

**GAINESVILLE PLANNING AND APPEALS BOARD  
MINUTES OF MEETING  
SEPTEMBER 13, 2011**

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

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

**Members Absent:**     Vice Chairman Doyle Johnson and Board Member Dexter Stanley

**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 Nick Swafford, and Public Works Engineer Stan Aiken

**MINUTES OF AUGUST 9, 2011**

**Motion to approve the Minutes as presented.**

Motion made by Board Member Snyder

Motion seconded by Board Member Hokayem

**Vote – 4 favor, 3 absent (Johnson, Stanley, Rucker)**

**NOTE: Board Member Rucker arrived at 5:32 pm.**

*The following Minutes are not a verbatim transcript of the September 13, 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 **Steve Rossi** to vary the front yard setback along Browns Bridge Road on a 0.7± acre property located on the east side of the intersection of Browns Bridge Road and McEver Road (a/k/a **2896 Browns Bridge Road SW**), having a zoning classification of Regional Business (R-B).

Ward Number:             Four

Tax Parcel Number(s): 08-015-006-002

Request:                     Drive-thru restaurant

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

The applicant is proposing to vary the front yard building setback from 40-feet to 4.5-feet in order to construct a 676± square foot restaurant with drive-thru. The subject tract is 0.70± acre in size and is located along the southwest side of Browns Bridge Road (S.R. 369) at its intersection of McEver Road (S.R. 53). The property is located within the Gateway Corridor Overlay Zone and is zoned Regional Business (R-B).

Since 2001 the property has contained a one-story, 3,400± square foot convenience store building, a 2,200± square foot fuel island canopy, and a 676± square foot automatic car wash building that is to be demolished for the proposed restaurant with drive thru. The applicant states the existing automatic car wash structure will be demolished and the proposed restaurant building will be constructed on the same footprint of the automatic car wash. Access to the subject property is to remain unchanged which includes two existing points of ingress/egress off of the parking lot of the Lanier Commons shopping center.

The applicant is basing the hardship on the size of the property and the fact that the existing automatic car wash building does not presently meet the front yard building setback requirement imposed by the current Unified Land Development Code (ULDC). It appears the proposed orientation of the building is necessary to serve all patrons entering and exiting the site as the property is bound by right-of-way on two sides which limits the amount of usable space to construct the building.

There have been three other similar variance requests along Browns Bridge Road over the past 7 years approved by this Board of which are identified in your staff report.

The Planning Division staff is recommending conditional approval of this variance request based on the corner lot configuration and the existing location of the buildings with the following two conditions.

#### **Proposed Conditions**

- 1. 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.**
- 2. There shall be no free standing signs permitted within the subject property excluding incidental and directional signage.**

**Applicant Presentation:** Steve Rossi, 611 Sweet Fern Lane, Sugar Hill, stated that he had nothing to add to the staff report and had no problems with the two conditions as proposed by staff.

**FAVOR:** None

**OPPOSED:** None

**Planning and Appeals Board Comments:** None

**There was a motion for conditional approval of the request to vary the front yard setback requirement from 40-feet to 4.5-feet to allow the construction of a restaurant with drive-thru within Regional Business (R-B) zoning with two conditions as follows:**

#### **Conditions**

- 1. 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.**
- 2. There shall be no free standing signs permitted within the subject property excluding incidental and directional signage.**

Motion made by Board Member Fleming  
Motion seconded by Board Member Rucker  
**Vote – 5 favor, 2 absent (Johnson, Stanley)**

## **B. Road Action Request**

- 1) Request from the **Gainesville City Schools** to abandon a 0.58± acre portion of School Street right-of-way located between its intersection with Fair Street and High Street having a zoning classification of Residential-II (R-II).  
Ward Number: Three  
Request: Abandonment of right-of-way

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

The Gainesville City School System is proposing to abandon a 0.58± acre portion of School Street located between Fair Street and High Street. The purpose of the request is for the future construction of a new 100,000 square foot, 2-story Fair Street Elementary School.

Of the 0.58± acre right-of-way to be abandoned, a 0.42± acre portion is to be deeded to the Gainesville City Schools which will provide additional space needed for an upper level classroom wing as well as student emergency access and green space. The remaining 0.16± acre portion of abandoned right-of-way is to remain under the ownership of the City of Gainesville and would be used as an exit only drive for the Fair Street Neighborhood Center rear parking area.

While development plans have not been finalized for the school, the applicant believes the existing steep grades and unsuitable soils at the rear of the existing school site will require the new building to shift into what is currently the School Street right-of-way. Currently, School Street right-of-way is zoned Residential-II (R-II) and the surrounding properties include single-family homes, multi-family public housing, vacant Fair Street Elementary School and the Fair Street Neighborhood Center zoned Residential-II (R-II) and Neighborhood Conservation (N-C).

As well, according to the Gainesville Public Works Department there is an existing 12 inch and 6-inch water main located within the public right-of-way of School Street.

Based on the surrounding land uses and the minimal impacts the request will have on the nearby private properties, the Planning Division staff is recommending conditional approval of this request.

### **Proposed Condition**

**The existing 12-inch and 6-inch water main located within the subject portion of School Street right-of-way to be abandoned shall be maintained with a twenty-foot (20') wide water line easement (10-feet on both sides of the centerline of the pipe). The required easements shall be recorded by plat and referenced to within the deed provided by the applicant or property owner.**

**Applicant Presentation:** David Shumake, Associate Superintendent for Gainesville City Schools and Project Administrator for the new Fair Street School, stated that they plan to create a beautiful school for the Fair Street community. He stated the approval

of their request would give them the ability to widen the building, allowing them to create pods within the 2-story facility. The design will allow room for emergency vehicles and to separate the buses and parental traffic. Another benefit would be the green space which can be used as an outdoor classroom.

**FAVOR:** None

**OPPOSED:** None

**Planning and Appeals Board Comments:** None

**There was a motion to recommend conditional approval of the request to abandon a 0.58± portion of School Street right-of-way located between its intersection with Fair Street and High Street with the following condition:**

**Condition**

**The existing 12-inch and 6-inch water main located within the subject portion of School Street right-of-way to be abandoned shall be maintained with a twenty-foot (20') wide water line easement (10-feet on both sides of the centerline of the pipe). The required easements shall be recorded by plat and referenced to within the deed provided by the applicant or property owner.**

Motion made by Board Member Snyder  
Motion seconded by Board Member Fleming  
**Vote – 5 favor, 2 absent (Johnson, Stanley)**

**ADJOURNMENT**

**There was a motion to adjourn the meeting at 5:44 PM.**

Motion made by Board Member Fleming  
Motion seconded by Board Member Rucker  
**Vote – 5 favor, 2 absent (Johnson, Stanley)**

Respectfully submitted,

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Dean Dadisman, Chairman

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Judy Foster, Recording Secretary