

Hearing Date: May 6, 2024

Case Number: SE-24-07

Applicant: N K Patel, LLC

Property Owner: N K Patel, LLC

Property Address: 2059 Central Avenue

Tax Parcel No(s): 044-2-157-00-0

Current Zoning: B-1 (Neighborhood Business)

Fort Eisenhower Notification Required: N/A

Commission District: District 1: Jordan Johnson

Super District 9: Francine Scott



REQUEST	PROPOSED USE/ACTIVITY	APPLICABLE COMPREHENSIVE ZONING ORDINANCE SECTION(S)
Special Exception	Liquor Store	21-2(c)

SUMMARY OF REQUEST:

This special exception involves a 0.52 acre-tract situated in a B-1 zoning district, at the corner of Central Avenue and Heard Avenue. Currently, the site contains an existing convenience store and a small canopy containing 3 gas pumps. The request for a special exception is to allow for liquor sales to an already established convenience store. The establishment will not allow on-premises consumption of alcohol according to the letter of intent received with this application. The applicant requests a special exception to establish a liquor store at the existing convenience store located in a B-1 (Neighborhood Business) zone.

COMPREHENSIVE PLAN CONSISTENCY:

The subject property is located within the Old Augusta Character Area. Re-development is occurring in many of the well-established neighborhoods of the Old Augusta Character Area. The 2023 Comprehensive Plan's vision for the Old Augusta Character Area will be to continue re-development in some neighborhoods and maintain stability in others, by removing deteriorated and dilapidated structures, construct new or rehabilitate existing single-family housing, as well as new medium and high-density housing, additional commercial and office development, and new civic and institutional facilities. The vision also includes establishing new commercial and office uses, and civic and institutional facilities to allow for more shopping and employment opportunities. Underutilized parcels should be redeveloped in a manner consistent with the overall vision and with respect for existing development patterns and the historic architecture in the area.

FINDINGS:

1. Liquor stores are not allowed by-right in the B-1 zone but may be granted with the approval of a special exception.

2. There are no prior zoning actions associated with this property. However, there is a special exception from 2022 that approved the convenience store to be established with conditions. Those conditions do not apply to this application.
3. Adjacent zoning: West: B-1 (Neighborhood Business) | North: R-1C (One-Family Residential)
East: B-1 (Neighborhood Business) | South: B-1 (Neighborhood Business)
4. According to the FEMA Flood Insurance Rate Maps (FIRM) the property is not located within a Special Flood Hazard Area.
5. According to the Augusta-Richmond County GIS Map Layer there are no wetlands located on the property.
6. Public water and sewer are present.
7. Public transit is not located along this section of Central Avenue, where the nearest routes service Wrightsboro Road, which is approximately 974 ft. from the property.
8. According to the Georgia Department of Transportation State Functional Classification Map the adjacent road, Central Avenue, is a minor arterial route.
9. Section 21-2(c) of the Comprehensive Zoning Ordinance, Liquor stores are permitted by Special Exception in a B-1 (Neighborhood Business) zones if they generally conform to the following criteria:
 - The nature of the surrounding area is not predominantly residential with only a few commercial uses interspersed. ***Non-compliant with this provision, where North of the property located along Heard Avenue and Heard Lane is zone R-1C (one-family residential).***
 - The property is at the intersection of two arterial streets or within 500 feet of such an intersection. ***Non-compliant with this provision, where Central Avenue is considered a minor arterial, but Heard Avenue is considered local. The closest arterial intersection is Central Avenue and Troupe Street which is approximately 1332 ft. away.***
 - The property is not within 1,000 feet of a public park or recreation area, school, or library. ***Compliant with this provision, where the closest school is Monte Sano Elementary, and it is approximately 1795 ft. away. The closest public park is Hickman Park, and it is approximately 1373 ft. away. Lastly, the closest public library is Augusta University's Reese Library, and it is approximately 4556 ft. away.***
10. The approved site plan dated 2/14/2023 satisfies the minimum parking require 25 spaces.
11. The establishment will not be open for casual or social alcohol consumption according to the letter of intent received with this application.
12. This special exception is consistent with aspects of the 2023 Comprehensive Plan, which envisions the rehabilitation of established commercial establishments.
13. The property is situated in the Summerville Historic District, any new construction or exterior improvements are subject to historic preservation review and approval.

RECOMMENDATION: The Planning Commission recommends **DENIAL** of the Special Exception request as it is not in compliance with the Comprehensive Zoning Ordinance Section 21-2(c) concerning the nature of the surrounding area is predominately residential and it is not at the intersection of two arterial streets or within 500ft of such an intersection.

NOTE: This staff report includes the information available approximately two weeks prior to the Planning Commission hearing. It represents an evaluation of the facts presented by the applicant, research done by the staff, and consideration of the relevant factors in the Comprehensive Zoning Ordinance of Augusta, Georgia. New facts may emerge, and staff reserves the right to make a verbal recommendation at the hearing based on all the information available at that time.

Special Exeception Letter of Intent

March 25, 2024

Planning Department
535 Telfair Street, Suite 300
Augusta, GA, 30901

Re: Special Exception Letter of Intent
Proposed B1 Special Exception
Central Avenue, Heard Avenue & Heard Lane

Location: Parcel 044-2-157-00-0 @ Central Avenue, Heard Avenue & Heard Lane
Existing Zoning: B-1 (Neighborhood Business)
Proposed Zoning: B-1 Special Exception
Future Land Use: Convenience Store selling Gasoline with an additional use of a liquor store.
Acreage of property to be rezoned: 0.520 Acres

To whom it may concern,

I am requesting a special exception of Parcel 044-2-157-00-0 @ Central Avenue, Heard Avenue & Heard Lane of 0.052 acres from B-1 neighborhood business to B-1 Special Exception. As shown below on existing zoning map.



Special Exeception Letter of Intent

If this special exception request is approved, it will increase the profitability of county funds. The special exception will not have a negative impact on the surrounding Historic Summerville neighborhood.

The location conforms with the following criteria under both a convenience store and liquor store as noted below:

Convenience Stores - Convenience stores may be permitted by Special Exception in B-1 zones if they generally conform to the following subjective and objective criteria: 21 - 3 • Hours of operation – the establishment would not be open for business more than 18 hours per day • Illumination – the entire site would not be illuminated as a way to attract attention, but rather to a level consistent with security and identification of the business • Location – the property is located at or within 500 feet of the intersection of arterial streets or within 500 feet of such an intersection • Surrounding area – the nature of the surrounding area is not predominantly residential with only a few commercial uses interspersed • Video games/Amusements - video games/nor similar amusements are to be located on the property

Liquor Store – Liquor stores may be permitted by Special Exception in B-1 zones if they generally conform to the following subjective and objective criteria: • Surrounding area – the nature of the surrounding area is not predominantly residential with only a few commercial uses interspersed; • Location – the property is at the intersection of two arterial streets or within 500 feet of such an intersection; • Proximity to public places – the property is not within 1000 feet of a public park or recreation area, school or library

If you have any questions or concerns, please don't hesitate to reach out.
Thank you,

Vaishaliben Patel
Member of N K Patel LLC
706-589-5345

THE CONTRACTOR, BUILDER AND/OR LOT BUYER WILL EMPLOY THE FOLLOWING BEST MANAGEMENT PRACTICES THROUGHOUT THE CONSTRUCTION PROCESS TO REDUCE SOIL EROSION: ALL WORK AREAS SHALL BE PROTECTED BY EROSION CONTROL MEASURES.

D11	RESTORED AREA STABILIZATION (WITH MULCHING ONLY)
D12	RESTORED AREA STABILIZATION (WITH TEMPORARY SEEDING)
D13	RESTORED AREA STABILIZATION (WITH PERMANENT SEEDING)
D14	DUST CONTROL ON DISBURSED AREAS
D15	CONSTRUCTION OUTLET
D16	SEEDING MATERIAL
D17	SAFETY STOPPAGE TRAIL

THE ABOVE DESCRIBED PRACTICES WILL BE IMPLEMENTED IN A METHODOICAL MANNER IN ACCORDANCE WITH THE BMP PLAN AND THE CONSTRUCTION OF THE INFRASTRUCTURE. THE SELECTION OF BMP'S AND MAINTENANCE OF CONTROL STRUCTURES WILL BE VITAL TO PREVENTING AN ENVIRONMENTALLY SOUND PROJECT.

[illegible]

THE CONTRACTOR SHALL EXPOSE THE STEEL DRAINAGE COLLECTION SYSTEM AS QUICKLY AS POSSIBLE UPON CLEANING OF ROADWAYS AND METALL SURFACING TRAFFIC. THE CONTRACTOR SHALL CONTINUE STORMWATER RUNOFF FROM THE PROJECT AT ALL TIMES SHOULD A PROBLEM OR BAD STRUCTURE FAILURE OCCUR DURING THE CLEANING OPERATION. THE CONTRACTOR SHALL IMMEDIATELY REPORT SAME TO THE PROJECT ENGINEER TO DETERMINE CORRECTIVE MEASURES.

THE CONTRACTOR SHALL STABILIZE EXPOSED STRUCTURES AS QUICKLY AS POSSIBLE UPON BEING BROUGHT TO FINAL GRADE WITH A MINIMUM OF EXPOSURE TO THE WEATHER. THE CONTRACTOR SHALL PROTECT THE MAIN STRUCTURE FROM THE WEATHER.

THE CONTRACTOR SHALL PROVIDE DUST CONTROL, INCLUDING BUT NOT LIMITED TO, WATER TRUCKS OPERATED AT ALL TIMES WHICH HAVE A CHANGING NOZZLE AND A CHANGING NOZZLE HAS BEEN APPLIED TO ALL DUSTY AREAS WHICH HAVE REACHED THE POINT OF EMISSION. THE CONTRACTOR SHALL PROVIDE PAVING OF THE ROAD IN ACCORDANCE WITH THE APPROPRIATE ROAD PAVING PRACTICES.

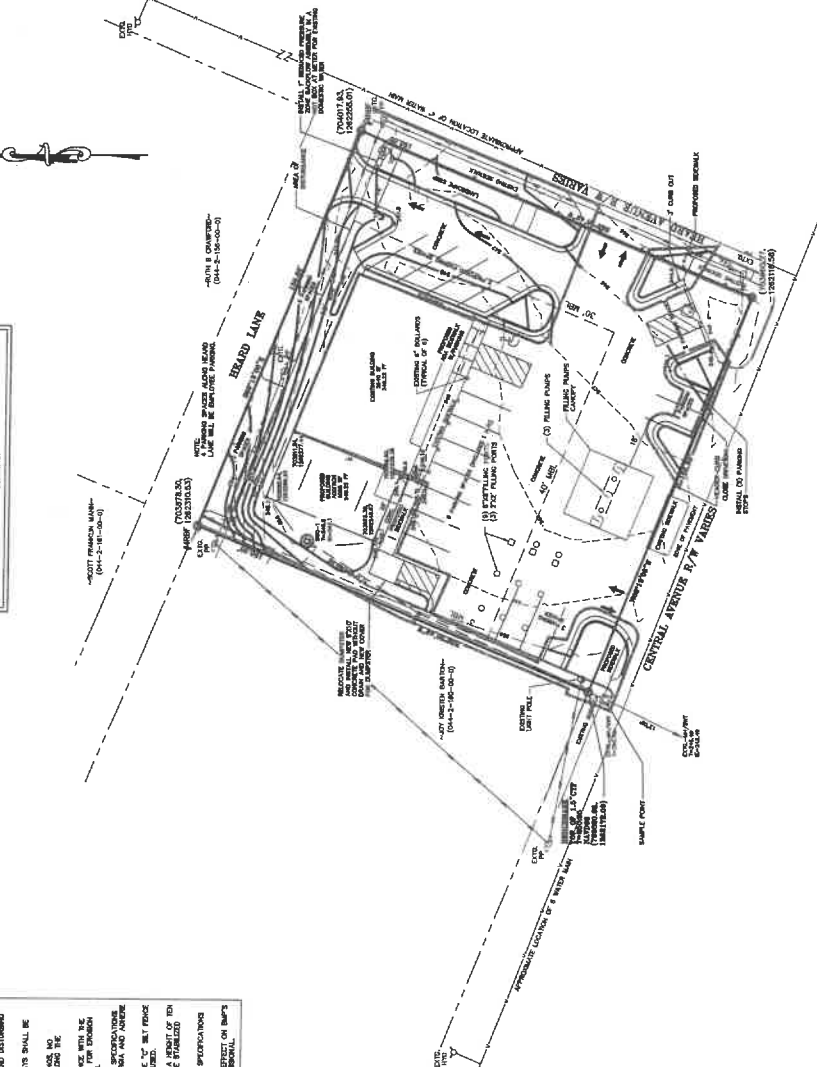
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ONCE THE PROJECT IS COMPLETE AND ALL DISTURBED AREAS ARE STABILIZED WITH A PERMANENT VEGETATING PLANTING AND MULCHING, THE PROPERTY MAY BE OPEN TO THE PUBLIC FOR RECREATION. UPON APPROVAL OF THE FINAL PLAN, THE PRIMARY PERMITTEEES MAY ALLOW SECONDARY PERMITTEES ONTO THE PROPERTY TO PROVIDE ALL SECONDARY PERMITTEES WITH A COPY OF THE BASIC PLAN AND HAVE EACH SECONDARY ACCEPTANCE OF SAME BY SIGNING A SEPARATE CONTROL PLAN OF RECORD. ALL SECONDARY PERMITTEES, INCLUDING UTILITY COMPANIES, SHALL FILE A NOTICE OF ENTRY WITH THE GEORGIA ENVIRONMENTAL PROTECTION DIVISION.

[illegible]

THESE PLANS, THE PRIMARY PERMITTEE SHALL SUBMIT A NOTICE OF SUBMITTAL TO THE GEORGIA ENVIRONMENTAL PROTECTION DIVISION.

THIS PROPERTY IS LOCATED IN RICHMOND COUNTY, GEORGIA IN THE 125th G.M.D. THE PROPERTY IS CURRENTLY DEVELOPED WHICH INCLUDES A COMMERCIAL STORE, GAS PUMPS W/ISLAND, PARKING AND MINOR LANDSCAPING.



1) EROSION CONTROL MEASURES WILL BE MAINTAINED AT ALL TIMES IF FULL IMPLEMENTATION OF THE APPROVED PLAN DOES NOT PROVIDE FOR EFFECTIVE EROSION CONTROL. ADDITIONAL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE IMPLEMENTED TO CONTROL OR TREAT THE SEDIMENT SOURCE.

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE INSTALLATION AND MAINTENANCE OF ALL ELECTRICAL EQUIPMENT AND MATERIALS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE INSTALLATION AND MAINTENANCE OF ALL ELECTRICAL EQUIPMENT AND MATERIALS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE INSTALLATION AND MAINTENANCE OF ALL ELECTRICAL EQUIPMENT AND MATERIALS.

SHALL REMAIN IN PLACE UNTIL
DISTURBED AREAS HAVE BEEN
PERMANENTLY STABILIZED

all erosion control measures must be in place prior to any and disturbing activity

THE CONTRACTOR SHALL NOT LOCATE ANY FUEL OR OIL STORAGE FACILITIES ON SITE.
THE CONTRACTOR SHALL DESIGNATE A SPREADING AREA ON

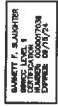
- [illegible]

CENTRAL EXPRESS MART

PROPERTY LOCATED AT 2000 CENTRAL AVENUE
RICHMOND COUNTY, GEORGIA
OCTOBER 21, 2022

PREPARED BY:
JAMES G. SWIFT & ASSOCIATES
CONSULTING ENGINEERS
1208 INTERSTATE PARKWAY - AUGUSTA, GA. - 30906
Phone (706) 885-8803 Fax (706) 885-8484

SHEET 2



Know what's below
Call before you dig

[illegible]

NOTE: IN THE EVENT THAT STREAM SAMPLING IS AND DOWNSTREAM TURBIDITY IS 20 NTU

STATE PLANE COORDINATES
FOR CONSTRUCTION OUTLET (Co)
LATITUDE 830027.198
LONGITUDE 830037.198

RECEIVER WATERS NAME: SLEWING RIVER (DOWN-STREAM)
DRAINAGE BASIN AREA = 0.52 AC.
PARCEL AREA = 0.03 AC
DISTURBED AREA FOR GENERAL CONSTRUCTION
DISTURBED AREA FOR ADDITIONAL CONSTRUCTION PHASE = 0.02 AC
TOTAL DISTURBED AREA = 0.59 AC

ALLOWABLE TIME FOR SAMPLING
STREAM SAMPLING = 20 MIN

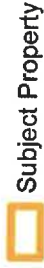
THE LOCATION OF STORM WATER MONITORING STATIONS IS
AT THE DOWNSTREAM AND UPSTREAM POINTS AS SHOWN
ON THE MAP.

Planning Commission
SE-24-07
May 6, 2024

2059 Central Avenue

Aerial

Legend



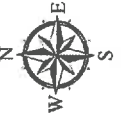
Subject Property



Produced By: City of Augusta
Planning & Development Department
535 Telfair Street Suite 300
Augusta, GA 30901
4/5/2024 MH18072

Augusta, GA Disclaimer

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200 Feet



Request: A Special Exception per Section 21-2(c) of the Comprehensive Zoning Ordinance to establish a liquor store affecting property containing approximately 0.52 acres located at 2059 Central Avenue.
Name: N K Patel LLC
Parcel: 044-2-157-00-0

Planning Commission
SE-24-07
May 6, 2024

2059 Central Avenue

Current Zoning

Legend

Subject Property

Zoning Classification

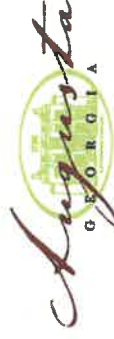
B-1: Neighborhood
Business

P-1: Professional

R-1: One Family
Residential

R-1C: One Family
Residential

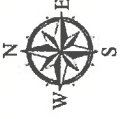
R-3B: Multiple-Family
Residential



Produced By: City of Augusta
Planning & Development Department
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4/5/2024 MH18072

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0 200 Feet

