

**GAINESVILLE PLANNING AND APPEALS BOARD
MINUTES OF MEETING
JULY 12, 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 and John Snyder

Members Absent: Board Member George Hokayem

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

Others Present: Council Member Bob Hamrick, Public Utilities Engineer Myron Bennett and Public Works Engineer Stan Aiken

MINUTES OF JUNE 14, 2011

Motion to approve the Minutes as presented.

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

The following Minutes are not a verbatim transcript of the July 12, 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 **Gwinnett Ind. Inc.** to vary the stream protection buffer requirement on a 20.1± acres property located on the northeast side of New Harvest Road, south of its intersection with Calvary Church Road, and being Lot One of the Gainesville Business Park Subdivision (a/k/a **1845 New Harvest Road**), having a zoning classification of Heavy Industrial (H-I).
Ward Number: Four
Tax Parcel Number(s): 15-031-000-056 and 075 (part)
Request: 77,000± square foot industrial warehouse/manufacturing building with future expansion

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

The applicant is proposing to vary the stream protection buffer requirement in order to construct a 77,126 square foot industrial warehouse/manufacturing building with future expansion within the new Gainesville Business Park subdivision. The subject property is 20.1± acres in size and is Lot 1 of the Gainesville Business Park subdivision. The property is partially vegetated and contains two streams located on the north and south side of the property. A land disturbance permit for the proposed speculative industrial

building was issued for the property on May 13, 2011, however no development has occurred on the property at this time.

As you know, the Gainesville Unified Land Development Code (ULDC) requires a 75-foot protection buffer to be maintained against all streams as a way to minimize the impact of development and to maintain stream water quality. Of the 75-foot buffer requirement, the first 25-feet of the buffer located closest to the stream is a State mandated *undisturbed/non-impervious* buffer. The second 25-feet of the buffer is a local *undisturbed and non-impervious* buffer mandated by the City of Gainesville. **This particular portion of the buffer is what is under consideration for a variance tonight. The third and remaining 25-feet of the buffer mandated by the City of Gainesville is located furthest from the stream and can only be minimally disturbed which is consistent with the applicant's proposal.

Specifically, the first part of the request involves varying the stream buffer located on the north side of the property which includes disturbing a 3,910± square foot area with the addition of a 60-foot long retaining wall located within the second 25-foot *undisturbed and non-impervious* stream buffer area.

The second part of the request involves varying the stream buffer located further on the south side of the property and includes a land disturbance area of 2,633± square feet within the second 25-foot *undisturbed /non-impervious* buffer area.

Both encroachment areas are outside of the 25-foot wide state mandated stream buffer area.

The applicant is basing the hardship on the property's shape and topography and states that strict adherence to the buffer requirement would require two much larger retaining walls to be constructed. As well, the applicant states that all disturbed areas within the undisturbed and non-impervious buffer areas will be stabilized with vegetation and best management practices will be adhered to during construction.

The Planning Division staff is recommending **conditional approval** of this variance request based on the existing shape and topography of the property.

Condition

The property owner shall be required to provide an erosion and sedimentation control plan acceptable to the Community Development Department Director prior to a Certificate of Occupancy being issued for the proposed development. At minimum the plan shall include pre, intermediate and post erosion and sedimentation control measures; as well as a landscape plan consisting of native trees, shrubs and plants.

Applicant Presentation: Rusty McKellar, with Gwinnett Industries, 5830 E. Ponce De Leon Avenue, Stone Mountain, Georgia, 30083, stated they are planning to construct a 77,000 sq. ft. warehouse, noting it would be the first building in the Gainesville Business Park. He stated the concern with the lot is that there are streams on three sides of the lot. He stated that because of the topography, in order to accommodate the proposed building, without this variance they would have to construct a 200' retaining wall on the south end of the property and a 110' retaining wall on the northern side of the property which would cost \$160,000 or more. He stated the variance would allow them to grade into the buffer area, then vegetate and provide proper erosion control, eliminating the

need for the southern wall and allowing a reduction in size of the northern wall, thereby providing them a cost savings.

FAVOR: None

OPPOSED: None

Planning and Appeals Board Comments: Upon inquiry by Vice-Chairman Johnson, Mr. McKellar confirmed that if the variance is granted, they would grade into the buffer area and re-vegetate the south side, however, a 60' retaining wall would still be required on the north side of the lot.

Board Member Fleming asked what the use of the warehouse would be. Mr. McKellar stated that it would be a speculative building in which the Gainesville-Hall County Development Authority would market for prospective tenants.

There was a motion to conditionally approve the request to vary the stream protection buffer area from 50' to 25' with the following condition:

Condition

The property owner shall be required to provide an erosion and sedimentation control plan acceptable to the Community Development Department Director prior to a Certificate of Occupancy being issued for the proposed development. At minimum the plan shall include pre, intermediate and post erosion and sedimentation control measures; as well as a landscape plan consisting of native trees, shrubs and plants.

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

MISCELLANEOUS

2030 Comprehensive Plan

Community Development Director Rusty Ligon reminded the Board of the first public workshop regarding the City's Comprehensive Plan Update which will be held on Thursday, July 14th at 5:30 PM at the Frances Meadows Aquatic Center and he encouraged the Board Members to attend.

ADJOURNMENT

There was a motion to adjourn the meeting at 5:42 PM.

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

Respectfully submitted,

Dean Dadisman, Chairman

Judy Foster, Recording Secretary