USAGE:

PARKING: 171,480SF
CAR WASH: 2,000 SF

CCRF USAGE:

RESTORATION FACILITY: 30,764SF
STORAGE: 2,183 SF

SITE NOTES:

ZONING: BP - BUSINESS PARK
SITE AREA: 30.53 ACRES (1,329,896 SF)
PROPOSED LAND USE: COMMERCIAL
PARKING SPACES ADDED: 520

1. ALL DIMENSIONS ARE FROM FACE OF CURB TO FACE OF CURB UNLESS OTHERWISE NOTED.

AREA BREAKDOWN:

BUILDING COVERAGE: 79,172 SF
PARKING: 18,325 SF
LOADING AND DRIVEWAYS: 120,383 SF
TRACK PAVEMENT: 443,846 SF
OPEN SPACE: 668,173 SF

TOTAL FLOOR AREA RATIO: 0.16

LEGEND

- 1 PORSCHE SERVICE CENTER
- 2 PORSCHE CLASSIC RESTORATION
- 3 FUTURE DEVELOPMENT
- 4 PROPOSED PARKING DECK
- 5 ICE HILL
- 6 EXISTING KIMPTON OVERLAND HOTEL
- 7 LOW FRICTION CIRCLE
- 8 LAGUNA SECA
- 9 EXISTING ONE PORSCHE DRIVE
- 10 FLY OVER
- 11 KARUSSELL
- 12 STORMWATER MANAGEMENT FACILITY

Kimley»Horn

11720 AMBER PARK DRIVE, SUITE 600, ALPHARETTA, GEORGIA 30009
PHONE: (770) 619-4280 | www.kimley-horn.com

TITLE:

ZONING SITE PLAN - PHASE 2

PROJECT:

PCNA TRACK EXTENSION

APPLICANT:

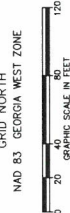
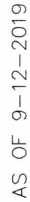
**PORSCHE CARS
NORTH AMERICA, INC.**

JOB NUMBER: 0191891003

SCALE: 1" = 60'

DATE: 08/10/2021

SHEET: **EXHIBIT 2**



N/F AIRPORT STATION, LLC

2.5 ACRE
SERVICE CENTER
LEASE AREA

Site is under construction.
Field conditions change daily.

GRID NORTH
NAD 83 GEORGIA WEST ZONE



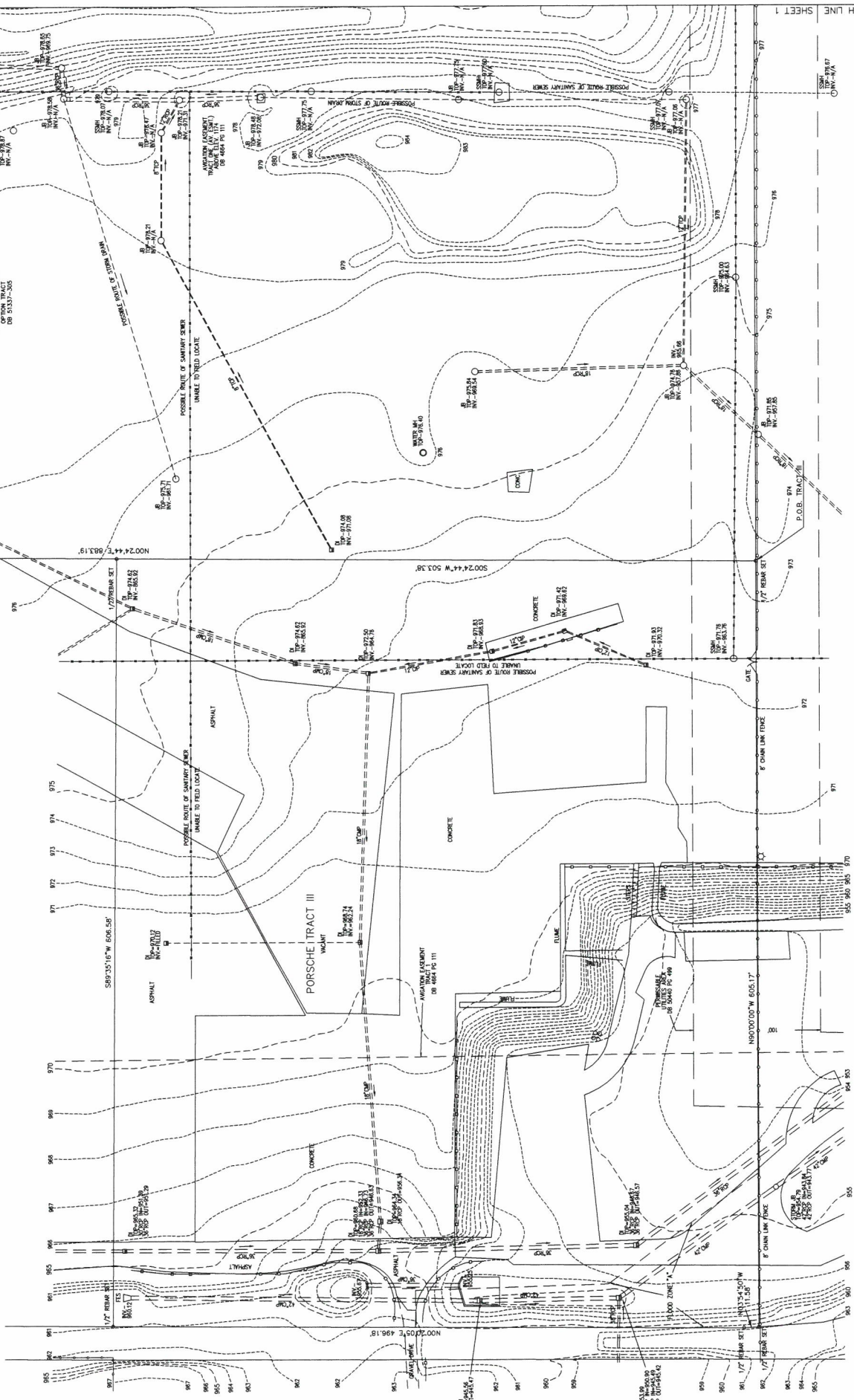
GRAPHIC SCALE IN FEET

[illegible]

required by subsection (c) of O.C.G.A. Section 15-6-67, this plat has been prepared by a land surveyor and approved by all applicable local jurisdictions for recording as required by law. This plat complies with the rules and regulations for recording as set forth in the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-167.

William J. Daniel III
Go. RLS #2237

N/F AIRPORT STATION, LLC



DESIGNED: _____		DRAWN: DE _____		CHECKED: WADV _____		APPROVED: WOHM _____	
10/07/2025		1		UPDATE 2.5 ACRE TRACT		REVISIONS	
DATE		NO.		DESCRIPTION			

LOWE ENGINEERS

990 HAMMOND DRIVE
SUITE 200
ATLANTA, GEORGIA 30328
TEL: 770-857-9400
FAX: 770-857-9401

A PIAT OF

AEROTROPOLIS

PORSCHÉ TRACT III & OPTION TRACT REMAINDER

ATLANTA, GEORGIA 30312

A TOPOGRAPHICAL SURVEY FOR

PORSCHÉ CAPS NORTH AMERICA, INC.,

UND LOT 65

UND LOT 96

14th DISTRICT

14th DISTRICT

CITY OF ATLANTA

CITY OF AMPELLE

FULTON COUNTY, GEORGIA

FULTON COUNTY, GEORGIA

JOB NO.: 19-0140

DATE: SEPTEMBER 12, 2019

SCALE: 1" = 40'

DWG. NO.: 1 OF 2

Utility Providers & Contact Information

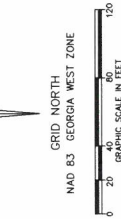
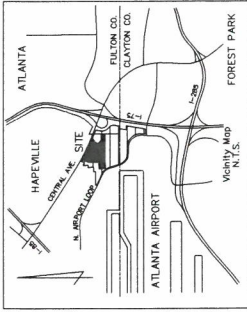
Gas:
Atlantic Gas Light Company
Atlanta, Georgia 30309
404-584-4126

Power:
Georgia Power Company
605 Peachtree Street, N.E.
Atlanta, Georgia 30308
404-506-4569

Water:
City of Atlanta Water Dept.
345 North Fulton Avenue
Atlanta, Georgia 30303
404-669-2122

City of Atlanta Dept. of Water and Sewer
Atlanta, Georgia 30318
404-330-6600

Communications:
AT&T
Atlanta, Georgia 30303
404-215-7772



NOTES:

Equipment used:
Autodesk AutoCAD
Sakso S&B Robotic Total Station
Sakso Ix Robotic Total Station
Reference: DB 5579 11 525 8358 309
17438 246 48256 821
25460 499 48256 821

The field data upon which this plat is based has a closure of one foot in 25,000 feet and an angular error of one second per station. The closure and angular error were calculated using the least squares method.

This plat has been calculated for closure and is found to be accurate to within one foot in 613,115 feet.

Changes are referenced to Old North, Georgia State Plane coordinates and are not to be used for any other purpose.

1" contour interval based on NAD 83 datum.

Horizontal and vertical control points used in this survey were obtained from field markings made by URS Consultants, LLC and Georgia Power Company in 2012. The exact location of any underground utility is not shown and is not to be used for any other purpose.

A portion of the subject property lies within an HLD.

This plat is based on a survey conducted by URS Consultants, LLC and Georgia Power Company in 2012. The exact location of any underground utility is not shown and is not to be used for any other purpose.

Subject properties are located:

1" contour interval based on NAD 83 datum.

Horizontal and vertical control points used in this survey were obtained from field markings made by URS Consultants, LLC and Georgia Power Company in 2012. The exact location of any underground utility is not shown and is not to be used for any other purpose.

For complete zoning information see www.municode.com.

As required by subsection (4) of O.C.G.A. Section 15-6-87, this plat has been prepared by a land surveyor and approved by an applicable local jurisdiction for recording. The surveyor's seal and the local jurisdiction's seal are required to be placed on this plat. The surveyor's seal is located at the bottom right of the page. The local jurisdiction's seal is located at the bottom left of the page.



William J. Davis III
No. 2227
State of Georgia

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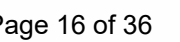
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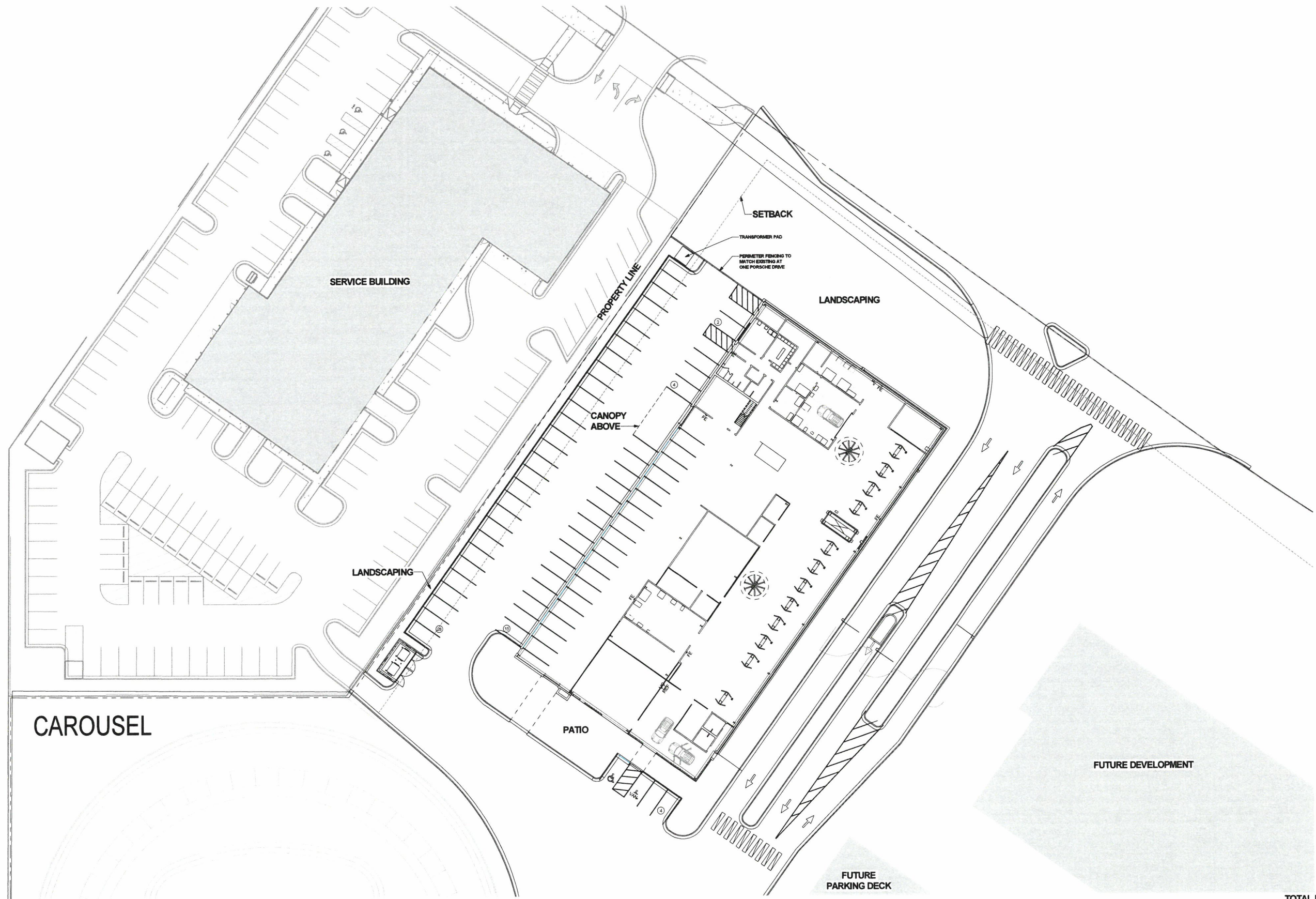
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<u>SHRUBS</u>	<u>QTY</u>	<u>BOTANICAL NAME</u>	<u>COMMON NAME</u>	<u>SIZE</u>	<u>HEIGHT</u>	<u>SPRD</u>	<u>REMARKS</u>
	54	ILEX GLABRA	INKBERRY HOLLY	3 GAL	18-24"	16-18"	DENSE FOLIAGE
	50	LIGUSTRUM JAPONICUM 'RECURVIFOLIUM'	WAX LEAF LIGUSTRUM	3 GAL	18-24"	16-18"	DENSE FOLIAGE

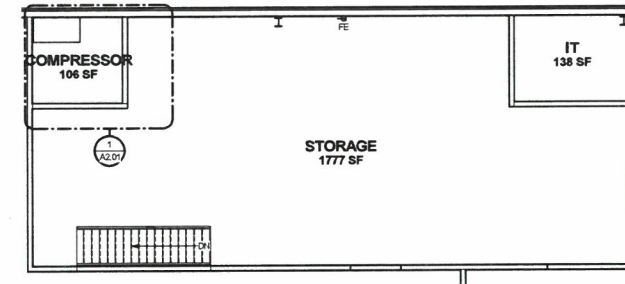


August 10, 2021

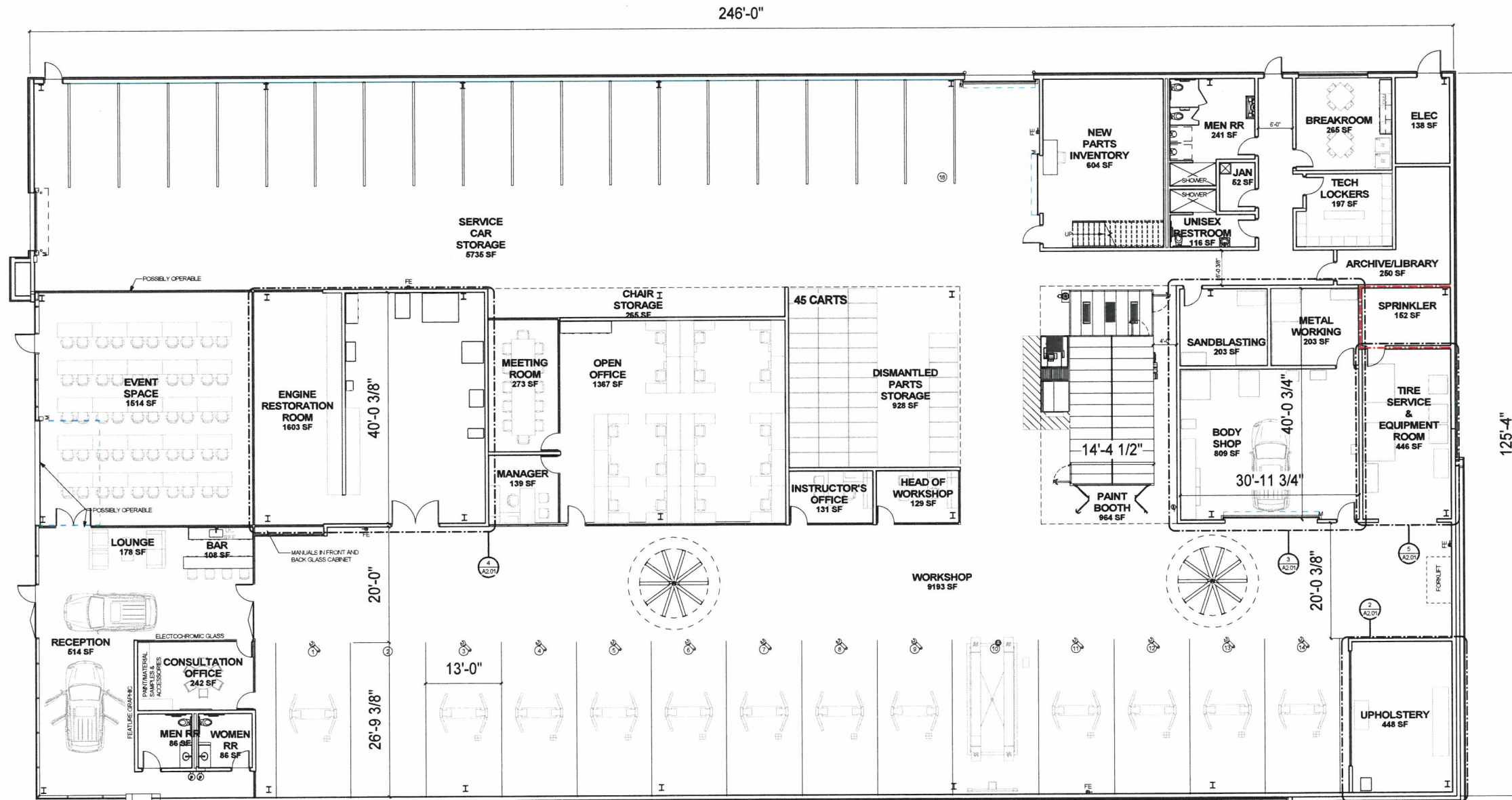




PRAXIS3	Porsche Cars North America	PCNA Classic Car Restoration Facility One Porsche Drive, Hapeville, GA 30354	Site Plan	Project No. 21121	2021.08.10	A1.00
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2 Floor Plan - Mezzanine
1/8" = 1'-0"



GROSS SQ FT :
LEVEL 1: 30,764 SF
MEZZANINE: 2,183 SF
TOTAL: 32,947 SF

1 Floor Plan - Level 1
1/8" = 1'-0"

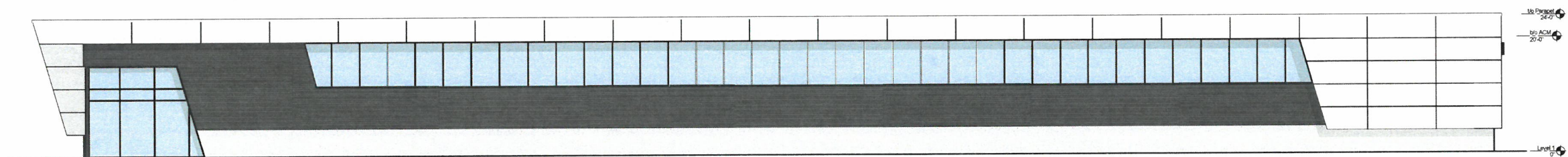




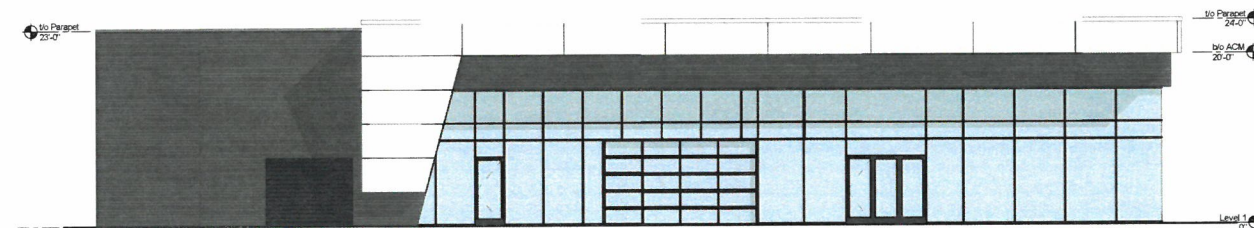
4 West Elevation
A4.00 1/8" = 1'-0"



3 North Elevation
A4.00 1/8" = 1'-0"



2 East Elevation
A4.00 1/8" = 1'-0"



1 South Elevation - Sectional Overhead Door
A4.00 1/8" = 1'-0"



**Department of Planning & Zoning
PLANNER'S REPORT**

DATE: September 15, 2021
TO: Adrienne Senter
FROM: Lynn Patterson
RE: Variance Application for One Porsche Drive 14 0096 LL0593, 14 0096 LL0619

BACKGROUND

The City of Hapeville has received a variance application from Daniel Barcham (Porsche Cars North America, Inc) to allow for the following conditions:

- (1) To increase the driveway width to 32 feet to accommodate ingress and egress for construction and employee parking.**
Sec. 93-23-2. - Entrance and exit points.
(a) Curb breaks shall not be more than 20 feet for one-way entrances, 24 feet for two-way entrances or shared driveways, or 36 feet for entrances with three lanes, unless otherwise permitted by the city community services department. Aprons may be flared up to an additional two feet on either side.
- (2) To allow temporary parking between the future garage and the front property line while the garage is undergoing construction.**

Sec. 93-18-5. - Site development and improvement standards.

In order to establish and maintain the B-P (Business Park) district as a quality area which will preserve the investments of all landowners and developers, as well as the tax base of the city, all construction and development within the B-P district shall comply with the following standards:

- (2) Setbacks for front, rear and side yards
 - b. Only driveways, interior vehicular circulation drives, permitted signs, and landscaped areas shall be allowed between a building and the front property line.
- (3) To obtain temporary relief from the landscape requirements for vehicular use areas during site construction,**
Sec. 93-23-18. - Landscape requirements for vehicular use areas.
 - (a) Intent. The objective of this section is to provide space for the use of landscape beautification and natural plant growth for developments where off-street parking and open lot sales, displays, and service areas are provided. The intent is to improve and protect the appearance, environmental and ecological condition, character, design, and value of the total urban area, thereby promoting the public health, safety, and welfare.
 - (b) Areas subject to the requirements of this section. Vehicular use areas, except those less than ten parking spaces, parking garages, and public rights-of-way shall conform to the minimum landscaping requirements hereinafter provided.
 - (c) Procedure for the development of vehicular use areas.
 - (1) Permit requirements. No building grading, or tree removal permit shall be issued until approval of a required landscape plan for vehicular use areas. Prior to submission of building plans, the requirements of this section must be met. In cases where a vehicular use area is located on a lot other than that of the principal building, building

plans may be submitted for review.

(2) Submission of a required survey and proposed landscape plan.

- a. The applicant or his authorized agent shall submit to the planning and zoning department three copies of each survey and landscape plan at a scale no greater than one inch equals 50 feet. The proposed landscaping may be superimposed on the proposed site plan or on a separate sheet, provided all drawing are the same scale.
- b. Each survey and landscape plan shall include the following:
 - 1.Name, signature, address, and telephone number of property owner, surveyor, and or designer;
 - 2.North arrow and scale;
 - 3.All dimensions; and
 - 4.All required information and data listed on drawings.

(3) Survey. The required survey shall include the following information:

- a. Legal description of the property.
- b. All trees and survey data as defined in this chapter.
- c. Existing structures, buildings, parking spaces, accessways, and public streets.
- d. Aboveground and belowground utility lines and easements.
- e. Existing natural features and topography at one-foot contour intervals. In areas where slopes are 20 percent or greater, a five-foot contour interval may be substituted.

(4) Landscape plan. The proposed landscape plan shall include the following information:

- a. All trees, natural features, man-made appurtenances and structures to be retained upon the site and all topographic changes.
- b. All proposed landscaping improvements and planting or landscaping areas identified. The grade, spacing, size, and name of proposed landscape materials shall be listed on the plan.
- c. Comments regarding site preparation, tree preservation, methods of installation, and methods of maintenance shall be listed on the plan in accordance with chapter 93, article 29.
- d. Required plans shall identify all vehicular use areas, aisles, driveways, sidewalks, wheel stops, and or curbs and other vehicular use controls. The location of the curb cuts, median openings on abutting streets, lighting, underground irrigation system, hose bibs, proposed planting areas, decorative and or screening walls, and related buildings shall be shown.

(d)Landscape requirements. All vehicular use areas subject to these regulations shall be required to have the following maintained perimeter and interior landscaped areas:

(1) Tree requirements. Interior and exterior tree plantings are to be provided in accordance with chapter 93, article 29. Trees must be planted in interior portions of parking lots so that no parking space is more than 50 feet from a parking lot tree.

(2) Perimeter landscape requirements.

- a. All exterior perimeters of all vehicular use areas shall have a perimeter landscaped area with no horizontal dimension less than five feet. A decorative masonry wall, earth berm, natural landscaping screen in accordance with the buffer requirements of chapter 93, article 29 and or combinations of the above shall be installed in such a manner as to screen the vehicular use area from adjacent properties or public rights-of-way. Screening areas shall be maintained at a minimum height of three feet.

b. Where other provisions of this chapter required a six-foot screening wall of masonry construction, such screening wall may totally or in part be substituted with a natural landscape screen and or earth berm upon approval of the planning commission. Such natural screening shall be at least three feet in height at time of planting and maintained at a height of five feet with a visibility obstruction of at least 75 percent.

1 .i. When abutting a public street right-of-way, landscaped areas along a public street shall have a minimum dimension of five feet and a minimum average dimension often feet from the right-of-way line to the vehicular use area.

ii. In addition, the requirements of section 93-2-7 shall be met.

2. When abutting adjacent properties. Required perimeter landscaped areas which would abut adjacent, existing nonresidential properties may be allocated as additional interior or other additional perimeter landscaping.

(3) Permitted modification to the landscaping requirements.

a. In cases where the landscaped area requirements of subsection (d)(2) may exceed 20 percent of the vehicular use area, the applicant may be allowed to reduce dimensions of landscaped areas other than those abutting a public street right-of-way or adjacent to the residential uses or zones to equal a 20 percent maximum provided a method of vegetative and or masonry screening is maintained and is approved by the planning and zoning department.

b. In instances where proposed innovative designs, landscaping techniques, and site amenities are believed to fulfill the intent of subsection (a) above, the strict requirements of this section may be waived by the planning commission.

c. In instances where healthy plant material exists, the requirements outlined in subsections (d)(2) of this section may be adjusted thereby allowing credit for the preservation of existing plant material. The planning commission may make such adjustments so long as the intent of this section is preserved.

d. Open lot sales of vehicles may be excluded from the perimeter screening requirements adjacent to public rights-of-way by the planning commission, provided the tree requirements and area requirements are met.

(4) Landscape installation requirements. All landscaping shall be installed in accordance with accepted good planting procedures

.a. New plant materials.

1. All separate landscaped areas shall have a minimum variety of two living plant materials other than trees; total landscaping areas required shall include a minimum variety of three landscape materials other than trees.

2. Paving (other than walks) and artificial plants shall not be permitted within landscaping areas.

3. Trees, hedges, and shrubs must meet the requirements of chapter 93, article 29.

4. Lawn grass and ground covers. Grass may be sodded, plugged, sprigged, or seeded except that solid sod shall be used in swales or other areas subject to erosion. In areas where plant materials other than solid sod or grass is used, a fast-growing grass seed shall be sown for immediate effect and protection until coverage is otherwise achieved. Grass sod shall be clean and reasonably free of weeds and noxious pests or disease. Ground covers which present a finished

appearance and reasonable complete coverage at time of planting may be used in lieu of grass sod.

b. Existing plant materials. Existing living plant materials to be preserved shall be in accordance with of this chapter and chapter 93, article 29.

c. Earthwork. Earth berms shall be of variable height and slope. Swales and ponds shall be permitted for onsite retention of stormwater provided they are approved by the city's planning and zoning department.

d. Encroachment. Landscaped areas, walls, structures, and walks shall require appropriate protection from vehicular encroachment by utilizing wheel stops, curbs, posts, wood, brick-work, and/or other devices. Placement of these devices shall be located at least two and one half feet from walks, walks, and structures and may be placed one foot from landscaped areas to prevent a vehicular overhang of no more than one and one half feet of landscaping area may be counted as part of the required depth of each parking space.

e. Maintenance. The owner or his agent shall be responsible for the maintenance of all landscaping which shall be maintained in good condition so as to present a healthy, neat, and orderly appearance and shall be kept free from refuse and debris. The owner shall replace all landscaped materials required if, for any reason, they die or are severely damaged within one year of the final approval of the installation. The owner is thereafter responsible to maintain the landscaping in a healthy manner.

f. Planting bed. The planting bed for all landscaping materials shall be free of weeds, debris, and noxious material and shall consist of a healthy plant growth medium. The planting bed soil shall provide adequate support, drainage, and nutrients for the plants and thus may require the incorporation of sand, peat, and or topsoil into the soil. Such planting soil shall be placed throughout the planting hole for each plant, and this hole shall be at least twice as wide as the width of the plant ball and one and one half as deep as the depth of the plant ball.

(e) City review of landscape plan. The planning and zoning department shall approve or reject the required landscape plan. The decision of the planning and zoning department shall be deemed final administrative action, but may be appealed to the board of appeals provided such appeal is made in writing at least 30 days prior to the next regular board of appeals meeting. Developments which require site plan approval by the planning commission shall be reviewed and approved by the planning commission for compliance to this section.

(f) Certification of compliance. Upon completion of the landscape improvements, the site shall be inspected for compliance to the approved landscape plan. A certificate of compliance must be issued before a certificate of occupancy can be issued for any related structures. When occupancy of a related building is desired prior to completion of the required landscaping, a temporary certificate of occupancy may be issued if a financial guarantee in the amount equal to 100 percent of the cost for landscaping improvements is provided and acceptable in form to the city attorney.

(4) To allow the installation of a chain link fence along the public right-of-way for the property located at One Porsche Drive.

Sec. 93-2-5. - Accessory uses, accessory buildings, yard requirements of accessory buildings, outbuildings and fences.

(4) General fence regulations.

b. The use of chain-link material is permitted only in rear yard areas on interior lots not adjacent to public right-of-ways. Fences along public right-of-ways must be

constructed from ornamental metal, ornamental masonry, wood, or other ornamental material specially made for fence construction.

The applicant is developing the property as a track extension, class car restoration facility, and parking garage.

The applicant presented a Phase I conceptual site plan to the Planning Commission on September 14, 2021 and received a recommendation to grant the requested variances.

The properties are zoned B-P, Business Park.

CODE

Sec. 87-3-3. - Powers and duties.

(2) Variances. To authorize, upon appeal in specific cases, those variances from the provisions of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter will, in an individual case, result in unnecessary hardship, so that the spirit of this chapter shall be observed, public safety and welfare secured and substantial justice done. A variance may be granted in any individual cases of practical difficulty or unnecessary hardship only upon a finding by the board of appeals that:

a. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;

Because of the existing infrastructure which must be removed and the soils that required treatment, the project is being developed in two phases. The variances requested are directly related to the construction and conditions of the site.

b. The application of this chapter to this particular piece of property would create an unnecessary hardship;

The wider driveway proposed allows for trucks to enter the site. The narrower entrance would constitute a hardship, increasing the likelihood for damage upon entry. When the final site plan is submitted, three lanes of up to 36' can be installed without a variance.

The employee parking lot is being disrupted and a temporary lot is needed to accommodate the employees while the parking garage is under construction. There are no other opportunities on the site for the temporary parking lot to be installed. This would create an unnecessary hardship.

The employee parking lot is temporary until the parking garage is built. To install the landscape requirements would be an unnecessary hardship as the landscape materials would be removed at the end of construction.

The chain link fence will secure the parking lot. When construction is completed, a fence consistent with the rest of the site will be installed for security. Installing the permanent fence which would disrupt construction traffic and need to be moved later on would create an unnecessary hardship.

c. Such conditions are peculiar to the particular piece of property involved; and

The conditions requested are particular to this property as the property is being developed as one contiguous multi-use campus.

d. Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of this chapter.

Relief would not cause substantial detriment to the public. Staff worked diligently with the Applicant to identify solutions to minimize any negative impacts while accomplishing the intent of the development of the site.

RECOMMENDATION

Planning Commission and staff recommendation is to grant the four variances requested above.

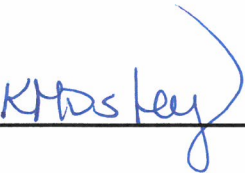


CITY OF HAPEVILLE
3468 NORTH FULTON AVENUE
ATLANTA, GA 30354

PUBLISHER'S AFFIDAVIT

STATE OF GEORGIA
COUNTY OF FULTON

Before me, the undersigned, a Notary Public, this day personally came the undersigned who, being duly sworn, according to law, says she is an agent of ALM Media, LLC., publishers of the **Daily Report**, the official newspaper published in Atlanta, GA, in said county and state, and that the publication, of which the annexed is a true copy, was published in said newspaper as provided by law on the following dates: 09/08/2021.





Subscribed and sworn to before me this September 8, 2021



NOTICE
City of Hapeville

A Public Hearing will be held by the City of Hapeville Board of Appeals on **Thursday, September 23, 2021 at 6:00 p.m.** at the City of Hapeville Municipal Annex located at 700 Doug Davis Drive, Hapeville, Georgia 30354. The meeting will also be made available to the public by live streaming only via teleconference/videoconference in accordance with O.C.G.A § 50-14-1(g) at <https://ga-hapeville3.civicplus.com/562/Agendas-and-Minutes> to consider the following request:

Variance Requests:

Variance requests are (1) to increase the driveway width, (2) allow temporary parking between the building and the front property line, (3) obtain temporary relief from the landscape requirements for vehicular use areas during site construction, and (4) allow the installation of a chain link fence along the public right-of-way for the property located at One Porsche Drive, Parcel Identification Numbers 14-0096-LL0593 and 14-0096-LL0619. The properties are zoned B-P, Business Park and are subject to the zoning regulations under Sections 93-23-2(a), 93-18-5(2)(b), 93-23-18, and 93-2-5(4)(b).

Applicant: Daniel Barcham (Porsche Cars North America, Inc.)

Public Hearing Comments: For those who are unable to physically attend the meeting, citizen comments must be emailed to the Planning and Economic Development Manager at asenter@hapeville.org or called in at 404-669-8269 no later than 5:00 p.m. on September 22 2021. When emailing or verbally delivering your comment to the Planning and Economic Development Manager, please include your name, address, the agenda item, and the comment for or against the item. All comments submitted to the Planning and Economic Development Manager will be read into the record. Citizens may not make comments on public hearing agenda items via livestream or video conference.
#0000550414:9/08-1AS

1 **STATE OF GEORGIA**
2 **CITY OF HAPEVILLE**

3
4 **ORDINANCE NO. _____**
5

6 **AN ORDINANCE TO AMEND CHAPTER 2 (“ADMINISTRATION”), ARTICLE 2**
7 **(“MAYOR AND COUNCIL”) SECTION 2-2-5 (“RULES AND PROCEDURES OF**
8 **MAYOR AND COUNCIL”) OF THE CODE OF ORDINANCES, CITY OF HAPEVILLE,**
9 **GEORGIA TO PROVIDE FOR THE REGULATION OF CITY COUNCIL MEETINGS;**
10 **TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO**
11 **PROVIDE AN EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL**
12 **PURPOSES.**

13
14 **WHEREAS**, the Mayor and Council shall have full power and authority to provide for the
15 execution of all powers, functions, rights, privileges, duties and immunities of the city, its officers,
16 agencies, or employees granted by the City of Hapeville’s Charter or by state law; and,
17

18 **WHEREAS**, the municipal government of the City of Hapeville (hereinafter “City”) and
19 all powers of the City shall be vested in the Mayor and Council. The Mayor and Council shall be
20 the legislative body of the City; and,
21

22 **WHEREAS**, amendments to any of the provisions of the City’s Code may be made by
23 amending such provisions by specific reference to the section number of the City’s Code; and,
24

25 **WHEREAS**, every official act of the Mayor and Council which is to become law shall be
26 by ordinance; and,
27

28 **WHEREAS**, the governing authority of the City finds it desirable to provide appropriate
29 rules and procedures for the Mayor and Council Members.
30

31 **BE IT, AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF**
32 **THE CITY OF HAPEVILLE, GEORGIA THAT:**
33

34 **Section One.** Chapter 2 (Administration), Article 2 (Mayor and Council), Section 2-2-5
35 (Rules and Procedures of Mayor and Council) of the City Code of Ordinances is hereby amended
36 and revised as follows:
37

38 **Sec. 2-2-5. Rules and procedures of mayor and council.**
39

40 (a) *Ordinances.* All ordinances passed by the Council may, at a minimum, contain the
41 following items:
42

- 43 (1) Ordinance number;
44 (2) Adoption date;
45 (3) Codification clause;
46 (4) Severability clause;

- 47 (5) Signature of mayor;
48 (6) Attestation by City Manager, Chief Administrator, City Administrator,
49 Director of Finance and Administration or City Clerk as applicable; and
50 (7) Approval of City Attorney as to form.
51

52 (b) *Recording of Ordinances.* All ordinances shall be recorded in a separate book for that
53 purpose, and the book shall bear the title "Ordinances of the City of Hapeville, Georgia."
54

55 (c) *Mayor's Meeting Responsibilities.* The Mayor shall take the chair at the hour
56 appointed and call the members of the Council to order. He or she shall preserve order
57 and decorum, decide all questions of order, unless appealed to the Council, and appoint
58 all committees of the Council. In the absence of the Mayor, the Alderman Rast or the
59 Councilman-at-Large is vested with like powers. The Mayor may participate in
60 discussion.
61

62 (d) *Order of Meetings.* The business of all regular meetings of the Council may be
63 transacted in the following order:
64

- 65 (1) Call to order
66 (2) Roll Call
67 (3) Welcome
68 (4) Pledge of Allegiance
69 (5) Invocations
70 (6) Presentation(s);
71 a. Presentation approved by City Manager, if any.
72 (7) Public Hearing
73 (8) Questions on Agenda Item(s)
74 (9) Consent Agenda
75 a. Approval of items on the Consent agenda, if any.
76 (10) Old Business
77 (11) New Business
78 (12) City Manager Report
79 (13) Public Comments
80 (14) Mayor and Council Comments
81 (15) Executive Session
82 a. Executive Session may be called for the following issues: (1)
83 Litigation O.C.G.A. § 50-14-2; (2) Real Estate O.C.G.A. § 50-14-
84 3(b)(1); or (3) Personnel O.C.G.A. § 50-14-3(b)(2).
85 (16) Adjournment
86

87 The Mayor and Council, by a vote of a majority of the members present, may suspend
88 the rules and change in any way, the order of, and the subjects for business.
89 Questions on agenda items may be emailed to the City Clerk at cityclerk@hapeville.org
90 or called in at 404-766-3004 no later than 5:00pm on the day before the scheduled Mayor
91 and Council meeting. When emailing or calling in a comment to the City Clerk, citizens
92 must include their name, address, agenda item, and the comment. All comments submitted

to the City Clerk will be read into the record during the meeting pursuant to the time allotted pursuant to this section.

(e) *Public Hearings*. Public comment period at meetings of the City shall be conducted in accordance with the following provisions:

(1) Staff Recommendation: First, the staff will present its recommendation to Mayor and Council including dispositive considerations in making their recommendation.

(2) Applicant's Presentation: After the Staff Recommendation, the Applicant shall present their application by first identifying themselves and then providing any pertinent facts or documentation in support of their applications.

(3) Public Comments: Comments from members of the public regarding the matter for public comment, beginning with comments in opposition, followed by comments in support, with a follow-up from the Applicant to address issues raised by previous commenters. If the commenter begins to stray away from the specific agenda item, the Mayor may limit the commentary. Once an agenda item has passed, the matter for public comment during the meeting shall be concluded, unless a motion for reconsideration is made during the same meeting and prior to adjournment.

1. Speaker must sign up with Clerk prior to the meeting.
2. Speaker must limit comments to agenda items.
3. Mayor may cut off speaker or grant removal of a speaker.
4. A total of ten (10) minutes will provided for the public comment section with two (2) minutes afforded to each speaker. Mayor may extend any persons time for up to two (2) minutes and may extend the time for public comments up to ten (10) additional minutes.

For those who are unable to physically attend the meeting, citizen comments may be emailed to the City Clerk at cityclerk@hapeville.org or called in at 404-766-3004 no later than 5:00pm on the day before the scheduled Mayor and Council meeting. When emailing or calling in a comment to the City Clerk, citizens must include their name, address, agenda item, and the comment for or against the item. All comments submitted to the City Clerk will be read into the record during the meeting pursuant to the time allotted pursuant to this section.

(f) *Zoning Hearings*. The following rules of procedures shall govern any public hearing regarding zoning request or determination before the Mayor and Council:

- (1) Each applicant shall appear before the Council, identify himself/herself by name, address and whether or not applicant is owner or agent for owner.
- (2) Each applicant or other interested party who provides the Council with documents shall have each document numbered and shall identify each

- document and each such document submitted shall be made a part of the official record of the hearing.
- (3) Each applicant shall have ten (10) minutes to present facts pertinent to the application. An applicant may have additional time to address the Council if the applicant notifies the City Clerk prior to the start of the public hearing that applicant needs additional time. The Council may grant additional time to the applicant at their own discretion.
 - (4) All people in opposition to the rezoning of property and amendment to the zoning ordinance shall have two (2) minutes to address the Council and shall provide the City Clerk with name and address; however, Mayor may extend the time for oppositional comments for up to two (2) minutes per person and may extend the time for oppositional comments up to (10) additional minutes.
 - (5) The Mayor shall determine when the public hearing is closed and so state.
 - (6) At the conclusion of the hearing, the Council may make a decision at its next regular public meeting. The director of the community development department shall notify the applicant in writing of the Council's decision. The written notification shall immediately be entered on the minutes and made a part of the record on the date that written notification is given to the applicant.
 - (7) Any aggrieved party shall have thirty (30) days from the date of written notification to file an appeal from the council's decision with the superior court.
- (g) *Evidentiary Hearings*. The following rules of procedures shall govern all other evidentiary hearings not covered above:
- (1) Each proponent shall appear before the Council, identify himself/herself by name, and present the issue to the Council.
 - (2) Each proponent who provides the Council with documents shall have each document numbered and shall identify each document and each such document submitted shall be made a part of the official record of the hearing. Certified Copies of documents shall be provided to the Council, if applicable.
 - (3) Each proponent shall have ten (10) minutes to present facts pertinent to the issue. The proponent may have additional time to address the Council if the proponent notifies the City Clerk prior to the start of the public hearing that proponent needs additional time. The Council may grant additional time to the proponent at their own discretion.
 - (4) All people in opposition to the issue shall have ten (10) minutes to address the Council and shall provide the City Clerk with name and address; however, the total time for all interested parties in opposition shall be thirty (30) minutes unless the proponent requests for additional time, in which case the total time shall not exceed forty (40) minutes.
 - (5) The proponent shall be granted an additional five (5) minutes to rebut any arguments made in opposition but submitting additional evidence.
 - (6) At the conclusion of the hearing, the Council shall make a final decision and during its next regular public meeting, shall notify the proponent in writing of the Council's decision. The written notification shall immediately be entered

- 185 on the minutes and made a part of the record on the date that written
186 notification is given to the proponent.
- 187 (7) Any aggrieved party shall have thirty (30) days from the date of written
188 notification to file an appeal from the Council's decision with the superior
189 court.
- 190
- 191 (h) *Public Comments.* Public comments regarding items which are not designated for a
192 public hearing not listed on the agenda will be made available before the adjournment of
193 the meeting. Prior to the commencement of each meeting during which there will be a
194 general comment portion, members of the public wishing to speak shall sign in with the
195 City Clerk and shall provide their name and the topic upon which they wish to speak.
- 196
- 197 (1) *Time Limitations.* Each member of the public wishing to address the Mayor
198 or Council during the public comment session shall have a total of three (3)
199 minutes during which he/she may address the Mayor or Council. Such time
200 shall not be extended unless approved by a majority of the Council Members
201 present. The three (3) minute time limit shall not be extended by any dialogue
202 with or comments by Council or the Mayor. The entire public comment
203 session shall not last more than ten (10) minutes unless extended by Council.
- 204
- 205 (2) *General Comment Content.* No member of the public shall be permitted to
206 make personal, impertinent, slanderous or profane remarks to the Mayor or
207 any Council Member. Mayor and Council meetings serve the purpose of
208 conducting City business and are not a forum for the unlimited expression of
209 opinion. The Mayor reserves the right to limit comments to matters germane to
210 City business and may refer speakers to the City Manager or other staff for
211 resolution.
- 212
- 213 (i) *Recording in Minutes.* All of the following shall be recorded in the ordinance and
214 minute books of the mayor and council:
- 215
- 216 (1) All motions, ordinances, resolutions and proclamations;
217 (2) The number and title by which new ordinances, resolutions, and
218 proclamations are introduced;
219 (4) The vote of each member shall be recorded whenever required by one or more
220 Members; or
221 (5) All other information which the mayor and council may direct.
- 222
- 223 (j) *Appointments.* All appointments shall be by ballot.
- 224
- 225 (k) *Council Members.* During Mayor and City Council Meetings, the Council Members
226 shall not:
- 227
- 228 (1) Interrupt anyone who has the floor;
229 (2) Represent the personal opinion and beliefs;
230 (3) Refuse to recognize the validity of the actions approved by a majority vote of
231 the board; and

(4) Text and send messages to other Council Members.

(l) *Addressing Presiding Officer.* During City Council meetings, each Council Member, when speaking on a particular item, shall address the Presiding Officer.

(m) *Robert's Rules of Parliamentary Order.* Robert's Rules of Parliamentary Order shall be regarded as supplementary guidelines for the proceedings of the Council insofar as the same are applicable, and do not conflict with City of Hapeville Ordinances.

(n) *Recording of Meeting.* The Mayor and Council meetings may be recorded by audio or video. Upon the minutes being edited and reduced to writing, the audio or video used may then be erased or destroyed.

Section Two. Preamble Incorporated. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section Three. Codification. This Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City.

Section Four. Severability.

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

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

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

Section Five. Repeal of Conflicting Ordinances. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section Six. Effective Date. The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

ORDAINED this _____ day of _____, 2021.

CITY OF HAPEVILLE, GEORGIA

Alan Hallman, Mayor

ATTEST:

City Clerk

APPROVED BY:

City Attorney



**Department of Planning and Zoning
Planner's Report**

DATE: August 3, 2021
TO: Adrienne Senter
FROM: Lynn Patterson
RE: **Public Hearing Procedures**

BACKGROUND

Historically, only individuals present at the City Council, Planning Commission Meetings and the Board of Appeals were allowed to make public comments during the meetings and public hearings. During the height of the pandemic, the Mayor & Council allowed for public comments shared via email or phone message to the City Clerk. The Mayor & Council have proposed that public comments continue to be allowed via these media. The proposed text amendment regarding Zoning Hearings is attached.

RECOMMENDATION

Staff recommends approval of the text amendment to allow for a variety of public input options throughout the planning processes in the City of Hapeville.