

B. Special Use Request

- 1) Request from **Greg Loyd** for a Special Use on a 0.31± acre tract located at north side of the intersection of Thompson Bridge Road and Green Street Circle (a/k/a **1151 Thompson Bridge Road NE**), having a zoning classification of Neighborhood Business (N-B).

Ward Number: One

Tax Parcel Number(s): 01-074-003-002

Request: Dunkin' Donuts restaurant with drive-thru

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

The first request is a Special Use application to allow a drive-thru for the proposed Dunkin' Donuts restaurant within (N-B) zoning. While the ULDC allows by right a restaurant to be established within the (N-B) zoning district, a drive-thru allowing for food and beverages to be served directly to customers in a motor vehicle requires special use approval.

The second request is a variance application to 1) vary the front yard building setback from 40-feet to 12-feet along Thompson Bridge Road and from 40-feet to 20-feet along Green Street Circle; 2) vary the open space requirement from 25% to 0%; 3) vary the impervious surface requirement from 75% to 100%; 4) vary the frontage landscape strip requirement from 10-feet to 0-feet; and 5) vary the parking requirement from 15 to 11 spaces.

The applicant is basing the hardship on the numerous road frontages and the fact that the subject property and building do not presently meet the setback, open space, impervious surface area, frontage landscape strip, and parking requirements. The entire property is impervious and does not contain any landscape improvements.

Currently, the subject tract is 0.31± acre in size and is located within the Gateway Corridor Overlay Zone. As well, the subject property contains a one-story, 1,500 square feet commercial building that has been in existence over 50 years of which for the past 11 years the property has been used as a storage facility for the adjacent Syfan Landscape Center.

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. The surrounding properties uses located to the south and west off of Green Street Circle consist of single-family homes and office uses. The properties to the north, east and southeast off of Thompson Bridge Road consist of various retail, office and restaurant uses.

The applicant states the existing building will be completely renovated and expanded an additional 400 square feet to include an ordering station/drive-thru window. Access to the subject property is to remain unchanged which includes two existing driveways off of Thompson Bridge Road (S.R. 60). The northern driveway will be used for entering and exiting while the driveway located furthest to the south will be used for exiting only. The restaurant hours of operation are expected to be from 5:00 AM to 11:00 PM seven days a week. Of importance, the drive-thru window and speaker device are to be located on the southern side of the building, which does not face the residential properties and no access is being proposed from Green Street Circle.

The Georgia Department of Transportation (GDOT) states that the applicant should coordinate with GDOT Access Management to ensure existing driveways are adequate for the proposed use.

The City of Gainesville Public Utilities Department states that existing water and sanitary sewer services that currently serve the existing site can be utilized to serve the proposed Dunkin' Donuts restaurant.

The Planning Division staff is recommending **conditional approval** of both the proposed variance request and 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 with the following conditions.

Conditions

- 1. No access shall be permitted along Green Street Circle.**
- 2. Any drive-thru speaker shall be located on the south side of the building facing Thompson Bridge Road (S.R. 60) or the intersection of Thompson Bridge Road (S.R. 60) and Green Street Circle.**
- 3. The development shall meet the Gateway Corridor Overlay Zone standards including exterior facade materials which shall include fifty (50) percent brick, stone, or split face block.**
- 4. Due to the orientation of the building, the rear facade facing the intersection of Thompson Bridge Road (S.R. 60) and Green Street Circle shall be improved by having the appearance of a front facade. This may include the addition of windows, doors, roof or other facade treatments as per Community Development Department approval.**
- 5. The proposed dumpster shall be enclosed and shall be constructed of materials architecturally compatible with the proposed restaurant building consisting of brick, stone, or split face block.**
- 6. The existing chain-linked fence shall be removed from the perimeter of the subject property.**
- 7. There shall be no free-standing signs permitted within the subject property excluding incidental directional signage.**
- 8. The applicant shall coordinate with the City of Gainesville Public Works Department, Community Development Department and the Georgia Department of Transportation to incorporate a landscape strip along Green Street Circle and Thompson Bridge Road (S.R. 60) where possible. The proposed landscape strip shall include a mixture of shrubs and groundcover not to exceed 30-inches in height.**

Applicant Presentation: **Greg Loyd**, 743 Main Street, stated he was the General Contractor for this project and he represented the property owner, Alvin Gibson. He stated he did not have much to add to the staff report, but noted the Dunkin' Donuts picture shown is that of the new location in Oakwood which shows the standard design and motif the restaurant chain requires. Mr. Loyd stated that in his conversations with Georgia Department of Transportation (GDOT), they recommended he ask for access onto Green Street Circle to help alleviate some possible traffic problems, noting GDOT could not make this a requirement since it is a city street. Therefore, he requested

condition #1, as presented by staff, be stricken or at least modified to allow a left turn only on Green Street Circle. He stated all other conditions were acceptable.

FAVOR: None

OPPOSED: **Ed Ivey**, 986 Green Street Circle, requested that condition #1 not be revised as to allow any access on Green Street Circle, noting that the existing driveways may cause problems with the residents getting in and out of their neighborhood. He stated that if the applicant wanted to put up a traffic light at the intersection of Green Street Circle and Thompson Bridge Road, then that might be acceptable to the residents. Mr. Ivey felt the project would help to beautify the property; however, traffic would be terrible.

Bob Gregory, 1125 Green Street Circle, stated that Yonah Burger was recently given access onto Green Street Circle with the stipulation that it be left turn only. He stated that customers currently turn right even with the posted signs. He also voiced concerns about Oak Tree Circle, noting that if he is coming from Oak Tree Circle, he must immediately get into the left turn lane to turn onto Green Street Circle. This could be very dangerous if traffic is backed up with people wanting to get into Dunkin' Donuts and they would have to be careful not only of traffic coming down Thompson Bridge Road, but out of the Dunkin' Donuts driveway as well since it is so close to its intersection with Green Street Circle.

Shannon Ball, 1116 Green Street Circle, stated that she believed more people would have been in attendance of this meeting if they had thought there was any chance of access onto Green Street Circle. She stated that a landscaped Dunkin' Donuts would definitely be an improvement to the property. She hoped that in an effort to be more residential friendly, Dunkin' Donuts would respectfully tone down some of the flashy signage and flags which were shown in the Oakwood picture. She stated the requested access onto Green Street Circle is alarming since Yonah Burger customers are causing a huge problem as they continue to turn right, causing near collisions and she suspects Dunkin' Donuts will bring a lot more traffic. Ms. Ball requested the Board not allow any access on Green Street Circle. She also expressed concerns with the smell of grease coming from Yonah Burger and questioned if it would get worse with the Dunkin' Donuts.

Angela Ivey, 986 Green Street Circle, stated that she agreed with all the comments made previously in opposition of the project. She stated that she would like to add that the volume of traffic from a successful Dunkin' Donuts drive-thru would be extraordinary and would be a hardship to the residents who are trying to get in and out of their neighborhood. She stated that although the property is currently zoned Neighborhood Business, she did not feel this property was suited for this type of business.

REBUTTAL: **Greg Loyd** stated that the access on Green Street Circle was something GDOT suggested and not something Dunkin' Donuts wanted. He stated that if it would be a detriment to the neighborhood, they didn't have a problem with no access on Green Street Circle. He stated that GDOT felt it would make the entrance to Green Street Circle safer and less congested. He stated that due to the existing zoning setbacks, the property is virtually unbuildable without variances because of the widening of Thompson Bridge Road. Mr. Loyd stated they plan to stay within the same footprint of the existing building with an extension so the cooler can be located inside the building.

Planning and Appeals Board Comments: Board Member Snyder asked Mr. Loyd about how the Green Street Circle side of the building would be dressed up in accordance to condition #4 and if they could install any landscaping on the south end of

the property near the intersection onto Green Street Circle. Mr. Loyd stated that the standard design for a Dunkin' Donuts does not meet the 50% stone facade requirement, so they plan to increase the height of the stone on the building to meet those requirements. He stated the measures to dress up the building would be consistent on all sides and not just on one or two sides. Mr. Loyd stated that as far as landscaping the south end at Green Street Circle, the existing open space is part of either GDOT or City of Gainesville right-of-way and he is unsure what they can do there. He stated the entire lot is currently paved; however, all pavement will be removed and repaved and they plan to have some landscaping, but is unsure what they can work out because of the right-of-way.

Board Member Fleming stated that she did not believe it was fair to allow access onto Green Street Circle since it was not shown on the concept plan and the residents did not know about it. Mr. Loyd stated that he is agreeable to no access on Green Street Circle and reiterated it was a GDOT request. Ms. Fleming stated that was a huge issue for the neighborhood.

Board Member Fleming inquired of Shannon Ball's request that the flags be toned down. Mr. Loyd stated he has been dealing with a Dunkin' Donuts real estate agent and was unsure about their requirements. Planning Manager Matt Tate stated that City ordinances permit banners, but they are restricted and only allowed for a short period of time such as for a grand opening. He stated that pennant flags as shown in the picture of the Oakwood restaurant are not permitted at all.

Regarding the beautification of the right-of-way, Mr. Tate stated that it is stipulated in the recommended conditions that the applicant work with the City of Gainesville and GDOT to incorporate a landscape strip since the open space is in the right-of-way. He stated that typically, shrubbery or landscaping no taller than 30" in height is permitted within the right-of-way and staff will work with the applicant regarding this matter.

Board Member Rucker inquired about Shannon Ball's comment regarding the grease smell. Planning Manager Matt Tate stated that Yonah Burger does have a grease trap, but asked Mr. Loyd to address this issue. Mr. Loyd stated that City ordinances require a grease trap for any restaurant and dumpster area and noted that he cannot answer to how the restaurant will prepare their food.

Upon inquiry by Board Member Snyder, Planning Manager Matt Tate confirmed that the same recommended conditions would apply to both the variance request and special use request.

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

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

There was a motion to conditionally approve the request to 1) vary the front yard setback along Thompson Bridge Road from 40-feet to 12-feet and along Green Street Circle from 40-feet to 20-feet; 2) vary the open space requirement from 25% to 0%; 3) vary the impervious surface requirement from 75% to 100%;

- 4) vary the frontage landscape strip requirement from 10-feet to 0-feet; and 5) vary the parking requirement from 15 to 11 spaces with eight conditions.**

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

NOTE: The following conditions apply to both the special use and variance requests:

Conditions

1. No access shall be permitted along Green Street Circle.
2. Any drive-thru speaker shall be located on the south side of the building facing Thompson Bridge Road (S.R. 60) or the intersection of Thompson Bridge Road (S.R. 60) and Green Street Circle.
3. The development shall meet the Gateway Corridor Overlay Zone standards including exterior facade materials which shall include fifty (50) percent brick, stone, or split face block.
4. Due to the orientation of the building, the rear facade facing the intersection of Thompson Bridge Road (S.R. 60) and Green Street Circle shall be improved by having the appearance of a front facade. This may include the addition of windows, doors, roof or other facade treatments as per Community Development Department approval.
5. The proposed dumpster shall be enclosed and shall be constructed of materials architecturally compatible with the proposed restaurant building consisting of brick, stone, or split face block.
6. The existing chain-linked fence shall be removed from the perimeter of the subject property.
7. There shall be no free-standing signs permitted within the subject property excluding incidental directional signage.
8. The applicant shall coordinate with the City of Gainesville Public Works Department, Community Development Department and the Georgia Department of Transportation to incorporate a landscape strip along Green Street Circle and Thompson Bridge Road (S.R. 60) where possible. The proposed landscape strip shall include a mixture of shrubs and groundcover not to exceed 30-inches in height.

C. Annexation Request – (WITHDRAWN)

- 1) Request from **Steve Hamby** to annex a 2.137± acres tract located on the north side of Industrial Drive at its terminus (a/k/a **2093 Industrial Drive**) and to establish zoning as Light Industrial (L-I).
Ward: Four
Tax Parcel Number(s): 08-007-003-012 (part)

Request: Sewer for a proposed office building

Chairman Dadisman stated that a request has been made by the applicant to withdraw this annexation request and a motion is required to accept the withdrawal.

There was a motion to accept the withdrawal of the annexation application as requested by the applicant.

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

D. Zoning Amendment Request

- 1) Request from **ACR Property Services, LLC** to amend 105.51± acres consisting of Pods C, D, E, J and K of an existing Planned Unit Development (P-U-D) zoning having road frontage along Mundy Mill Road, Mountain View Road and Old Oakwood Road (a/k/a **0 Mundy Mill Road, 2975 Mountain View Road SW, and 3755 Meeks Drive SW**).

Ward Number: Four

Tax Parcel Number(s): 08-012-009-003 (part); 08-031-004-001 (part); 08-043-000-077

Request: Amend conditions 17 and 18 of Ordinance No. 2011-01 to allow Pod's J and K to have the same development standards for apartments as Pod's C, D and E.

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

The applicant is proposing to amend a 105.51± acres tract of property zoned Planned Unit Development with conditions (P-U-D-c), which includes Pods C, D, E, J and K of the 605 acres Mundy Mill Development. Presently, Pods C, D, E, J and K are undeveloped and are the only Pods designated for multi-family residential within the Mundy Mill development.

Pods C, D, and E are owned by Butler Property, LLC and are located on the northeast side of Mundy Mill Road and are approved for a maximum of 775 residential apartment, town home or condominium units. Pods J and K are owned by ACR Property Services, LLC and are located on the southwest side of Mundy Mill Road and are approved for 460 residential apartment, town home or condominium units. All five Pods combined include a total of 1,235 units.

Specifically, the request proposes to reduce the minimum unit size required for apartments from 750 square feet to 650 square feet for Pods J and K which would be consistent with the amended standards approved on January 18, 2011 for Pods C, D and E.

It is staff's conclusion that the proposed amendment is reasonable considering that Pods C, D and E were recently amended for the same development standards. Therefore, the Planning Division staff is recommending **approval** of the proposed request by amending conditions 17 and 18 of Ordinance 2011-01 as described by the added text that is underlined in the following amended conditions:

Amended Condition #17

The number of attached *single-family condominiums*, fee simple townhomes or apartments shall not exceed 1,235 total units to include a total of 775 units for Pod's C, D and E and 460 units for Pod's J and K. The minimum unit/lot width for each condominium or fee simple townhome unit shall be 16 feet, and each unit shall contain a minimum of 1,200 feet of heated space. Building separations shall be as reflected on the site plan, and private drives built to City specs will be used within these communities. Front, side and rear facades shall consist of masonry, stacked stone, cedar shake, stucco, cementeous siding or a mixture thereof. No vinyl siding shall be allowed excluding soffit areas. No fewer than three or more than ten condominium or fee simple townhome units shall exist within one continuous structure, and front facades will be staggered. All single-family condominiums shall contain one car garages. Monument signage shall be used for the entrance to any attached single-family residential pod as per the sign plan.

Amended Condition #18

The height of an apartment building shall not exceed three stories, although $\frac{3}{4}$ splits will be allowed. Each apartment unit will contain a minimum of 650 square feet for Pod's C, D, E, J and K. Each unit shall have at least 1.75 parking spaces. Front, side and rear facades shall consist of masonry, stacked stone, cedar shake, stucco, cementeous siding or a mixture thereof. No vinyl siding shall be allowed excluding soffit areas. Minimum building separations shall be as depicted on the site plan. Signage shall be as per the attached sign plan.

Applicant Presentation: Steve Gilliam, 301 Green Street, Suite 200, representing the applicant, stated that this is basically the same request as was recommended for approval earlier this year but simply includes Pods J and K. He asked for the same recommendation of approval.

FAVOR: None

OPPOSED: None

Planning and Appeals Board Comments: None

There was a motion to conditionally approve the request to amend the existing Planned Unit Development (P-U-D) by amending conditions 17 and 18 of Ordinance No. 2011-01 to allow Pods J and K to have the same development standards for apartments as Pods C, D and E. The conditions are amended as follows:

Amended Condition #17

The number of attached *single-family condominiums*, fee simple townhomes or apartments shall not exceed 1,235 total units to include a total of 775 units for Pod's C, D and E and 460 units for Pod's J and K. The minimum unit/lot width for each condominium or fee simple townhome unit shall be 16 feet, and each unit shall contain a minimum of 1,200 feet of heated space. Building separations shall be as reflected on the site plan, and private drives built to City specs will be used within these communities. Front, side and rear facades

shall consist of masonry, stacked stone, cedar shake, stucco, cementeous siding or a mixture thereof. No vinyl siding shall be allowed excluding soffit areas. No fewer than three or more than ten condominium or fee simple townhome units shall exist within one continuous structure, and front facades will be staggered. All single-family condominiums shall contain one car garages. Monument signage shall be used for the entrance to any attached single-family residential pod as per the sign plan.

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

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 (Johnson)

Respectfully submitted,

Dean Dadisman, Chairman

Judy Foster, Recording Secretary