

**GAINESVILLE PLANNING AND APPEALS BOARD
MINUTES OF MEETING
MAY 10, 2011**

CALL TO ORDER Chairman @ 5:30 p.m.

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

Members Absent: Board Member Dexter Stanley

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

Others Present: Council Member Myrtle Figueras; Public Utilities Engineer Myron Bennett; and Public Works Engineer Stan Aiken

MINUTES OF MARCH 8, 2011

Motion to approve the Minutes as presented.

Motion made by Board Member Fleming
Motion seconded by Board Member Snyder

Vote – 6 favor, 1 absent (Stanley)

The following Minutes are not a verbatim transcript of the May 10, 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.

PRESENTATION OF PROCLAMATION TO JOE DIAZ

Vice-Chairman Johnson presented the proclamation to Joe Diaz in appreciation for his service to the City by serving on the Planning and Appeals Board.

NEW BUSINESS

A. Variance Requests

- 1) Request from **ICCL, LLC** to vary the rear yard buffer width requirement and the location and number of parking spaces on a 13.0± acres tract located on the west side of McEver Road, north of its intersection with Donna Way (a/k/a **3100 McEver Road SW**), having a zoning classification of Residential-I (R-I), Office and Institutional (O-I) and Planned Unit Development (P-U-D).

Ward Number: Four
Tax Parcel Number(s): 08-022-000-012
Request: VA medical clinic

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

The applicant is proposing to vary three development requirements of the Unified Land Development Code (ULDC) for a future 22,000± square foot VA medical clinic. Specifically, these include varying the rear yard buffer width requirement from 25-feet to 15-feet against property zoned R-I within unincorporated Hall County, varying the maximum number of parking spaces permitted from 147 to 208 spaces and to vary the Gateway Corridor Overlay standards to increase the percentage of front yard parking spaces allowed from twenty-five (25) percent to fifty-eight (58) percent.

The subject property is 12.83± acres in size and is currently zoned Office and Institutional (O-I), Planned Unit Development (P-U-D), and Residential-I (R-I); however, the location of the proposed building and parking area is located within the portion of the property zoned Office and Institutional (O-I). The site is currently undeveloped but contains two Georgia Power overhead transmission lines with easements of 100-feet and 70-feet.

The applicant is basing the hardship on the topography, the existing rocky soils and the location of the two power line easements traversing the property which justify the buffer width reduction and the parking location variance. Regarding the variance to allow an additional 61 parking spaces, the applicant states the proposed parking spaces are a standard set by the U.S. Department of Veteran Affairs.

The Georgia Department of Transportation (GDOT) states a commercial driveway permit will be required. Gainesville Public Utilities states that the City has adequate water and sewer capacity to serve the proposed VA medical clinic and that if a variance request is granted to the applicant, connection to these mains will be allowed for up to one year from the date of approval.

Adjacent land uses include a karate studio, Free Chapel Worship Center, a multi-tenant office building, Merry Maids business and single-family homes located within unincorporated Hall County to the west.

The Planning Division staff is recommending **conditional approval** of this variance request based on the location of existing overhead power lines and the geotechnical issues that exist within the subject property.

Conditions

- 1. All access points designed to and from State Route 53 (a.k.a McEver Road) shall be approved by both the Georgia Department of Transportation (GDOT) and the Gainesville Public Works Department. Any road improvements required for the proposed development shall be the financial responsibility of the owner/developer.**
- 2. The exterior walls of the proposed building shall be consistent with the architectural rendering submitted with the application.**
- 3. The design of proposed buffer area located along the western property line adjoining the single family properties shall be subject to Community Development Department approval. This may include the type, number and placement of trees to be installed as well as an opaque fence.**

Applicant Presentation: Lee Hemmer, with the Simpson Company and also a principle with ICCL, LLC, presented additional renderings to the Board. He stated that

the building site on the subject property is limited by power lines and rock, which would require a significant amount of blasting if located elsewhere. He stated that in order to create presence, all parking should be in the front for ingress and egress purposes, noting that parking would be limited in the back. He gave a brief overview of the project and stated that reducing the buffer would help them to fit all the aspects required by the VA. Mr. Hemmer also stated that they were agreeable to all the conditions as proposed by staff.

FAVOR: **Rev. Evelyn Johnson**, Bethel AME Church, stated she was in favor of the project, noting it was admirable to honor our veterans since we are dependent upon them. She believed that having this facility would help encourage the veterans and show our appreciation.

OPPOSED: None

Planning and Appeals Board Comments: None

There was a motion to conditionally approve the request to vary the rear yard buffer width requirement and the location and number of parking spaces to allow for a VA Medical Clinic following conditions:

Conditions

- 1. All access points designed to and from State Route 53 (a.k.a McEver Road) shall be approved by both the Georgia Department of Transportation (GDOT) and the Gainesville Public Works Department. Any road improvements required for the proposed development shall be the financial responsibility of the owner/developer.**
- 2. The exterior walls of the proposed building shall be consistent with the architectural rendering submitted with the application.**
- 3. The design of proposed buffer area located along the western property line adjoining the single family properties shall be subject to Community Development Department approval. This may include the type, number and placement of trees to be installed as well as an opaque fence.**

Motion made by Vice-Chairman Johnson
Motion seconded by Board Member Fleming
Vote – 6 favor, 1 absent (Stanley)

- 2) Request from **Jake Brown** to vary the front yard setback requirement on a 1.75± acres tract located on the southwest corner of the intersection of Browns Bridge Road and Old Flowery Branch Road (a/k/a **2407 Browns Bridge Road**), having a zoning classification of General Business (G-B).

Ward Number: Four

Tax Parcel Number(s): 08-007-002-004

Request: Expansion of new car dealership

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 7-feet 2-inches along Old Flowery Branch Road. The purpose of the request is to construct a 1,325 square addition to an existing secondary storage and parts department building used for the Jacky Jones Lincoln-Mercury auto dealership. Of the 1,325 square foot addition,

approximately 500 square feet of the addition would be located within the required setback. At present the property contains two metal buildings and a portion of the building proposed to be expanded is already located 10-feet from the property line.

The applicant is basing the hardship on the shape of the property and states the addition is needed to meet the new standards for sales and service for Lincoln-Mercury. According to the applicant, the shape of the property and configuration of the existing buildings prohibit the addition to be constructed in an alternate location. The existing building was constructed in 1986 and does not meet the 40-foot front yard setback imposed by the current Unified Land Development Code (ULDC).

The property is located within the Gateway Corridor Overlay Zone and the adjacent uses include the Milton Martin Honda, Carriage Nissan, Greene Ford, Hollis Stone Works and Ryan's Steakhouse.

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

Applicant Presentation: **Jake Brown**, stated that Lincoln-Mercury is changing their guidelines for operations, and the addition is needed to expand their parts department to be in compliance with the new guidelines.

FAVOR: None

OPPOSED: None

Planning and Appeals Board Comments: None

There was a motion to approve the request to vary the front yard setback requirement to allow for the expansion of new car dealership.

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

B. Rezoning Request

- 1) Request from the **Fair Street Area NPU Steering Committee** to rezone a total of 252 parcels consisting of 65.11± acres located between the southeast side of Jesse Jewell Parkway and E. E. Butler Parkway, having road frontage along Cloverdale Avenue; Carlton Street; Collins Street; Desota Street; Dunbar Place; Elm Street; Emily Street; Fair Street; Harvey Street; High Street; Hobbs Alley; Martin Luther King, Jr. Boulevard; McBride Street; McDonald Street; Mill Street; Norwood Street; Patricia Drive; and Summit Street, from Residential-II (R-II) and Planned Unit Development (P-U-D) to Neighborhood Conservation (N-C).

Ward Number: Three

Tax Parcel Number(s):

01-021-001-023, 023A, 023B, 024, 025, 026, 027;
01-021-002-001, 002, 010, 011, 012, 013, 013A, 014, 016;
01-021-003-001, 002, 003, 004, 005, 006, 009, 013;
01-021-006-002, 003, 004, 005, 006, 007, 008, 009, 010;
01-021-007-001, 002, 003, 004, 005, 006, 008, 010, 011, 011A, 012, 015, 018, 019, 020,
023A, 024, 025, 026, 027, 028, 029, 030;

01-021-008-001, 001A, 002, 003, 004, 005, 006, 007, 008, 009, 010, 011, 012, 013;
01-021-009-001, 002, 003, 004, 007;
01-034-001-002, 003, 004, 008, 009, 010, 014;
01-034-002-001, 002, 003, 004, 005, 006, 007, 008, 009, 010, 011;
01-034-003-002, 003, 004, 005, 006, 007, 008, 009, 010, 010A, 011, 012, 013, 014, 015,
016, 017;
01-034-004-001, 002, 003, 005, 006, 007, 008, 009, 010, 011, 012, 013, 014, 015, 016, 017,
018, 019, 020, 021, 022, 023;
01-034-005-001, 002A, 003A, 003B, 004, 005, 007, 008, 008A, 008B, 008C, 008D, 009, 010,
011, 012, 013;
01-034-006-001, 001A, 002, 004, 011, 012, 013, 014, 015, 016, 017, 018;
01-034-007-011, 012, 013, 014A, 014B, 014C, 014D, 014E, 014F, 015, 016A, 017, 018, 019,
020, 021, 022, 023, 024, 025, 026, 027, 028, 029, 030, 031, 033;
01-034-008-001, 002, 004, 005, 006, 007, 010, 011, 012;
01-035-002-042, 043, 044;
01-035-004-001, 002, 003, 004, 005, 006, 007;
01-035-005-004, 005, 006;
01-060-001-001A, 002, 004, 005, 007, 008, 009, 010, 011, 011A, 012, 014, 016, 017, 018,
019, 033, 034;
01-060-002-001, 002, 003, 004, 005, 006, 007, 008, 009, 010, 011, 012, 013, 014, 015, 016;
01-060-003-001, 002, 003, 004, 005, 006, 007, 008

Request: Neighborhood Conservation District

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

In May 2007, the City created its first Neighborhood Planning Unit (NPU) with the formation of the *Fair Street Area Neighborhood Planning Unit*. A NPU is a citizens-based approach for continual, detailed land use and community facilities planning. Since that time, the residents and the Steering Committee formed within the Fair Street NPU have worked to define a vision and goals for the neighborhood, in which a resolution was adopted by City Council in May 2008. The adopted vision identified the neighborhood as an established residential neighborhood that is predominantly single-family in nature and rich in historical heritage. From this, a goal was adopted to preserve the single-family character of the neighborhood while preventing any new multi-family within the area. As a result of this, in November of 2009, the City of Gainesville on behalf of the NPU residents rezoned 129 parcels from R-II and P-U-D to a single-family zoning of Neighborhood Conservation (N-C).

As a second phase of this effort, the Fair Street Area NPU Steering Committee is now proposing to rezone a total of 252 parcels from R-II and P-U-D to N-C and all of the property owners have given owner authorization to pursue the rezoning effort. Of the 252 parcels, a total of 243 parcels are zoned R-II and 9 parcels are zoned P-U-D. These parcels are located within the southern portion of the established Fair Street Area NPU and have a high concentration of owner-occupied single-family residences with a scattering of duplexes, three churches, the Newtown Florist Club nonprofit organizational office, and the Fair Street Neighborhood Center.

The Future Land Use Map of the Comprehensive Plan places the majority of the subject area within the *Suburban Residential-Medium Density* category, which is predominantly characterized by single-family residential development and is intended to have a maximum density of two dwelling units per acre. As well, 18 parcels located along E. E. Butler Parkway are classified as *Retail-Commercial* and seven (7) parcels located east of Mill Street are located within the *Industrial* Land Use category.

Staff is recommending **approval** of this request based on the significant number of existing single-family homes within the area and the fact that all of the property owners within the subject area are in support of the request. Furthermore, the proposed request is consistent with the Comprehensive Land Use Plan as well as the vision and goals of the Fair Street Area NPU.

Applicant Presentation: **Berlinda Lipscomb**, 518 Fair Street, stated that she appreciated the work and support of the City Council and staff in getting through this process in which they hope to revitalize the area. She stated she has participated in Comprehensive Plan meetings and has seen the excitement within the community which she hopes to see in the Fair Street area as well. She requested the Board recommend approval as in their previous rezoning request.

FAVOR: **Rev. Evelyn Johnson**, Bethel AME Church, stated she was in favor of the request and asked the Board to recommend approval so they can be as ashes rising to heights unknown.

OPPOSED: None

Planning and Appeals Board Comments: None

There was a motion to recommend approval of the request to rezone 252 parcels from Residential-II (R-II) and Planned Unit Development (P-U-D) to Neighborhood Conservation (N-C).

Motion made by Board Member Hokayem

Motion seconded by Vice-Chairman Johnson

Vote – 5 favor, 1 abstained (Rucker), 1 absent (Stanley)

C. Special Use Request

- 1) Request from **Kauffman Tire, Inc.** for a Special Use on a 1.19± acres tract located between southwest corner of the intersection of Dawsonville Highway and Green Hill Circle (a/k/a **801 and 805 Dawsonville Highway**), having a zoning classification of Regional Business (R-B).

Ward Number: Five

Tax Parcel Number(s): 01-116-002-053 and 086

Request: Automotive tire and service store

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

The applicant is proposing a Special Use permit within the Regional Business (R-B) zoning district in order to construct a 6,872 square foot Kauffman Tire automotive service facility. The subject property is located within the Gateway Corridor Overlay Zone and contains two parcels of which one of the parcels contains the closed Sonic Restaurant. The property has road frontage along Dawsonville Highway and Green Hill Circle with two existing driveway cuts that are located along an interior drive which serves the adjacent Village Shoppes shopping center.

According to the applicant, the development proposes to meet or exceed all of the Gateway Corridor Overlay Zone standards and no additional driveway curb cuts are being proposed. The applicant states the facility will have 8 service bays that are to be positioned out of view from Dawsonville Highway. Business hours are 8AM to 6PM

Monday-Friday and 7:30AM to 5PM on Saturdays with an average of 30 to 40 customers per day.

Some of the adjacent uses include Pet Smart and Office Max to the north, Best Buy and Party City to the east, Hollywood Cinemas to the south and Starbuck's coffee within The Village Shoppes to the west.

The Future Land Use Map for the City of Gainesville places the subject property in the *Retail Commercial* land use category, which generally includes commercial service activities such as grocery stores, banks, restaurants, theatres, hotels, and automotive related businesses.

According to the Gainesville Public Utilities Department, the proposed use can be served by an existing 1-inch water meter and sanitary sewer tap that served the former Sonic Restaurant.

It is of the opinion of the Planning Division staff that the proposed special use request is reasonable based on the adjacent and nearby commercial uses and the fact that it is consistent with the Comprehensive Plan. As well, the proposed use could serve as a complimentary use as shopping, restaurants and entertainment (movie theatre) are in walking distance to the subject property.

Therefore, staff is recommending **conditional approval** of this Special Use request for an automotive tire and service store use within R-B zoning with the following conditions:

Conditions

- 1. An automotive paint and body repair shop or auto sales facility is not an approved use for the subject property.**
- 2. There shall be no junk vehicles or vehicles used for parts stored on the subject property.**
- 3. All service bay doors shall face towards the southeastern and northwestern property line as to not be directly visible from Dawsonville Highway.**

Applicant Presentation: John Weaver, with Kauffman Tire, shared a brief history of the third generation business, noting they are not like other discount tire stores. He stated they anticipate between 30-40 customers per day. He stated the existing water and sewer service is sufficient to meet their needs and they only need to demolish the Sonic Restaurant in order to start, noting they can build the store within 120 days. Mr. Weaver stated they were agreeable with the three conditions as proposed by staff.

FAVOR: Lee Hemmer, the Simpson Company, stated that he represents the property owners and would obviously like to see the special use approved.

OPPOSED: None

Planning and Appeals Board Comments: Board Member Snyder asked Mr. Weaver how the old tires and oil would be stored, noting he was concerned with unsightly automotive refuse. Mr. Weaver explained that the used tires and oil are stored inside the building and are removed as needed. He stated that used oil filters are stored in containers as well and are not placed in the dumpsters.

Upon inquiry by Board Member Fleming, Mr. Weaver confirmed the location and facade of the bays and the direction they would face.

There was a motion to recommend conditional approval of the request for a special use for a drive-thru coffee restaurant within Regional Business (R-B) zoning with the following conditions:

Conditions

- 1. An automotive paint and body repair shop or auto sales facility is not an approved use for the subject property.**
- 2. There shall be no junk vehicles or vehicles used for parts stored on the subject property.**
- 3. All service bay doors shall face towards the southeastern and northwestern property line as to not be directly visible from Dawsonville Highway.**

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

MISCELLANEOUS

Comprehensive Plan

Community Development Director Rusty Ligon stated that staff was in the process of completing a major update to the City's Comprehensive Plan which must be adopted by the end of June 2012. He stated that the majority of the work will be completed in the next 6 to 8 months. He announced that there would be a Public Open House on Saturday, May 21st from 9AM to 12PM at the Georgia Mountains Center. He asked the Board and the public to drop in during that time to see the displays and presentations, and to ask questions and share input.

ADJOURNMENT

There was a motion to adjourn the meeting at 6:08 PM.

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

Respectfully submitted,

Dean Dadisman, Chairman

Judy Foster, Recording Secretary