



APPLICATION FOR DEVELOPMENT OF COMMUNITY IMPACT (DCI)

PROJECT:

La Quinta Inn & Suites
Name of Project
2165 Savoy Drive, Chamblee, Georgia
Property Address
Propose to construct 6 story Inn and Suites
Brief Description of Project
with 110 rooms
CV
Zoning District
1
Total # of Properties Involved
1.64
Total Project Acreage
Perimeter Commercial Mix
Character Area (Future Development Map)
1
Total Number of Buildings
+1-70,000 sq ft
Total area of buildings

OWNER:

Opal Hospitality Management, LLC
Name and Company
976 W. Pointe Court
Mailing Address
Lithia Springs, GA 30122
City, State
Zip Code
c/o Applicant
Phone #
E-mail

APPLICANT: [] Check here if Applicant is also the Property Owner

Stephen Rothman, Wilson Brock & Irby LLC
Name and Company
2849 Paces Ferry Rd., Suite 700
Mailing Address
Atlanta, GA 30339
City, State
Zip Code
770-803-3731
Phone #
srothman@wbilegal.com
E-mail
Sh [Signature]
Applicant Signature
9-11-2018
Date

[] hereby certify that all information provided herein is true and correct.

NOTARY:

Sworn to and subscribed before me this 11 day of September, 2018

Notary Public



Jasonia Young [Signature]



Owner Permission Affidavit

Subject Property Street Address: 2165 Savoy Drive

Subject Property Tax ID number: 18 - 344 - 05 - 004

Owner:

Name (Person, Firm, Corporation, or Agency): Opal Hospitality Management, LLC

Mailing Address: 976 W. Pointe Drive

Lithia Springs, Ga. 30122

Phone: _____

Email: _____

Property Owner's Agent (If applicable)

Name (Person, Firm, Corporation, or Agency): Wilson Brock & Irby, LLC

Mailing Address: 2849 Paces Ferry Rd., Suite 700

Atlanta, GA 30339

Phone: 770-803-3731

Email: brothman@wbillegal.com

I am applying for, or I hereby give authority to the applicant to file an application for: _____

DCI with concurrent variances

Ashish Patel
Owner/Agent signature

ASHISH PATEL / MANAGING MEMBER
Owner/Agent printed name

This instrument was signed before me on this date Sept 9, 2018

County Douglas Georgia Notary Signature: [Signature]

Affix seal/stamp as close to signature as possible





Redevelopment Assessment Form

(Applied to all existing structures except for Single-Family Detached Residential structures, as per Chamblee UDO Section 270-9)

PROPERTY ADDRESS: 2165 Savoy Drive, Chamblee

Assessment Conducted on: _____ (Date) By: _____

PROJECT TYPE: (Check all that apply)

- Renovation
- Alteration
- Addition
- Repair
- Other New Construction

THRESHOLD ASSESSMENT:

Total construction cost post renovation/improvement, cumulative: TCC = 12.5 million dollars
(Attach documentation for all improvements made over the last 3 years, see UDO Section 270-9.)

Fair Market Value of existing structure: FMV = 0 (no structure)
(Attach DeKalb County Tax Assessor documentation for both entire site and individual building, or an appraisal from a certified appraiser.)

Percent calculation: $X = TCC/FMV =$ 0

See Page 2 of this form for Redevelopment Thresholds Summary Table.

Mandatory compliance is not intended to result in total improvement costs greater than or equal to 125% of FMV value but applicant shall meet items in order of priority listed in Section 270-9 of the UDO until the 125% cap is met.

Assessment: (Check one)

- Improvements not required because less than 40% improvement
- > 40%
- > 60%
- > 70%

Property Tax Information Results

Parcel ID :18 344 05 004

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Land Data				
Neighborhood	Commercial Land Use	Zoning	Unit Type	Unit Size
6049 - 300	N/A	-	Sq. Ft.	71,003.00

Building Information
No Building Information Available

Building Permit Data				
Permit Number	Permit Date	Completion Date	Permit Amount	Description
154431	3/22/2001	9/7/2005	14,000	RENOVATION/ALTERATION
154432	3/11/2002	9/7/2005	150,000	ADDITION
154433	5/14/2002	9/7/2005	150,000	ADDITION
154434	3/11/2002	9/7/2005	150,000	ADDITION
154435	5/14/2002	9/7/2005	150,000	ADDITION
154436	8/25/2004	9/7/2005	27,500	RENOVATION/ALTERATION
154437	12/28/2005	8/15/2006	383,087	ADDITION

History of Values					
Tax Year	Total Appraised	Taxable Land	Taxable Improvement	Total Taxable	Total Assessment
2018	1,022,400	1,022,400	0	1,022,400	408,960
2017	1,027,000	1,027,000	0	1,027,000	410,800
2016	1,027,000	1,027,000	0	1,027,000	410,800
2015	1,300,000	1,027,000	273,000	1,300,000	520,000
2014	799,910	371,910	428,000	799,910	319,964
2013	2,199,200	1,022,400	1,176,800	2,199,200	879,680
2012	2,199,200	1,022,400	1,176,800	2,199,200	879,680
2011	2,199,200	1,022,400	1,176,800	2,199,200	879,680
2010	2,199,200	766,800	1,432,400	2,199,200	879,680
2009	2,199,200	766,800	1,432,400	2,199,200	879,680
2008	2,199,200	766,800	1,432,400	2,199,200	879,680
2007	1,207,200	766,800	440,400	1,207,200	482,880
2006	1,207,200	766,800	440,400	1,207,200	482,880
2005	821,200	646,100	175,100	821,200	328,480

For information on property characteristics, contact (404) 371-2471.

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WILSON BROCK & IRBY, L.L.C.

ATTORNEYS AT LAW

OVERLOOK I, SUITE 700
2849 PACES FERRY ROAD
ATLANTA, GEORGIA 30339
WWW.WBLEGAL.COM

STEPHEN ROTHMAN
SROTHMAN@WBLEGAL.COM
DIRECT DIAL: (770) 803-3731

TELEPHONE
(404) 853-5050
FACSIMILE
(404) 853-1812

September 26, 2018

Mayor and City Council
City of Chamblee, Georgia
c/o City of Chamblee Development Department
3506 Broad Street
Chamblee, Georgia 30341

RE: 2165 Savoy Drive DCI and Variance Application

Honorable Mayor and Members of City Council:

This firm is pleased to represent Opal Hospitality Management, LLC, the owner of property located at 2165 Savoy Drive. The purpose of these applications is to authorize the development of this vacant paved site into a 6 story, 110 room La Quinta Inn and Suites. This development represents a \$12,500,000 investment on this vacant lot across the street from I-285. We are excited to announce this proposal and wholeheartedly request your approval of it. Enclosed please find the site plan, exterior design plans, landscaping plan and other materials used to evaluate the proposal for review purposes.

The property is zoned to the VC (Village Commercial) Zoning District and will require a DCI approval, as well as approval of variances and waivers which become necessary due to the topography, size and shape of the lot and the unnecessary hardship that arises therefrom. This letter is written to explain why the proposal meets the criteria required for approval of the DCI and why the proposal meets the criteria for approval of the variances and waivers.

The DCI Application

Any development proposing more than 20,000 square feet of new buildings requires that an owner go through a Development of Community Impact (DCI) review process. That process involves the review of the proposal as applied to 10 criteria. This letter will address each of the criteria in turn.

1. Design Shall be in harmony with the general character of the neighborhood and surrounding area, considering factors such as mass, placement, height, changing land use patterns, and consistency of architectural treatment, especially in areas of historic or special design interest.

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The subject property is located on the south side of Savoy Drive along a block that is currently developed with single story, single use facilities with parking located between the building and the street. Savoy Drive is an access road along Interstate 285. The north side of Savoy Drive is the Interstate. Most of the uses on the south side of Savoy Drive are fast food restaurant, although there is a tex-mex sit down restaurant, a package store, a bowling alley and a gasoline station. The property, the former site of the Bombay Grill restaurant, is a flag shaped lot fitted between a Wendy's fast food restaurant and an "L" shaped lot developed with a bowling alley.

Nearly all of the developed parcels along Savoy Drive have a single user, single story building with parking located in front of and the side of the single building. Most of the uses along Savoy Drive are national chains of commercial service, such as Taco Bell, Wendy's, Papa John's, and Mobil, which are auto-oriented facilities that are developed, and periodically redeveloped, to meet a uniform architectural brand that distinguishes the tenant offering the service. The exceptions are the package store, the bowling alley and a few other locally owned stores that nevertheless exist in single story buildings with parking between the street and the building.

The proposed development is in harmony with the existing character of the neighborhood because it proposes a nationally-recognized hotel being built to the current architectural standards of such facilities. Similar to the general character of the neighborhood, the building will be located towards to the rear of the lot, with surface parking located between the building and the street. The color palette of the proposed building is very similar to the buildings located along Savoy Drive and represents current the La Quinta standards.

The development proposes a six-story building that has greater height than the surrounding single story uses. However, the massing of the building is diminished by its placement in a location which is not located near the other buildings. Indeed, the other buildings are surrounding by parking lots, so the proposed building, from a massing and scale perspective, does not overpower the other buildings. The proposal represents a significant investment in this area of Savoy Drive to a degree that appreciably exceeds previous investments and increases the likelihood that the City's goals and plans for this area will succeed. This proposal is an important first step towards reinvestment along this block from auto-oriented food uses to a destination facility.

2. Design components shall be planned such that they are physically and aesthetically related and coordinated with other elements of the project and surrounding environment to ensure visual continuity of design.

The design components of the proposed hotel are planned such that they are physically and aesthetically related and coordinated with other elements of the project and surrounding environment to ensure visual continuity of design. The surrounding environment consists of single use developments with parking located between the building and the street. Thus, with a similar site design, the design component of the site layout is planned such that it is

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aesthetically related to and coordinated with the surrounding environment, thus ensuring visual continuity of design along Savoy Drive.

In addition, the site layout is such that the entrance façade of the building is oriented towards to the street and the parking area, thus offering an inviting entrance to the facility.

The specific design components of the building, including the materials, colors, shapes, fenestration, building systems, signage and entrance design are proposed in compliance with the nationally recognized design standard of La Quinta Inn and Suites, thus providing an impression consistent with one's visual expectation, as well as the associated sense of destination and place. These design components provide a pattern of aesthetically and physically related elements that weave together a unified motif that harmonizes internally and with the surrounding built environment.

3. Design shall protect scenic views, particularly those of open space, and utilize natural features of the site.

The property, which is located adjacent to Interstate 285, has a view corridor that is clear between the interstate and the site. The property is currently developed with a general advertising sign. The property is also burdened with a view corridor easement which prohibits development of the site in a manner which interferes with the view of motorists along I-285 to the general advertising sign. The location of the building is placed such that the view of the sign is not interfered with. Indeed, there is no other orientation or physical location where a building could be placed on the property that does not interfere with the view of the general advertising sign. This topographic feature, the sign, is a primary limitation of development of the site, and if the variances and waivers are not granted, the only alternative is to develop a single story building with surface parking so as to avoid interfering with the view corridor of the sign. The design protects the views currently existing on the property.

4. Design shall protect adjacent properties from negative visual and functional impacts.

The proposed design and location of the building protects the adjacent properties from negative visual and functional impacts. Indeed, placing the building closer to the street would block signage the bowling alley's on-site signage as well as blocking the general advertising sign on site. There are no negative visual or functional impacts on adjoining properties arising from the proposed design.

5. Design shall respect the historical character of the immediate area as integral parts of community life in the city and shall protect and preserve structures and spaces which provide a significant link within these areas.

There are no structures on the property, except for the general advertising sign. The proposed development is designed to protect the view of that sign from passing motorists. The historical character of the immediate area is marked by auto-oriented commercial services along

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this road. The proposed design and location of the building respects the historical character of the immediate area as integral parts of community life in the city.

6. All exterior forms, attached to the buildings or not, shall be in conformity with, and secondary to, the building.

The architectural elevations show that the exterior forms of the building are in conformity with, and secondary to, the building.

7. The proposed development is suitable in view of the use and development of adjacent and nearby property.

As discussed previously, the adjacent and nearby properties are used as, and developed as, single-user, single-story buildings with surface parking located between the building and the street. The proposed development is consistent with that pattern, except that the proposed use is a taller building, albeit one that is appropriate in scale when viewed from the street when compared to adjacent and nearby property. The proposed development is an allowable use and does not propose a use that is inconsistent with zoning. The proposed development is a significant investment in an area where such investment has not recently been deployed. As such, the proposed development is suitable.

8. The proposed development does not adversely affect the existing use or usability of adjacent or nearby properties.

The proposed development positively affects existing use or usability of nearby and adjacent properties. The proposed development design offers a customer base for the commercial service, recreation and food industries located in the area. In addition, the proposed development maintains view corridors for signage of adjacent and nearby properties.

9. The proposed development does not result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools.

The proposed development does not result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools.

10. The proposed development is in conformance with the applicable zoning district.

The proposed development is in conformance with the requirements of the VC zoning district.

11. The proposed development is in conformance with the provisions of the future development plan articulated in the City's Comprehensive Plan.

The proposed development is in conformance with the provisions of the future development plan articulated in the City's Comprehensive Plan. The property is located in a

Character Area called “Perimeter Commercial Mix” which is located east to west along the city’s northern boundary against the perimeter, I-285. The plan articulates a vision that “[t]he area will provide a mix of professional, commercial and residential uses integrated within an aesthetically pleasing boundary along I-285.” See page 17, Comprehensive Plan. This proposed lodging use complements the commercial, professional and residential uses, existing and those envisioned, for this Character Area by providing new, attractive lodging facilities for the business traveler and other visitors to Chamblee. Currently, there is a lack of new, attractive lodging options in Chamblee. This commercial lodging service function conforms with the offering one of the uses in the Character Area that provides for a stable mixed use area. The infill policies and criteria for Savoy Drive, found on Table 4-1, contemplates higher density office uses for parcels fronting on Savoy Drive. See Page 76, Comprehensive Plan. The proposed Inn and Suites, at six stories, has the building mass, form and use that is harmonious with, and conforms with, the land use effects of a high density office building. Given that the use is compatible with the intent for the Perimeter Commercial Mix area, and given that the building form and size is compatible with the infill policies, this proposed development is consistent with the future development plan articulated in the City’s Comprehensive Plan.

Variations and/or Waivers

This letter will also provide justification for the 11 variations and/or waivers that are required for approval of the proposed development. Each variation and or waiver will be addressed in turn below, applying the criteria applicable to each such variation or waiver as provided for in Section 280-31 for variations or 300-13 for waivers.

1. Variance to eliminate the supplemental zone requirement

Applicant seeks a variance from the requirement of 230-26(g) for a supplemental zone to allow parking and other functional uses within the area located between the building and the street, and to provide for the site plan as more particularly shown on the enclosed plans.

This request meets the criteria because there are extraordinary and exceptional conditions pertaining to the particular property in question because of its size, shape or topography. In particular, the topography of the property includes a general advertising sign that is oriented to and visible from I-285. This general advertising sign structure, a man-made structure, is part of the property’s topography.¹ This general advertising sign has associated with it, by a recorded easement that burdens the property with a requirement that no structures be erected on the property which interferes with or obstructs the view corridor from passing motorists.

In order to comply with the supplemental zone requirement, the applicant would be required to either violate the easement or rotate the building in a manner so that the narrow side of the building would be located immediately adjacent to a small supplemental zone.

¹ The term “topography” is defined as the configuration of the natural and man-made features of a surface area. Merriam Webster Dictionary.

The application of the supplemental zone requirement in this manner would result in an unnecessary hardship. If, to comply with the supplemental zone requirement, the building is oriented to the west, with a side of the building facing the street, the side of the hotel would have no relationship between the building and the street. The side of the building would not contain the lobby or entrance to the hotel. In addition, by bring the building forward to the front of the site oriented with the side of the building facing Savoy Drive, and to avoid interfering with the general advertising sign's view to I-285, the building would block the neighboring Bowling Alley's signage. Finally, the rear of the building would be facing westbound traffic on Savoy Drive and oriented towards the front of the Bowling Alley, The benefits of a supplemental zone would not be actualized and negative impacts would result to adjacent property. Thus, it is not necessary, to implement the zoning goals or purposes of the ordinance, to strictly enforce the supplemental zone requirement.

The particular shape of the lot, as a flag lot, with seven sides, and narrow depth of the wider portion of the lot, simply exacerbates the limited site planning options for the site and the unnecessary hardship described above.

These topographical, shape and size limitations are unique to this property and do not affect others. The property owner purchased the property with the size, shape and topographical constraints thereon. The property owner did not create the billboard or authorize it. The billboard and associated easement was implemented prior to the property owner taking title to the property and are not result of its actions.

Relief if granted would not cause substantial detriment to the public good nor impair the purpose and intent of the zoning ordinance. Indeed, relief would further such public good and purposes and intent, because the proposed development offers a use that encourages the type of mix of uses in the Perimeter area that is envisioned in the Comprehensive Plan, and offers a significant investment in the area and on this vacant parcel. The only realistic alternative to the proposed development, if this variance is not granted, is a single story building, with surface parking, that contains less than 20,000 square feet, which requires a single user. Accordingly, another auto oriented, single story, single user development would result. Given the design and land use goals for this block of Savoy Drive, the relief requested serves the public good and furthers the purposes and intent of the zoning ordinance.

2. Waiver to allow landscape islands in parking lot with less than 10 feet width

Applicant seeks a waiver from the requirement of Section 320-21(1) to allow landscape islands in the parking with less than 10 feet of width. and to provide for the site plan as more particularly shown on the enclosed plans. This request meets the criteria because the site is not wide enough to allow for the requisite parking, drive aisles, landscape strips and pedestrian safety without the slight reduction in width of the landscape islands. Indeed, the hotel is requesting a reduction in parking due to the awkward shape of the lot, which does not afford enough land to provide the required (or market standard) number of parking spaces with the facility.

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The waiver would not violate the intent of Title 3 of the UDO, because the landscaping plan shows a planting plan that meets and exceeds the minimal standards found in the UDO. Section 300-1 of Title 3 of the UDO, which outlines its purposes, outlines one purpose that is applicable to landscaping on private property: to provide for pleasing visual environments. The proposed landscaping plan, even though the landscape islands are slightly narrower than 10 feet, provides for a more pleasing visual environment that if the landscape islands were a little wider without the extra landscaping being provided to justify this request.

3. Waiver to eliminate separation of parking spaces from sidewalks.

Applicant seeks a waiver from the requirement of 320-21(3) to allow parking spaces to be located within 10 feet of a private, onsite pedestrian sidewalk along the perimeter of the hotel and along a head to head parking separation where a 3 foot sidewalk is proposed for pedestrian convenience.

This request meets the criteria because the site is not wide and deep enough to allow for the requisite 10 foot separation between the parking bumper and the sidewalk. Indeed, the hotel is requesting a reduction in parking due to the awkward shape of the lot, which does not afford enough land to provide the required (or market standard) number of parking spaces with the facility.

The waiver would not violate the intent of Title 3 of the UDO, because the proposed sidewalks are distinguished from the parking area in elevation and there is curbing and bumpers separating the pedestrian from the parked car. There is ample provision for pedestrian safety and flow. Indeed, one of the sidewalks at issue is being provided to enable pedestrian movement separate from the drive aisle.

4. Waiver to reduce head to head parking 5 foot strip to allow 3 foot concrete sidewalk.

Applicant seeks a waiver from the requirement of 320-21(4) to allow a 3 foot concrete sidewalk within the head to head parking 5 foot strip. The sidewalk is proposed for pedestrian safety in order to allow pedestrians to travel to cars in an area separate from drive aisles.

This request meets the criteria because the site is not wide and deep enough to allow for the requisite parking, much less sidewalks through the middle of the parking with five feet on each side of the sidewalk. Indeed, the hotel is requesting a reduction in parking due to the awkward shape of the lot, which does not afford enough land to provide the required (or market standard) number of parking spaces with the facility.

The waiver would not violate the intent of Title 3 of the UDO, because the proposed sidewalk is distinguished from the parking area in elevation and there is a grass strip, curbing and bumpers separating the pedestrian from the parked car. There is ample provision for pedestrian safety and flow. This sidewalk provides for pedestrian safety.

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5. Variance to allow dumpster outside of rear yard

Applicant seeks a variance from the requirement of 250-21, which requires the dumpster and enclosure to be located on the rear property line, to allow the dumpster to be located on the west side of the property, as more particularly shown on the site plan.

The rear property line is adjacent to a parcel owned by the City upon which a stream flows.

This request meets the criteria because there are extraordinary and exceptional conditions pertaining to the particular property in question because of its size, shape or topography. In particular, the shape of the lot, a flag lot, is such that the rear property line is located to the south end of the stem of the flag lot, on a small frontage which abuts City owned land with a stream. This line is very far from the building and the closest point to the stream.

An alternative is directly behind the building. However, there is not enough depth to allow the proposed hotel, parking and access, and an area behind the building for a dumpster enclosure, given the shape of the subject property and the shape of the adjoining "L" shaped lot. In addition, the rear of the building contains open space.

The strict enforcement of the dumpster/enclosure requirement to the rear results in an unnecessary hardship. If, to comply with the requirement, the dumpster and enclosure building is to the south, then it would be adjacent land owned by the City intended for a path along the creek, providing an undesirable use. The proposed location, away from the hotel and behind the neighboring Wendy's restaurant and its rear service area, is the least impactful location. Any benefit to locating a dumpster to the rear of the lot would not be actualized with the surrounding uses and negative impacts would result to adjacent property. Thus, it is not necessary, to implement the zoning goals or purposes of the ordinance, to strictly enforce the dumpster location requirement.

The particular shape of the lot, as a flag lot, with seven sides, and narrow depth of the wider portion of the lot, simply exacerbates the limited site planning options for the site and the unnecessary hardship described above.

These topographical, shape and size limitations are unique to this property and do not affect others. The issues surrounding the unnecessary hardship arising from the shape, size and topography of the lot (and the stream to the south) were not caused by the property owner.

Relief if granted would not cause substantial detriment to the public good nor impair the purpose and intent of the zoning ordinance. Indeed, relief would further such public good and purposes and intent, because the proposed location is the least impactful of any to surrounding properties and guests at the hotel. Given the alternatives available to the applicant, the relief requested serves the public good and furthers the purposes and intent of the zoning ordinance.

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6. Waiver to reduce the 5 foot landscape strip along rear line to 2 feet

Applicant seeks a waiver from the requirement of 320-21(5) to reduce the required 5 foot landscape strip along the rear line behind the building to 2 feet, in a small portion between the proposed parking lot and the parking lot on the other side of the property line. The parking lot on the other side of the property line is paved to the property line.

This request meets the criteria because the site is not deep enough to allow for the 5 foot landscape strip, requisite parking, other landscape requirements, due to its shape and size. Indeed, the hotel is requesting a reduction in parking due to the awkward shape of the lot, which does not afford enough land to provide the required (or market standard) number of parking spaces with the facility.

The waiver would not violate the intent of Title 3 of the UDO, because the proposed strip for which a variance is requested is a very short distance, and adjacent to an existing paved area. The relief of 3 feet will not cause visual or practical negative impacts, while strict enforcement will force the further loss of necessary parking or landscaping in another location. The relief requested has no negative impact.

7. Variance to reduce required parking from 132 spaces to 110 spaces

Applicant seeks a variance from the requirement of Section 250-2 to reduce the required minimum number of parking spaces from 132 parking spaces to 110 spaces.

This request meets the criteria because there are extraordinary and exceptional conditions pertaining to the particular property in question because of its size, shape or topography. In particular, the shape of the lot, a flag lot, is such that the width of the lot becomes severely restricted on the southern end of the lot, on the portion that is the stem of the flag lot.

The strict enforcement of the dumpster/enclosure requirement to the rear results in an unnecessary hardship. If the full provision of parking were provided, the hotel footprint would have to be severely restricted, which would preclude the option of developing this use. This hardship is not necessary because the rise of alternative and convenient modes of transit, such as Lyft and Uber, and the high cost of automobile rental have worked a change in the parking demands of hotels in the years following the standards adopted in the Development Code. Furthermore, hotels rarely are 100% occupied, and designing "parking for Christmas" is not an efficient and sustainable use of land. It is not necessary to design for maximum parking demand to conform to the City's goals of an aesthetically pleasing and convenient mix of uses in the Perimeter area.

These topographical, shape and size limitations are unique to this property and do not affect others. The issues surrounding the unnecessary hardship arising from the shape, size and topography of the lot (and the stream to the south) were not caused by the property owner.

Relief if granted would not cause substantial detriment to the public good nor impair the purpose and intent of the zoning ordinance. Indeed, relief would further such public good and purposes and intent, because providing this desirable use in this area, versus a smaller single use, single story building with plenty of parking, serves the City's goal of a commercial mix of uses. The proposed use provides a underserved land use in this area and the relief requested allows for adequate parking. Given the alternatives available to the applicant, the relief requested serves the public good and furthers the purposes and intent of the zoning ordinance.

8. Variance to reduce required open space from required 20% to 14%

Applicant seeks a variance from the requirement of 230-1 to reduce the required open space from a required 20% to 14%.

This request meets the criteria because there are extraordinary and exceptional conditions pertaining to the particular property in question because of its awkward size, shape or topography. In particular, the shape of the lot, a flag lot, is such that the width of the lot becomes severely restricted on the southern end of the lot, on the portion that is the stem of the flag lot, thereby eliminating potential open space by the severe reduction in width. In addition, the awkward shape of the lot makes it difficult to design parking drive aisles, fire lanes, loading areas and service areas in a manner which affords efficiency in design of impervious surfaces.

The strict enforcement of the open space requirement results in an unnecessary hardship. If the full provision of parking were provided, the hotel footprint would have to be severely restricted, which would preclude the option of developing this use. This hardship is not necessary because the heavily landscaped areas will provide an aesthetically pleasing development. Furthermore, the proposed development vastly exceeds open space found on other parcels fronting along Savoy Drive.

These topographical, shape and size limitations are unique to this property and do not affect others. The issues surrounding the unnecessary hardship arising from the shape, size and topography of the lot were not caused by the property owner.

Relief if granted would not cause substantial detriment to the public good nor impair the purpose and intent of the zoning ordinance. Indeed, relief would further such public good and purposes and intent, because providing this desirable use in this area, versus a smaller single use, single story building with plenty of parking, even if the extra 6% of open space were provided, serves the City's goal of a commercial mix of uses. The proposed use provides a underserved land use in this area and the relief requested allows for a sufficient amount of open space while also allowing for this awkwardly shaped lot to be developed for a hotel. Given the alternatives available to the applicant, the relief requested serves the public good and furthers the purposes and intent of the zoning ordinance.

9. Variance to allow parking between the building and the street

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Applicant seeks a variance from the requirement of 250-7(a)(1) prohibiting parking between the building and the street.

This request meets the criteria because there are extraordinary and exceptional conditions pertaining to the particular property in question because of its awkward size, shape or topography, including the billboard. In particular, the billboard, a topographical constraint on the use of the property, carries with it an easement burdening the entire parcel with a view corridor restriction.

The strict enforcement of this requirement results in an unnecessary hardship because it is impossible to locate parking to the rear of this 6 story building. A building above one or two stories cannot be built on the property in a manner which interferes with or obstructs the view of motorists on I-285 or Savoy Drive to the billboard, due to the view easement. Therefore, any building that can be built must be located towards the rear of the property. Due to the shape of the lot, once the building is located to the rear of the property so as to avoid obstructing the view of the billboard, there is not enough room to provide parking behind the building. In particular, the shape of the lot, a flag lot, is such that the width of the lot becomes severely restricted at the rear, thereby eliminating potential land for parking behind the building.

This hardship is not necessary because the heavily landscaped areas will provide an aesthetically pleasing development that separates the street from the parking area. In addition, the front property line is located very far from the edge of the street curb, where the sidewalk will be built, so that there will not be parking adjacent to pedestrians or the street. The proposed site plan also orients the building in a manner where the front entrance directly faces the street.

These topographical, shape and size limitations are unique to this property and do not affect others. The issues surrounding the unnecessary hardship arising from the shape, size and topography of the lot were not caused by the property owner.

Relief if granted would not cause substantial detriment to the public good nor impair the purpose and intent of the zoning ordinance. Indeed, relief would further such public good and purposes and intent, because providing this desirable use in this area, versus a smaller single use, single story building which avoids interfering with the billboard, serves the City's goal of a mix of uses. The proposed use provides a underserved land use in this area and the relief requested allows for a sufficient amount of open space while also allowing for this awkwardly shaped lot to be developed for a hotel. Given the alternatives available to the applicant, the relief requested serves the public good and furthers the purposes and intent of the zoning ordinance.

10. Waiver to allow driveways and drive aisles to be located between building and street and in some cases to be parallel to the street

Closely related to request number 10 above, Applicant seeks a waiver from the requirement of Section 350-2(a)(1)(e) to allow driveways and drive aisles to be located between the building and the street and in some cases be parallel to the street in connection with the

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parking referenced in request number 10 above. In addition, the drive aisle located at the front of the hotel will allow hotel guest the ability to check in or check with their luggage in close proximity to the entrance to the hotel and lobby.

The request meets the criteria because of the severe topographical conditions of the lot, especially the general advertising sign and associated view corridor easement, and the shape of the lot. It is impossible to locate the building at the front of the lot without unlawfully interfering with the view corridor easement for the general advertising sign. Therefore it is necessary to locate the proposed building to the rear of the lot. Given that there is not room behind the hotel to located the requisite parking, and given that operational of requirements of a hotel require a drive aisle at the entrance lobby for guest unloading and loading, the topography, shape and size of the lot prevent compliance with Section 350-2(a)(1)(e). The only alternative would be to rotate the building 90 degrees, thus orienting the front of the hotel away from the street and exposing the rear of the hotel to Savoy Drive. This would trigger yet more variance requirements.

The waiver would not violate the intent of Title 3 of the UDO, because the landscaping plan for the project shows a planting plan that meets and exceeds the minimal standards found in the UDO. Section 300-1 of Title 3 of the UDO, which outlines its purposes, outlines one purpose that is applicable to landscaping on private property: to provide for pleasing visual environments. The placement of driveways and drive aisles between the building and the street would be done so as to create a pleasing visual environment. In addition, the proposed configuration of driveways and drive aisles between the building and the street, including some parallel to the street, is compatible with and consistent with drive aisles and driveways located on adjoining and nearby properties along Savoy Drive. Finally, given the large distance between the curb of Savoy Drive and the property line, and the likely expansion of I-285 into the Savoy Drive right of way, the proposed configuration does not overwhelm or impinge upon the pedestrian route of travel along the proposed sidewalk between the street and the property line. The parking lot is set back from the sidewalk in a manner that does not impact or overwhelm the Savoy Drive pedestrian walking down the sidewalk.

11. Variance to allow wall signs of 1,052 square feet on front façade and 254 square feet on west side façade.

Applicant seeks a variance from the requirement of 260-9(a)(3)a to allow wall signs as shown on the enclosed elevation plans.

The proposed signage, which is largely made up of the logo of a sunburst, is an attractive emblem that is designed to be complementary to the building.

Relief if granted would not cause substantial detriment to the public good nor impair the purpose and intent of the zoning ordinance. Indeed, relief would further such public good and purposes and intent, because providing this desirable use in this area, versus a smaller single use, single story building which avoids interfering with the billboard, serves the City's goal of a mix of uses. The proposed use provides a underserved land use in this area and the relief

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requested allows for a sufficient amount of open space while also allowing for this awkwardly shaped lot to be developed for a hotel. Given the alternatives available to the applicant, the relief requested serves the public good and furthers the purposes and intent of the zoning ordinance.

12. Waiver of any requirement to provide interparcel access to property located to the west of site and/or to waive requirement if adjoining properties do not execute cross easements for access.

Section 350-2c states as follows:

Requirements for interparcel access. To the maximum extent possible, sidewalks and parking lots serving adjacent lots shall be interconnected to provide continuous driveway connections and pedestrian connections between adjoining lots and streets, except that this requirement shall not apply to lots zoned for single-family residential units. Where necessary, the City may require access easements be provided to ensure continuous access and egress routes connecting commercial, office, and multifamily lots. (emphasis supplied).

Applicant does not believe this requirement is applicable to the subject proposal because it does not propose sidewalks and parking lots serving adjacent lots. Therefore, no interconnection is required under 350-2c. The staff, however, interprets this language imposes a requirement for interparcel access to all abutting commercial properties and the recordation of cross easements prior to a CO. To the extent a waiver is required, applicant seeks a waiver of the interparcel connection requirement, and requirement to provide cross easements to abutting property owners if they do not execute cross easements for access.

The shape, size and topography of the lot prevents the applicant from being able to identify where future development on abutting parcels would desire interparcel access or even if interparcel access would even be desired. Moreover, the provision of interparcel access to the parcel to the west would require the further reduction of parking. The proposed parking is the minimum feasible for the proposed development. Provision of interparcel access to the parcel to the west would thus require the reduction of rooms in the hotel.

In addition, given the inability to predict where future interparcel access would be desired in future development, it is impossible to show on the site plan where such interparcel access should be provided. Finally, there is no public benefit that will arise from the provision of interparcel access if the adjacent property owners will not agree to cross easements giving future business or residential invitees the right to traverse adjoining parcels.

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Therefore, in the event the language quoted above applies to sidewalks and parking lots that do not serve adjacent lots such as that shown in the proposal, which it does not, then Applicant respectfully requests that this waiver be granted.,

In addition to demonstrating compliance with the criteria of the zoning ordinance, this letter is to place the City on notice that if this DCI and variances are not approved as requested, such an action will deprive the owner of the property of certain constitutional rights, including those protected by Article I, Section I, Paragraph I; Article I, Section I, Paragraph II; Article I, Section III, Paragraph I, and Article I, Section I, Paragraph V of the Georgia Constitution and the 1st, 5th and 14th amendments to the federal constitution. However, given that this application meets the criteria set forth in your ordinances, and proposes a development that is in keeping with the public health, safety and welfare, we are pleased to submit this application for your review and respectfully request approval as proposed.

Sincerely,

WILSON BROCK & IRBY, L.L.C.



Stephen Rothman

Enclosures