

**GAINESVILLE PLANNING AND APPEALS BOARD
MINUTES OF MEETING
FEBRUARY 8, 2011**

CALL TO ORDER Chairman @ 5:33 p.m.

Members Present: Chairman Dean Dadisman and Board Members Dexter Stanley, Doyle Johnson, Jane Fleming, Connie Rucker, George Hokayem and John Snyder

Members Absent: None

Staff Present: Community Development Director Rusty Ligon, Planning Manager Matt Tate and Recording Secretary Judy Foster

Others Present: Council Members Bob Hamrick and George Wangemann; and Public Works Engineer Stan Aiken

MINUTES OF DECEMBER 14, 2010

Motion to approve the Minutes as presented.

Motion made by Board Member Stanley
Motion seconded by Board Member Fleming
Vote – 6 favor, 1 absent (Johnson arrived late)

WELCOME

Chairman Dadisman welcomed John Snyder as the newest member to the Planning and Appeals Board. Board Member Snyder stated he appreciated the confidence the City Council had placed in him to serve the City.

The following Minutes are not a verbatim transcript of the February 8, 2011, meeting of the Gainesville Planning and Appeals Board. An audio tape of the meeting is available in the office of the City of Gainesville Community Development Department, Planning Division and may be reviewed by the public upon appointment or a duplicate copy of the tape will be provided in accordance with Government in the Sunshine recommendations and regulations, including fees charged for services rendered.

NOTE: Board Member Johnson arrived at 5:36 p.m.

NEW BUSINESS

A. Variance Requests

- 1) Request from **Oscar Carillo** to vary the front yard building setback requirement along Wilson Drive on a 1.136± acre tract located on the northwest side of the intersection of Athens Highway and Wilson Drive (a/k/a **2121 Athens Highway**), having a zoning classification of General Business (G-B).
Ward Number: Three
Tax Parcel Number(s): 15-022D-000-002
Request: Building addition

Staff Presentation: Planning Manager Matt Tate gave the following staff presentation:

The applicant is requesting to vary the front yard setback from 40-feet to 20-feet from Wilson Drive for the purpose of constructing a 400± square foot addition to the existing building. The subject property is located within the Gateway Corridor Overlay Zone and contains an existing 3,550± square foot building that was constructed in 1970 and is currently being used as a small grocery store. The applicant states the addition is needed to enlarge the produce department located within the existing building.

The applicant is basing the hardship on the size of the property. According to the applicant, the layout of the existing building does not allow the building addition to feasibly be constructed in an alternate location. Furthermore, the presence of fuel monitoring wells and grease traps located on the north side of the property limit the area where the addition can be located.

The Gainesville Public Works Department states no parking spaces will be permitted that back into the public right-of-way. This would require elimination or relocation of the 5 (five) proposed parking spaces depicted on the concept plan.

The Planning Division staff is recommending **approval** of this variance request based on the existing location of the building and the fact that it would appear to have no impact to the surrounding properties.

Applicant Presentation: None

FAVOR: None

OPPOSED: None

Planning and Appeals Board Comments: Board Member Snyder asked if the power poles would need to be moved. Planning Manager Matt Tate stated it was possible that they would have to be relocated, noting he did not have an architectural plan in hand to confirm if it was proposed. Chairman Dadisman stated that if the variance was granted, the applicant would have to incur the relocation costs.

Upon inquiry by Board Member Fleming, Planning Manager Matt Tate stated there was sufficient room to the rear of the subject property for the five parking spaces which would need to be relocated, noting that nothing has been proposed to change the vacant land behind the building at this time.

Upon verification that Oscar Carillo owns the property, Board Member Fleming asked if the Board could ask him to clean up the rear of the property. Planning Manager Matt Tate stated it could be made a condition of zoning if the Board desired.

There was a motion to approve the request to vary the front yard building setback requirement from 40-feet to 20-feet to allow for a building addition with the following condition:

Condition

- 1. Prior to a Certificate of Occupancy being issued for the proposed addition, the applicant shall be required to clean up the rear of the subject property to the satisfaction of the Planning Division staff.**

Motion made by Board Member Fleming
Motion seconded by Board Member Rucker
Vote – 7 favor

- 2) Request from **Hall County Board of Education** to vary the electronic message board color requirements on a 33.834± acres parcel located on the southwest side of the intersection of Atlanta Highway and Tumbling Creek Road (a/k/a **2723 Tumbling Creek Road SW**) having a zoning classification of General Business (G-B) and Light Industrial (L-I).

Ward Number: Four

Tax Parcel Number(s): 08-026-000-001

Request: Full color digital monument sign

Staff Presentation: Planning Manager Matt Tate gave the following staff presentation:

The applicant is proposing to vary the sign lighting requirements in order to allow for a full color digital message board sign. The Gainesville Unified Land Development Code allows for digital message board signs to be displayed with amber color only. The proposed digital message board monument sign is to be located along Atlanta Highway which is within the Gateway Corridor Overlay Zone, and is to meet all other requirements of the sign code in respect to its location, size and height. The subject property is the location of the Lanier Charter Career Academy (LCCA) as well as the neighboring Lanier Career Center which are part of the Hall County Board of Education. LCCA is an innovative school in Hall County which serves the high schools in Hall County for careers in the hospitality, culinary arts, and marketing industries.

According to the applicant, the full color sign is designed to interface with the new digital marketing program offered at the LCCA. The program provides the students with an opportunity to use the most up-to-date marketing tools to learn how to create marketing schemes that are easy for the public to read and are designed to industry standards. The applicant states that LCCA will not be able to achieve the mission and vision of the institution if students are not provided with authentic experiences that blend academic learning with career preparation by utilizing the most innovative technologies available rather than simulations. The proposed sign will be used for specific building functions, notifications of public events, AMBER Alerts, and other public safety alerts.

The Georgia Department of Transportation (GDOT) states the applicant should contact the GDOT Outdoor Advertising Agent Tammi Mullen to ensure the sign is in compliance with all applicable state laws.

There have been no similar variance requests granted by the Planning and Appeals Board. During December of 2002, a request was denied to vary the color of an electronic message board sign from amber to red for Walgreens located at 472 South Enota Drive. During February of 2010, a zoning amendment request was approved to allow internal illuminated signs for a proposed RaceTrac gas station. As part of the amendment, the applicant's request to have a red and green electronic message board lighting to display gas prices was denied by the Planning and Appeals Board and City Council.

The Planning Division staff is recommending **denial** of this variance request based on no existing physical hardship and the subject property being located within the Gateway Corridor Overlay Zone.

Applicant's Presentation: Aaron Turpin, Executive Director of Technology for Hall County Schools, 711 Green Street, stated the Lanier Charter Career Academy at the Oaks (LCCA) is a center for hospitality, e-commerce and culinary arts which provides a unique learning experience for students. He stated the sign is designed to interface with the new digital marketing program offered at LCCA, noting the sign did not provide an amber option as required by the City Code. He stated the sign would be the same size as the one at Hartsfield-Jackson International Airport. Mr. Turpin stated the sign will benefit the community as well by displaying public safety alerts. He agreed that there was no hardship to the request.

FAVOR: None

OPPOSED: None

Planning and Appeals Board Comments: Chairman Dadisman stated he had some reservations about the request, specifically noting that variances are required to have a hardship involved and the approval of this request would set precedence for future applications.

Board Member Fleming stated that other businesses have been turned down who requested something other than amber lighting. She asked if the sign could be used without full color. Mr. Turpin stated the software was HD color software to train the students in 21st century technology, noting they could not use it at all if it cannot be full color since they cannot go back and purchase additional software.

Chairman Dadisman stated he could sympathize with the applicant but noted the Board had a responsibility to uphold the regulations imposed by City Council.

There was a motion to deny the request to vary the electronic message board color requirements for a full color digital monument sign.

Motion made by Board Member Stanley
Motion seconded by Board Member Snyder

Board Member Snyder suggested the applicant approach the City Council to discuss the possibility of a Code Amendment since these type signs were not common at the time the Code was written but have since become more popular.

Community Development Director Rusty Ligon stated that staff could research this matter to see how other municipalities deal with this issue since more requests will be forthcoming and present their findings to City Council for their guidance.

Vote – 7 favor of denial

MISCELLANEOUS

A) Appointment of Vice-Chairman

Board Member Stanley nominated Board Member Doyle Johnson to serve as Vice-Chairman.

There being no other nominations, Chairman Dadisman called for the motion.

There was a motion to appoint Board Member Doyle Johnson to serve as Vice-Chairman for the Planning and Appeals Board.

Motion made by Board Member Stanley
Motion seconded by Board Member Hokayem
Vote – 6 favor, 1 abstained (Johnson)

ADJOURNMENT

There was a motion to adjourn the meeting at 5:55 PM.

Motion made by Board Member Hokayem
Motion seconded by Board Member Snyder
Vote – 7 favor

Respectfully submitted,

Dean Dadisman, Chairman

Judy Foster, Recording Secretary