

**GAINESVILLE PLANNING AND APPEALS BOARD
MINUTES OF MEETING
DECEMBER 13, 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: Council Member Myrtle Figueras, Public Works Engineer Stan Aiken, Deputy Fire Chief Jerome Yarbrough and Fire Marshal Chad Payne

MINUTES OF OCTOBER 11, 2011

Motion to approve the Minutes as presented.

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

NEW BUSINESS

A. Zoning Amendment Request

- 1) Request from **The Atlanta Botanical Garden, Inc.** to amend the existing Planned Unit Development (P-U-D) zoning on a 167.99± acres tract located west of Lake Hill Drive NE at its intersection with Cleveland Highway (a/k/a **351 Lake Hill Drive**).
Ward Number: Two
Tax Parcel Number(s): 01-093-001-041
Request: Amend existing development standards for an existing arboretum

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

The applicant is proposing to amend the subject 168± acres property zoned Planned Unit Development with conditions (P-U-D-c) in order to make modifications to the existing arboretum. The property was originally known as the Smithgall Woodland Garden site and was donated by the Smithgall family to The Atlanta Botanical Garden (ABG) to serve as a satellite garden to the original ABG located within Atlanta. The Gainesville site will serve to develop native plant collections for display, education and conservation for both sites and the Gainesville site is anticipated to be open to the public during the Fall of 2013. Currently, the property contains an existing 5,000 square foot greenhouse and nursery.

A large portion of the property is located within the Limestone Corridor Overlay Zone and the property has frontage along seven different roads which include Cleveland Highway (U.S. 129), Lake Hill Drive, Randall Street, Riverbend Circle, Blue Ridge Drive, Habersham Drive and Burns Drive.

Most of the previously approved uses/facilities will remain which include a visitor center, enchanted woodland garden, native plants ravine, Asian valley, education center and a 2,000 seat amphitheater for events and concerts. The amended development standards include:

- 1) Principle building and structure setbacks;
- 2) The addition of an internal access (tram road);
- 3) Additional parking spaces;
- 4) A redesign of the entrance to the subject property that proposes to realign a portion of Lake Hill Drive at its intersection with the subject property and Cleveland Highway;
- 5) A children's garden which was previously designated as festival space;
- 6) Allow the use of banner signs and or vertical pole signs on both sides of the entrance road;
- 7) The addition of a waterfall trail and waterfall feature to a portion of Cry Creek. As part of the PUD amendment, an administrative variance is being proposed to allow City staff the ability to approve a stream buffer variance for no more than 10% of the total local stream buffer areas within the property for stream restoration, tree preservation purposes and the ability to create a waterfall trail/feature. The applicant will still be required to receive a nationwide permit for stream restoration and a State buffer variance.

The Gainesville Fire and Police Departments offered no objections to this zoning amendment request, but state that during the later development stages of the project, access and water for fire protection will be required as the facility grows.

The Georgia Department of Transportation states that improvements to Lake Hill Drive at U.S. 129 are needed based on the number of visitors expected to the site, and that building activity near U.S. 129 should be restricted due to the long range widening project. The development will justify the construction of turn lanes on SR 11/U.S. 129 and the applicant will need to continue discussions with Access Management to continue to ensure a safe access to the development.

The Gainesville Public Works Department comments merged into proposed zoning conditions 2 and 3.

The proposed zoning amendment request is consistent with the Comprehensive Plan, Limestone Corridor Overlay Zone and is in keeping with the original vision for the arboretum. The Future Land Use Map of the Comprehensive Plan places the subject property within the *Parks/Recreation/Conservation* Land Use Category which includes areas containing or planned for parks and recreation facilities, permanently designated open space, and conservation areas, including buffers along waterways and other environmental features.

Therefore, the Planning Division is recommending **approval** of this zoning amendment request, based on the Comprehensive Plan and the surrounding residential and nonresidential land uses with the following 5 conditions:

Conditions

1. **The proposed redesign of the entrance to the subject property including the realignment of Lake Hill Drive at its intersection with the subject property and Cleveland Highway are subject to review and approval from the Gainesville Community Development Department Director, Gainesville Public Works**

Director and if warranted, the Georgia Department of Transportation. All road improvements shall be at the owner's expense.

- 2. The proposed interior private drive/road shall not be adopted into the City of Gainesville maintenance system unless brought up to City of Gainesville standards at the owner's expense. Furthermore, in the absence of curb and gutter the developer, at their own expense, will install and maintain ditches, bioswales and detention facilities sufficient to eliminate erosion caused by development and runoff, as approved by the City of Gainesville Public Works Director.**
- 3. Any proposed stream buffer variance shall only be considered on a site by site basis once full plans have been produced in order to know the magnitude of potential damage from encroachment. Any encroachment within 25-feet of a stream will require a stream buffer variance from the State.**
- 4. The subject property shall be limited to two monument entrance signs (one on each side of the entrance to the subject property). Each monument sign shall not exceed eight (8) feet in height, sixty (60) square feet in size with indirect illumination. Other internal way finding signage shall be allowed which may include monument or banner/vertical pole signs not to exceed 32-square feet in sign face area.**
- 5. The proposed public uses/exhibits within the subject property shall be sufficiently screened from the adjacent residential uses with native vegetation where needed as approved by the Community Development Department Director.**

Applicant Presentation: Darrell Rochester, with Rochester & Associates, representing The Atlanta Botanical Garden (ABG), stated that Mildred Fockele is also in attendance and she is the Horticulture Director of the Garden as well as a neighbor to the property. Mr. Rochester stated they are starting design on the project based on the original conditions and during the process, they determined they need some latitude in order to minimize disturbance of the vegetation. He noted the following plans: 1) a road re-alignment to create an entry experience which would provide a direct entrance into the property; 2) create "green friendly" environment by utilizing adjoining property surface parking lots and shuttle people back and forth for events rather than build more large surface parking spaces which would be vacant most of the time; 3) intent to clarify some slight changes in their vision in regards to use of the property; and 4) define setback requirements. He stated that everything they have requested is to minimize land disturbance, while utilizing the property for public enjoyment and educational purposes. Mr. Rochester stated they had no objection to the conditions as presented by staff.

FAVOR: None

OPPOSED: None

Planning and Appeals Board Comments: Board Member Snyder asked Mr. Rochester to clarify the need for a stream buffer variance as part of the trail system. Mr. Rochester stated that the waterfall feature includes a trail with bridges and they want it to be an interactive experience where people could come in contact with the water, therefore requiring a variance. They also plan to have a tram system to go around the

park for those who cannot walk it but can still experience the Garden and get close to some of the features. He stated that their intent was to create interaction without causing any erosion problems. Board Member Snyder stated this property will be a wonderful showcase for the natural beauty of Gainesville and North Georgia.

Board Member Fleming asked for clarification on shuttle service for concerts and events. Mr. Rochester stated that the intent is to utilize nearby existing parking lots such as J & J Foods on Limestone Parkway, Riverbend School and the Forestry Service and shuttle people to and from those lots. This would minimize land disturbance on the property, noting they plan to hold 6 to 12 events per year at the Garden. He also confirmed the main entrance would be off Cleveland Highway.

There was a motion to recommend conditional approval of the request to amend the existing Planned Unit Development standards for an existing arboretum with the following conditions:

Conditions

- 1. The proposed redesign of the entrance to the subject property including the realignment of Lake Hill Drive at its intersection with the subject property and Cleveland Highway are subject to review and approval from the Gainesville Community Development Department Director, Gainesville Public Works Director and if warranted, the Georgia Department of Transportation. All road improvements shall be at the owner's expense.**
- 2. The proposed interior private drive/road shall not be adopted into the City of Gainesville maintenance system unless brought up to City of Gainesville standards at the owner's expense. Furthermore, in the absence of curb and gutter the developer, at their own expense, will install and maintain ditches, bioswales and detention facilities sufficient to eliminate erosion caused by development and runoff, as approved by the City of Gainesville Public Works Director.**
- 3. Any proposed stream buffer variance shall only be considered on a site by site basis once full plans have been produced in order to know the magnitude of potential damage from encroachment. Any encroachment within 25-feet of a stream will require a stream buffer variance from the State.**
- 4. The subject property shall be limited to two monument entrance signs (one on each side of the entrance to the subject property). Each monument sign shall not exceed eight (8) feet in height, sixty (60) square feet in size with indirect illumination. Other internal way finding signage shall be allowed which may include monument or banner/vertical pole signs not to exceed 32-square feet in sign face area.**
- 5. The proposed public uses/exhibits within the subject property shall be sufficiently screened from the adjacent residential uses with native vegetation where needed as approved by the Community Development Department Director.**

Motion made by Board Member Snyder
Motion seconded by Board Member Hokayem

Vote – 7 favor

B. Special Use Request

- 1) Request from **Rescate 2000, Inc.** for a Special Use on a 8.19± acres tract located on the southwest side of Florence Drive, south of its intersection with Browns Bridge Road (a/k/a **2920 Florence Drive SW**), having a zoning classification of Office and Institutional (O-I).
Ward Number: Four
Tax Parcel Number(s): 08-015-005-029
Request: Daycare center within a church serving more than 18 children

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

The applicant is requesting a Special Use Permit within the Office and Institutional (O-I) zoning district for a daycare facility serving more than 18 persons. The subject property is 8.19± acres in size and contains an 18,700 square foot church building that was originally constructed in 1960. The building is currently occupied by a church that provides daycare services for 18 children. At present the Rescate 2000 church contains 6 classrooms, 3 bathrooms, dining room, kitchen, indoor play area and an outdoor play area. The applicant states that the current occupancy plan accommodates up to 50 children; however, there is capacity to expand up to 80 children if the demand is warranted. The hours of operation are from 7:00 am to 6:30 pm with no specific drop-off or pick-up times. Existing parking and access driveway cuts are to remain unchanged which includes two driveway cuts off of Florence Drive.

The adjacent uses include the Richmond townhomes, Richmond Garden condominiums, Bentley Park condominiums, a single family residence, the Hall County Administration Building (former Liberty Mutual building) and the Free Chapel Worship Center.

According to the Environmental Health Department, increasing the daycare facility to over 18 persons will require the existing septic system to be inspected and enlarged or the property owner will need to utilize City sewer services. As well, a grease trap will be required for foods being prepared in the existing kitchen.

The Future Land Use Map of the Comprehensive Plan 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.

Based on the Comprehensive Plan, the existing daycare use, and the surrounding residential and non-residential uses, staff is recommending **approval** of this Special Use request with the following three conditions:

Conditions

1. **The daycare use of the subject property shall be limited to a maximum of 80 children.**
2. **The owner/applicant shall obtain all required building permits and all other associated permits prior to the expansion of the existing daycare facility.**
3. **The owner/applicant shall provide a vegetative buffer between the subject property and the neighboring Richmond Townhomes along a portion of the northerly property line. The buffer shall consist of a staggered row of Leyland Cypress, Arborvitae Green Giant or Cryptomeria evergreen trees at a minimum**

planted height of 5 to 7 feet. The final installation, placement, and maintenance of the buffer shall be subject to Community Development Department Director approval.

Applicant Presentation: Camille Viera, stated that she is originally from Puerto Rico but has been in Gainesville for 12 years serving the community and this ministry because she knows it is making a great impact in our community. She stated there was a need for early childhood education for low income children and Rescate 2000 has been meeting that need and would like to expand their program to help even more children. She stated they have plenty of room with 8 acres and a parking lot which would allow traffic to go around the building and not affect the neighboring properties. She stated their desire is to grow with the community and feels they are in the right place to serve the children.

FAVOR: David Klimek, 4756 Gateway Lane, Flowery Branch, stated that he and his family have been Hall County residents for nearly 20 years. He and his wife have been Court Appointed Special Advocates for the Juvenile Court System and believe in quality daycare and its impact on children and their families.

Myrna Sumpter, 4803 High Aston Court, Flowery Branch, stated she has lived in Hall County for 16 years and is a retired teacher and works at Fair Street School on a volunteer basis. She stated that she volunteers at the church because they are doing a great work at filling the need to help bilingual children before they go into the public school system, noting this is very difficult for them. She stated they have received praises from public schools where the students have moved on.

Haydee' Anderson, stated that she has lived in Gainesville since 1976 and her children have been educated in public schools and has seen not only the growth of the Hispanic population, but the beauty of diversity in Gainesville. She stated that the future of all children can be a part of this community, having the opportunity to help and have a good life and be able to develop. She stated that it is very important that the children receive quality education from public schools but at an early age as well, noting she supported the project.

Mireya Vega, stated that she is a Mom and Rehab Technician whose income is not as high as other medical fields. She stated that she has 3 children which she could not afford to put in daycare when they were younger and now that they are in public schools, she can see that they have suffered because of it. She stated that Rescate 2000 wants to provide this service for those who can't afford daycare and that is why she is in favor of the request.

Keith Brown, with America's Home Place, stated they were the property owner and believed Rescate 2000 to have a great ministry and they support them. He stated they have the proper zoning for this request, noting that other churches have been granted the same special use permit. Mr. Brown stated that the church has spent several thousand dollars getting the property ready for City inspectors and installing an alarm system as required by the Fire Department.

OPPOSED: None

Planning and Appeals Board Comments: None

There was a motion to recommend conditional approval of the special use request for a daycare center within a church serving more than 18 children within Office and Institutional (O-I) zoning with the following conditions:

Conditions

- 1. The daycare use of the subject property shall be limited to a maximum of 80 children.**
- 2. The owner/applicant shall obtain all required building permits and all other associated permits prior to the expansion of the existing daycare facility.**
- 3. The owner/applicant shall provide a vegetative buffer between the subject property and the neighboring Richmond Townhomes along a portion of the northerly property line. The buffer shall consist of a staggered row of Leyland Cypress, Arborvitae Green Giant or Cryptomeria evergreen trees at a minimum planted height of 5 to 7 feet. The final installation, placement, and maintenance of the buffer shall be subject to Community Development Department Director approval.**

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

ADJOURNMENT

There was a motion to adjourn the meeting at 6:03 PM.

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

Respectfully submitted,

Dean Dadisman, Chairman

Judy Foster, Recording Secretary