

**GAINESVILLE PLANNING AND APPEALS BOARD
MINUTES OF MEETING
JUNE 14, 2011**

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

Members Present: Chairman Dean Dadisman, Vice Chairman Doyle Johnson and Board Members Dexter Stanley, 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: Public Works Engineer Stan Aiken

MINUTES OF MAY 10, 2011

Motion to approve the Minutes as presented.

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

NOTE: Board Member Johnson arrived at 5:32 p.m.

The following Minutes are not a verbatim transcript of the June 14, 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.

NEW BUSINESS

A. Variance Request

- 1) Request from **RP 601 Broad St., LLC** to vary the frontage landscape strip width requirement, open space requirement and the impervious surface area requirement on a 1.27± acres tract located on the northwest side of Broad Street, south of its intersection with Prior Street (a/k/a **601 Broad Street SE**), having a zoning of Office and Institutional (O-I) .
Ward Number: Two
Tax Parcel Number(s): 01-023-002-017C
Request: Circular driveway and parking additions for medical offices

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

The applicant is proposing to vary the frontage landscape strip width requirement along Broad Street from 10 feet in width to 4.1 feet in width; to vary the open space requirement from 20% to 10%; and to vary the maximum impervious surface area requirement from 75% to 90%. The purpose of the request is to construct a circular driveway and parking additions in order to convert the existing 14,600 sq. ft. professional office building into a medical office building. The applicant states that other exterior

improvements will include the addition of rock to the exterior facade of the building, additional landscaping and the addition of a drive under canopy. As part of the addition the large hardwood tree and large pine tree will be removed. The applicant is basing the hardship on the existing location of the building and states the frontage improvements are necessary in order to meet handicapped accessibility requirements and to meet the logistical needs of the medical uses.

The subject property is 1.27± acres in size and the surrounding uses include a mix of professional-medical offices, retail, and institutional uses.

As noted in the staff recommendation report there have been as many as five similar variance requests within the surrounding area within the last ten years of which all were approved.

The Planning Division staff is recommending **conditional approval** of this variance request based on the current location and design of the building.

Conditions

- 1. A minimum of 50% of the exterior front facade of the building excluding window and doors shall be improved with brick or rock materials.**
- 2. The design of the landscaped areas along the front and side yard property boundaries shall be subject to Community Development Department approval. This shall include the type, number and placement of all plants, shrubs and trees.**

Applicant Presentation: Chris Braswell, 930 Interstate Ridge Drive, Suite C, stated that he represented RP 601 Broad St., LLC and they feel like the request is in keeping with other medical offices in the area. He presented pictures to the Chairman. He stated that these variances are needed to meet the changing needs of their tenants. Mr. Braswell stated they had a letter of support from the owner of Lawrence Pharmacy. He requested that Condition #1, as proposed by staff, be reduced from 50% to 40% because they will have additional doors but they do not have specifics yet regarding the number of additional doors or their location. He thanked the Board for their consideration.

FAVOR: None

OPPOSED: None

Planning and Appeals Board Comments: Upon inquiry by Board Member Fleming, Mr. Braswell stated the pictures presented to the Planning and Appeals Board members are representative of the facade they want to secure.

There was a motion to conditionally approve the request to vary the frontage landscape strip width, open space and the impervious surface area requirements to allow for a circular driveway and parking additions for medical offices with the following conditions:

Conditions

- 1. A minimum of 40% of the exterior front facade of the building excluding window and doors shall be improved with brick or rock materials.**
- 2. The design of the landscaped areas along the front and side yard property boundaries shall be subject to Community Development Department approval. This shall include the type, number and placement of all plants, shrubs and trees.**

Motion made by Board Member Hokayem
Motion seconded by Vice-Chairman Johnson
Vote – 7 favor

B. Rezoning Request

- 1) Request from **Jamie Collins** to rezone a 1.419± acres tract located on the northeast side of Thompson Bridge Road, north of its intersection with Lanier Avenue (a/k/a **1452, 1464 and 1472 Thompson Bridge Road NE**), from Residential-I (R-I) and Neighborhood Business (N-B) to General Business (G-B).

Ward Number: One
Tax Parcel Number(s): 01-087-004-008, 009 and 010
Request: Taco Bell restaurant with drive-thru

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

The applicant is proposing to rezone the subject property from R-I and N-B to G-B for the purpose of constructing a Taco Bell restaurant with drive-thru. The subject tract is located within the Gateway Corridor Overlay Zone and consists of three properties. Presently, 1452 and 1464 Thompson Bridge Road properties are zoned R-I and include two rental homes. The property located at 1472 Thompson Bridge Road is undeveloped and is primarily zoned N-B with a small portion of this property being zoned R-I as well.

The conceptual design of the building is to be 2,413 square feet in size with parking and storm water detention facilities located to the rear of the building and the proposed drive-thru speaker device is to face away from the adjacent residential properties. Typical hours of operation for Taco Bell Restaurants are Monday thru Sunday from 10 AM to 11 PM. The proposed driveway is to be located at the northern end of the property with a limited right-in/right-out movement and possible left in from Thompson Bridge Road.

According to the Georgia Department of Transportation (GDOT), a commercial driveway permit will be required for the proposed development. The applicant will need to coordinate with GDOT Access Management.

The Public Utilities Department states that the existing water and sanitary sewer services that currently serve the existing property can be utilized to serve the proposed Taco Bell restaurant.

The subject property is located along a commercial corridor adjacent to a residential district. Adjacent uses include the Sun Trust Bank, Lanier Plaza shopping center and single-family homes. Other nearby properties includes Pizza Hut, Burger King, Westminster Presbyterian Church, Wells Fargo Bank, Publix grocery store and numerous professional office and retail uses.

The Future Land Use Map for the City of Gainesville places the subject property in the *Mixed-Use* land use category. This category includes areas containing or planned for a mixture of land uses including office, neighborhood retail, and residential. The types of uses that are desirable in this area would be restaurants, specialty retail, and low-intensity offices.

The proposed restaurant is of an appropriate scale and would serve as a complimentary use to patrons living and working in the surrounding area. Similar nearby restaurants with a drive-thru includes McDonalds, Pizza Hut, Burger King, Long John Silvers, Dairy Queen and the recently approved Yonah Burger restaurant.

The Planning Division staff is recommending **conditional approval** of this rezoning request with a zoning of General Business (G-B), based on the Comprehensive Plan and the surrounding residential and nonresidential land use.

Conditions

- 1. The subject property shall be limited to a restaurant use with a drive-thru and those uses permitted under the Neighborhood Business (N-B) zoning district.**
- 2. Any drive-thru speaker shall be directed toward Thompson Bridge Road (S.R. 60) away from the existing residential property.**
- 3. A minimum 10-foot wide buffer shall be required along the northerly property line adjacent to the property zoned Neighborhood Business (N-B) containing the single-family home. A minimum 35-foot wide buffer shall be required along the easterly property line adjacent to the single-family property zoned Residential-I (R-I). The design of the proposed buffer areas 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.**
- 4. There shall be no future access to or from the subject property via Walker Street.**

Applicant Presentation: Steve Gilliam, 301 Green Street, represents the applicant. He stated that Jamie Collins, engineer for the project, was present as well as Dave Bohannon from Taco Bell, and the property owners. He stated that on the Thompson Bridge Road side of the property, GDOT will require a deceleration lane which the applicant has agreed to and submitted plans showing the lane. He stated that the drive-thru speaker will be on the Thompson Bridge Road side, which will project away from the neighboring residential properties. He stated that the project does conform to the Gateway Corridor Overlay Zone and the Comprehensive Plan. Mr. Gilliam stated that they have reviewed the conditions and they are acceptable to the applicant. He asked the Board to approve the request with the conditions as proposed by staff.

FAVOR: None

OPPOSED: Connie Propes, 695 Honeysuckle Lane, stated that Taco Bell is totally inappropriate for this section of Thompson Bridge Road. She stated that the City is spending thousands of dollars to update the Comprehensive Land Use Plan, and this particular type of business may not be acceptable along Thompson Bridge Road from the Publix shopping center to Kroger and Ingles once the Comp Plan is updated. She stated she would like to see the Comp Plan keep that section of Thompson Bridge Road as Office and Institutional (O-I) and Residential-I (R-I) for professional, low impact

businesses. She asked the Board to keep the zoning as is at this time until the Comp Plan has been updated in order to see the proposed future of Thompson Bridge Road.

Bill Morrison, 801 Honeysuckle Lane, stated that the area in question currently has professional, medical, low impact businesses which conform to the land use requirements, such as a psychologist office, lawyer's offices, a massage parlor, an optometrist office, a hair salon, a small hardware store, the Hall County Book Exchange, a cabinet shop, small bank branches, a chiropractic office, a church and 12 residences. He stated that a Taco Bell would not be appropriate in this location and he couldn't believe staff would recommend approval of this request even with conditions. He commented on traffic trips per day, drive-thru and hours of operation, noting it was inappropriate for orders to be blaring out during church services. He felt that this project did not fit in this area. He asked the Board to continue to support the current Comp Plan and vote no to this request.

REBUTTAL: Steve Gilliam stated that the current Comp Plan supports the rezoning request and you must go with what is current and not wait until a new one is adopted. He stated that the location is within a corridor that has development standards which will regulate how it is constructed and they will adhere to them. He stated the project is consistent with the Comp Plan.

Planning and Appeals Board Comments: Upon inquiry by Board Member Fleming, Planning Manager Matt Tate stated that the current Unified Land Development Code would require a 35 foot vegetative buffer to the rear of the property along the residential properties on Walker Street. He stated that although the ULDC does not require a buffer for adjoining commercial properties, they have recommended a condition for a 10-foot buffer on the north side of the property where there is a single-family home. Mr. Tate stated that the proposal would bring the site down to street grade, and therefore would not be as visible from Walker Street.

There was a motion to recommend conditional approval of the request to rezone the subject property from Residential-I (R-I) and Neighborhood Business (N-B) to General Business (G-B) with the following conditions:

Conditions

- 1. The subject property shall be limited to a restaurant use with a drive-thru and those uses permitted under the Neighborhood Business (N-B) zoning district.**
- 2. Any drive-through speaker shall be directed toward Thompson Bridge Road (S.R. 60) away from the existing residential property.**
- 3. A minimum 10-foot wide buffer shall be required along the northerly property line adjacent to the property zoned Neighborhood Business (N-B) containing the single-family home. A minimum 35-foot wide buffer shall be required along the easterly property line adjacent to the single-family property zoned Residential-I (R-I). The design of the proposed buffer areas 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.**
- 4. There shall be no future access to or from the subject property via Walker Street.**

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

C. Special Use Request

- 1) Request from **One Eleven, LLC** for a Special Use on a 0.27± acre tract located on the east side of Thompson Bridge Road, south of its intersection with Oak Tree Drive (a/k/a **996 Thompson Bridge Road NE**), having a zoning classification of Neighborhood Business (N-B).

Ward Number: Two
Tax Parcel Number(s): 01-068-001-018A
Request: Drive-thru coffee restaurant

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

The applicant is proposing a special use permit in order to allow a drive-thru coffee restaurant within the N-B zoning district. The subject property is located within the Gateway Corridor Overlay Zone and contains an existing concrete slab that was previously the site of a veterinary clinic building. The applicant is proposing to relocate the existing Little Yellow Coffee House from the existing parking lot located within the Lanier Plaza Shopping Center located further north on Thompson Bridge Road to the subject property.

All access to the subject property is to remain unchanged which includes one ingress driveway *and* one egress driveway off of Thompson Bridge Road. Existing public water is to be utilized and no storm water detention facilities are proposed at this time. The hours of operation are expected to be from 6:00 A.M. to 8:00 P.M. Monday through Saturday with limited hours on Sunday. Of significance, the proposed drive-thru coffee restaurant does not utilize a speaker device to order beverages. Food and beverage orders are placed at a pick-up window with direct contact to restaurant staff.

GDOT states that even though no additional commercial drives are requested, the applicant should coordinate with GDOT Access Management to ensure existing driveways are adequate for the proposed use.

The Public Utility Department states that existing water and sanitary sewer services that currently serve the existing property can be utilized to serve the proposed drive-thru coffee restaurant.

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. Some of the surrounding uses include a Watkins Chiropractic, Animal Care Center Veterinary Clinic, Dairy Queen, Greens Grocery, a package store and single family homes located across Thompson Bridge Road within the Green Street Circle neighborhood.

The Planning Division staff is recommending **conditional approval** of this Special Use request for a restaurant with drive-thru use within Neighborhood Business (N-B) zoning, based on the Comprehensive Plan and the surrounding residential and nonresidential land uses.

Conditions

1. The applicant/property owner shall improve the existing free-standing sign. The improvements shall include converting the existing v-shaped sign into a monument sign with an architecturally compatible base, not to exceed 10-feet in height. The sign shall be completed within 90-days of the special use approval for the subject property.
2. The exterior front and both sides of the relocated building shall have a 3-1/2 foot tall brick or stone architectural base as measured from the finished grade as to comply with the Gateway Corridor Overlay Zone requirements.
3. The applicant shall be required to make some landscaping improvements between the building location and Thompson Bridge Road. These improvements may include the planting of trees, plants, shrubs or concrete planter boxes in order to improve the aesthetics of the property. The final design of the proposed frontage planting area shall be subject to Community Development Department approval.

Applicant Presentation: Melinda Spurlin, 125 Clarks Bridge Road, stated that they would like to move their coffee shop to a better location which is more level. She stated that their drive-thru does not have a speaker, noting their customers simply order at the window. She stated that she was in agreement with the conditions as proposed by staff.

FAVOR: None

OPPOSED: None

Planning and Appeals Board Comments: Upon inquiry by Board Member Snyder, Planning Manager Matt Tate stated that there were no architectural drawings for this building, noting the building would simply be picked up and moved to the new location and improvements made to the building.

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

Conditions

1. The applicant/property owner shall improve the existing free-standing sign. The improvements shall include converting the existing v-shaped sign into a monument sign with an architecturally compatible base, not to exceed 10-feet in height. The sign shall be completed within 90-days of the special use approval for the subject property.
2. The exterior front and both sides of the relocated building shall have a 3-1/2 foot tall brick or stone architectural base as measured from the finished grade as to comply with the Gateway Corridor Overlay Zone requirements.
3. The applicant shall be required to make some landscaping improvements between the building location and Thompson Bridge Road. These improvements may include the planting of trees, plants, shrubs or concrete planter boxes in order to improve the aesthetics of the property. The final design of the proposed frontage planting area shall be subject to Community Development Department approval.

Motion made by Vice-Chairman Johnson
Motion seconded by Board Member Fleming
Vote – 7 favor

ADJOURNMENT

There was a motion to adjourn the meeting at 6:02 PM.

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

Respectfully submitted,

Dean Dadisman, Chairman

Judy Foster, Recording Secretary