

**GAINESVILLE PLANNING AND APPEALS BOARD  
MINUTES OF MEETING  
FEBRUARY 12, 2013**

**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:** Mayor Danny Dunagan, Council Members Myrtle Figueras, George Wangemann and Bob Hamrick, Public Works Engineer Stan Aiken, Public Utilities Engineer Nick Swafford and Fire Marshal Chad Payne

**MINUTES OF JANUARY 15, 2013**

**There was a motion to approve the Minutes as presented.**

Motion made by Board Member Stanley  
Motion seconded by Board Member Fleming  
**Vote – 7 favor**

**NEW BUSINESS**

**A. Rezoning Request**

- 1) Request from **America's Home Place, Inc.** to rezone a 25.11± acres tract located on the east side of Dawsonville Highway across from Beechwood Boulevard, having road frontage along Ahaluna Drive and Lakeshore Circle (a/k/a **0 and 1198 Dawsonville Highway; 1162 Lakeshore Circle; 1232 Ahaluna Drive**) from Residential-I (R-I), Residential-II (R-II) and Office and Institutional (O-I) to General Business (G-B).

Ward: One

Tax Parcel Number: 01-114-001-002A; 01-115-001-006 (Part), 007B (Part) and 055 (Part)

Request: Commercial shopping center

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

The applicant is proposing to rezone the subject 25.11± acres property from (R-I), (R-II) and (O-I) to (G-B) for the purpose of developing a 246,880± square foot commercial shopping center with buildings that will range from 4,900 sq. ft. to 71,680 sq. ft. in size. Access is proposed from two existing GDOT approved driveways located off of Dawsonville Highway (SR 53) and one proposed secondary driveway located off of Ahaluna Drive. Public water and sewer are to be utilized which according to the Public Utilities Department are currently capable of serving the proposed development. Upon completion of the development, it is expected that the development would slope 8 to 16 feet below the elevation of Dawsonville Highway and the proposed buildings would be 40 to 70 feet above the adjacent residential homes within the Lakeshore Heights neighborhood.

Currently, the subject property is mostly undisturbed consisting of heavily wooded, rolling terrain. The southern portion of the property contains an intermittent stream that feeds into Lake Lanier. As well, the property is located within the Gateway Corridor Overlay Zone and has road frontage along the southeast side of Ahaluna Drive and at the end of Lakeshore Circle. The surrounding land uses predominately consist of a mixture of commercial uses to the south and west and residential uses to the north and east.

A Traffic Impact Study was completed for the proposed development which revealed that the proposed development upon build out would generate an average of 8,259 trips for a 24-hour period, 263 A.M peak hour and 770 P.M. peak hour trips which indicate that a future traffic signal is warranted and recommended at the intersection of the main driveway serving the proposed development and the driveway serving Olive Garden, Cheddar's and Buffalo's Wild Wings restaurants.

The updated Gainesville 2030 Future Development Map for the City of Gainesville places the subject property within the *Retail Commercial* land use category which includes commercial service activities such as grocery stores, banks, restaurants, theatres, hotels, and automotive related businesses.

According to the Character Area map for the City of Gainesville, the subject property is located within the *Suburban Commercial* character area which states that this area will continue to grow as a regional retail center for the City and Hall County, but should diversify over time to include multifamily housing and a higher-density mix of retail, office, services and high-quality employment. In addition, expanding premium retail could offer a variety of shopping options that are currently not available elsewhere in the City. As it grows, the area will become one of the most prominent commercial corridors and gateways into the City, and a thriving economic anchor for the northwest side. However, when development occurs, adequate buffers should be maintained around development to protect watersheds and sensitive environments.

It is staff's opinion the proposed rezoning request is consistent with the Comprehensive Land Use Plan and the adjacent and nearby commercial land uses. Therefore, staff is recommending approval of this rezoning request with the following 11 conditions:

### **Conditions**

- 1. The exterior materials of the proposed shopping center buildings shall be generally consistent with the architectural rendering submitted with the application and shall conform with the Gateway Corridor Overlay Zone standards.**
- 2. The rear of the proposed buildings shall consist of earth tone colors as to blend in with the vegetated landscape.**
- 3. A minimum 100-foot wide buffer shall be provided between the rear of the commercial shopping center buildings and the adjacent residential properties located within the Lakeshore Heights Subdivision. The first 35-feet of the buffer adjacent to the residential properties shall remain undisturbed.**
  - In addition, three staggered rows of evergreen trees shall be planted *both* at the top of the slope closest to the proposed buildings/rear access drive and at the lower slope elevation adjacent to the undisturbed buffer areas. These trees shall be a minimum installation height of 8 feet and may**

consist of a mixture of Arborvitae Green Giant, Wax Myrtle, Leyland Cypress and/or Japanese Cryptomeria trees.

- All cut and fill slopes and detention pond areas visible from the adjacent residential properties, Lakeshore Circle and Ahaluna Drive shall be stabilized with weeping love grass. In addition, these areas shall be planted with a mixture of hardwoods and evergreen trees at a minimum installation height of 8 feet as to present a finished appearance from the adjacent residential properties. The type, location and number of trees shall be subject to the approval of the Community Development Department Director.
4. A minimum 6-foot high black vinyl coated security fence shall be installed between the rear of the proposed buildings/access drive and the planted buffer area located at the top of the cut and fill slope.
  5. All lighting within the development shall be positioned or screened as to not create direct glare on the adjacent residential properties. The outdoor lighting shall meet the standards as required within Chapter 9-3-4 of the Gainesville Unified Land Development Code.
  6. Any service areas including dumpster pad areas and loading docks area shall be sufficiently screened from all public roads and adjacent residential properties and shall meet the standards as required within Section 9-3-3-3 of the Gainesville Unified Land Development Code.
  7. An automotive paint and body repair shop or auto sales facility is not an approved use for the subject property. There shall be no junk vehicles or vehicles used for parts stored on the subject property.
  8. There shall be no vehicular access allowed from the proposed development to the adjacent Lakeshore Heights Neighborhood, excluding authorized utility vehicles.
  9. The applicant shall reevaluate with the Georgia Department of Transportation (GDOT) and the City of Gainesville Public Works Director the need for a traffic signal at the median break on Dawsonville Highway in front of the subject property and the private road between the Olive Garden and Cheddar's restaurants. Any new road improvements required by the Gainesville Public Works Director and GDOT for the development of this property shall be the financial responsibility of the applicant/developer.
  10. A uniform sign plan shall be provided for the entire development as described in Section 9-18-2-7 of the Gainesville Unified Land Development Code.
  11. An updated as-built boundary survey/plat of the subject property, indicating existing conditions and all improvements shall be recorded prior to obtaining a Certificate of Occupancy for the proposed use.

**Applicant Presentation:** Attorney Jim Walters, 311 Green Street, Suite 103, stated that he represented Barry Conner and America's Home Place in this matter. They are pleased that Staff has recommended approval of this request with conditions. He stated that the Applicant is agreeable with the proposed conditions with the exception of a few minor modifications. He stated that America's Home Place reached out to residents from Lakeshore Heights, by meeting with them at Trinity Baptist Church. They invited interested parties and particularly the 13 adjoining property owners to attend. Also, for

transparency reasons, they provided for each adjoining property owner, a booklet showing certain things such as anticipated views from these properties, with and without trees, as a result of this development. Mr. Walters stated that the elevation differential from the proposed shopping center to the Lakeshore Heights properties range from 40 to 70 feet. Mr. Walters utilized a power point presentation to give examples of the views from 1045, 1093 and 1180 Lakeshore Drive, explaining what the slides show. He stated that these prospectives were prepared by engineers using Google Maps and what they saw from the aerial views of the buffer zone. Mr. Walters also explained the renderings of the proposed development as depicted on the power point presentation. He stated that there are 2,732 units of trees estimated to be left in the buffer zone. City ordinances require approximately 600 units of trees to be planted in a development of this size and America's Home Place will have double that outside the undisturbed buffer area and 2,700+/- units within the buffer area. The proposed 250,000 sq. ft. shopping center is estimated to generate \$62 million per year in sales volumes when it is opened, noting the estimated sales tax revenue would be \$5 million per year. This development would also provide 500 direct jobs to operate the shopping center and provide substantial ad valorem taxes to the City and County. Mr. Walters addressed the following objections to the development: Decreased property values; improper buffers; close proximity of the development to the residential area; views of the development from Lakeshore Heights; noise; security; and environmental concerns for Lake Lanier. Mr. Walters stated that they have prospective tenants who are waiting for the zoning process to be completed to sign contracts and if they cannot locate in Gainesville, they will locate in other cities. Mr. Walters presented proposed changes to condition 3 as recommended by Staff as follows: 1) Include an exception for erosion control measures in the first 35-feet of undisturbed buffer area to protect the residential properties. 2) Plant two staggered rows of evergreen trees at the top of the slope instead of three rows, noting that two rows was the standard. 3) Plant trees as depicted on the proposed landscape plan for the lower slope adjacent to the undisturbed buffer area instead of the three staggered rows of evergreen trees, noting some areas did not need additional trees. 4) Minimum height of trees to be 5-feet instead of 8-feet. Mr. Walters thanked the Board for their attention and requested a chance for rebuttal.

**FAVOR:**

**Tim Evans**, 4463 Northgate Drive, stated that he represented the Greater Hall Chamber of Commerce and they are in favor of the application. Mr. Evans stated that this development has the potential to attract retail that is not in our City, nor in our region. He stated that more people are shopping in the City which helps with sales tax revenue for roads and schools which helps the whole community. The developer has acted in good faith by presenting this project to the residents of Lakeshore Heights. Mr. Evans estimated property taxes to increase by \$325,000 for Gainesville City Schools, \$128,000 for the City, and \$110,000 for Hall County, noting these estimates were based on land and buildings alone and does not include personal property taxes. Mr. Evans stated that this development would have a significant economic impact from jobs, investments and sales tax and felt the Staff's recommendation was very reasonable. He stated that the developer is local, wants to do a quality job and has proven himself with the Cheddars, Olive Garden and Buffalo's Wild Wings restaurants across Dawsonville Highway. He stated that Dawsonville Highway is a retail corridor in which the City has made significant investments to extend utility services for such commercial purposes.

**OPPOSED:**

**Rachel Bembry**, 1063 Lakeshore Drive, stated that she appreciated Staff's recommendation by incorporating some of their concerns into the conditions. However, they are still inadequate to protect their neighborhood from the size, scale and close proximity of this project. She stated that whenever a property is altered from a 20 foot slope to a 60 foot slope it will have a negative impact, noting that the stormwater rate of flow will increase rapidly. She had asked for examples in the City where there was a development with an extreme slope which had been successful but was not provided any examples. She felt the standard 35 foot buffer should not apply to this development as it is not a standard project. She stated that the maintenance of the trees, slope and fence concern her because the fence between Home Depot and Best Buy is dilapidated and very unattractive. Ms. Bembry stated that she disagreed with the staff report that this project is consistent with the Comprehensive Plan because she felt the proposal is not compatible with the residential neighborhood character nor does it promote harmonious land use relationships. She did not like the use of averages when discussing the distances from the shopping center to the houses, noting her home is 200 feet from the shopping center rather than the 370 feet average quoted. She stated the pictures shown cannot show lights or noise nor did they show winter trees or the lake. In conclusion, Ms. Bembry stated that the sales tax estimates are simply that, an estimate and those estimates can only be reached if the shopping center is full, noting there are plenty of vacant strip malls all over the City.

**Linda Hawkins**, 1445 Lakeshore Circle, stated that she appreciated Staff's help in this process, but they don't live in the neighborhood and they don't know how close this project is to their properties and they don't know that their view of the sunset will be blocked by this development. She detailed some drainage issues she has had in her back yard because of a 7 to 8 feet slope which required them to have their back yard redone three times. She stated that according to their scales, the lake is 600 to 700 feet from their property lines. Mrs. Hawkins stated that the restaurants located across the street are doing well and she enjoys eating there. However, she stated there was a retention pond behind them within 30 feet of a home with murky water in it. She asked were not those people promised the same thing. She stated that no trees have been planted, there is nothing there except for wild grass that has come up. She said this is the same developer requesting this project. She stated that she has worked very hard for commercial and tourism development in this community. However, this development is too big for this property. She stated that there were other places in the City where this development could locate such as the Blue Ridge Shopping Center, noting it was an eyesore to the community. She stated that she agreed with commercial development along the Dawsonville Highway corridor, but to change the zoning from residential to commercial without any phasing is wrong. She commented that the applicant is already backing out on what Staff has recommended as conditions. She commented that the proposed love grass for the slope and detention pond areas is on Elachee's list of invasive plants and in which they are trying to get it out of our area because it takes over everything. She stated that GDOT only use love grass on roads and dams, not in residential areas, and they maintain and fertilize it. She asked who would maintain and fertilize the slope on this development and who would pay for redoing her back yard again from drainage problems. She felt the 6 foot fence at the top of the slope could be easily scaled. She felt that with more people behind their houses, they will get more traffic. She stated that if this request is approved that the applicant be required to install a 8 foot metal or concrete fence to close the extension of Lakeshore Circle and to more clearly define utility vehicles in the conditions. In conclusion, she stated that she believes in balanced community and there is no balance here. She asked the Board

what they would do if it were in their neighborhood. She urged the Board not to rezone the property from R-I to G-B and stated they have a petition with over 200 signatures of people who live in the neighborhood and are in opposition to this project.

**Pat Horgan**, 1004 Lakemont Drive, stated that he has lived here for six days. He stated he moved to Gainesville from Dunwoody to try to get away from the excesses of progress and developments which he saw there. He stated that he wanted to make sure there were no rezoning issues around his home before he purchased it and was disconcerted to find out about this request. He shared his experience while living in Dunwoody for over 26 years and watched it grow from a rural community to a paved community, noting this was done one parcel and one development at a time. He said that with this progress came more traffic, noise and crime. He urged the Board to consider carefully displacing the R-I zoning with commercial zoning, noting it sets a precedent that may not turn out like they want it to.

**Michael Proulx**, 1260 Lakeshore Circle, stated that he was President of the Lakeshore Heights Homeowners Association. He confirmed that they had a petition with over 200 signatures from only a day and a half and they expect to get more signatures. Mr. Proulx utilized a power point presentation with pictures of the existing conditions of the dilapidated fence behind Best Buy and Home Depot and the trash and debris that has accumulated or been dumped there illegally. He stated that one of the residents organized a clean up with a City representative and they cleaned out 50-60 tires and commodes in one area. He did not believe the noise will be siphoned by the development, noting dump trucks come from 3-5am even with complaints to Code Enforcement. He stated that the ventilation systems on these large buildings sound like paper mills. He commented on run-off from the development and increased traffic problems. He asked that the developer be required to plant and maintain the tree line as they requested. He asked for all those in attendance and in opposition to stand, noting they were wearing red to show their unity in opposition. He stated the HOA urges the rejection of this development, noting it is wrong for the community and the environment and is unacceptable. He stated that it goes against the Comprehensive Plan which calls for commercial development to preserve the long term integrity of neighborhoods, citing sections from the Comp Plan. This development is enormous for this property and is out of balance with the goals of the 2030 Comp Plan. He felt that this established neighborhood has been asked and required to sacrifice more than its fair share in the name of economic development. He commented that the Compass Survey results from the Comp Plan process showed that the most needed for intown neighborhoods is mixed retail, town center subdivisions and the most not needed were larger residential only subdivisions and big box retail. These are the citizens speaking of what they want, not just this neighborhood. In conclusion, he stated that they love their neighborhood and City and asked the Board to exercise its discretionary right and protect their subdivision, asking them to consider if they would want it in their own neighborhood.

**Mandy Harrison**, Douglas Drive resident, stated that she did not agree that the fair market values would not decrease, noting she would never buy there because of the close proximity of the development. She commented on drainage problems she had at a different location and the lack of help she received from the City and EPA. She spoke from personal experience regarding noise levels, lights and developers not following through with plans. She stated that the tree canopy is gone in winter. She stated there is a big difference between hardwood trees and Leland Cypress which provide a buffer from the ground up. She commented on a blog to a recent newspaper article about this development where it was considered "bad news for Lakeshore Mall and TAD". She felt

that the competition this development would bring to Lakeshore Mall would deter their efforts to make it a viable, thriving retail center. She stated we did not need more pawn shops, tattoo parlors and check cashing shops. She commented on another blog and asked why this development couldn't move to Candler Highway where it is wanted and needed. She commented on the proposed traffic light which would serve the entrance to the development and the restaurants across the street. She stated the markings that are currently in the median at that intersection are confusing and she was told by GDOT that the developer was in charge of those markings and they would have to check into it. She stated she was opposed to the rezoning and suggested that people buy a property and use it for how it is zoned, referencing the RaceTrac on McEver Road as another rezoning example. In conclusion, she asked when we will quit being held hostage to the developer.

**Robin Martin**, 1025 Lakeshore Drive, stated that he would like to see the engineered view for his particular house as he has not seen it. His main concern is that the detention pond is right above his back yard and when it fills up, it will run into his back yard and that is not acceptable. He stated that he used to live on Springdale Road and when Sherwood Plaza was developed, there were hundreds of yards in a buffer area to protect Springdale Road. He stated that this development will destroy this neighborhood. He proposed that if this project will make millions of dollars then give the homeowners of Lakeshore Heights tax breaks, noting he pays \$4,000 a year on taxes. He asked the Board not to approve the rezoning and felt the project needed to be much smaller.

**Celeste Morris**, 1448 Westlake Drive, remarked about the irony of how her daughter will be honored by the Greater Hall Chamber of Commerce for an essay she wrote titled "I Speak for the Trees". She expressed what it was like living in this neighborhood, sitting on her front porch and watching the wildlife. She stated that others have spoken about property values, erosion and noise but she wanted to "speak for the trees".

#### **REBUTTAL:**

**Jim Walters** stated that these are good folks who have spoken, noting he used to live in the subdivision. He stated that sometimes we get in a group and feed off each other and get hysterical about what might happen and those things typically don't happen. Mr. Walters stated that the City has very strict ordinances in place and he suggested that if the pictures were accurate, they should file a complaint with the City. He stated that Barry Conner has developed other things in this area and has a good reputation. He felt this development would not impact the subdivision particularly not those properties which are not adjacent to the development and several hundred feet from the subject property. He asked the Board to consider Staff's recommendation and to recommend approval to the City Council.

**Michael Proulx** stated that when people get angry they get organized and to say the homeowners don't know what is going on in their subdivision is insulting. He stated that the 50 foot bank will hide the view of the development from some houses but not all of them. Mr. Proulx stated that they have made complaints to Code Enforcement officials. However, budgetary cuts and lack of people and time are cited as excuses for not doing more. He stated that even Planning Manager Matt Tate told them they can only do so much. Mr. Proulx stated there has been no collaboration between the homeowners and the developer whom has said this development is their best deal and the homeowners beg to differ.

**Planning and Appeals Board Comments:** Board Member Snyder stated there were a couple of things that could be done to alleviate the homeowners concerns, such as increase the number and height of trees and heighten the security fence and asked Planning Manager Matt Tate if this could be accomplished. Planning Manager Matt Tate stated that it was within the Board's authority to recommend changes to conditions. He stated that Staff believed the buffer area they recommended to be a balanced condition. However, if the Board wanted to increase the number and height of the trees they could. Mr. Tate stated that the fence was included in the conditions out of concern for the neighborhood and it could be increased as well.

Board Member Hokayem asked for clarification about benching and the trees along the slope. Jim Walters stated that the trees would be planted at the top and bottom of the slope and would require the approval of the Community Development Director.

Board Member Snyder asked if there was an alternative to the proposed love grass. Planning Manager Matt Tate first addressed the buffer area stating that it was to provide an immediate screen for the undisturbed buffer and clarified that there would be three rows of evergreens at the top and bottom of the slope. He stated that no one wants to look at a graded slope, so they are requiring a mixture of hardwoods, evergreens and shrubs to be planted on the slope. Mr. Tate stated that if the homeowners are not happy with the recommended ground cover, they could research other options. He said slopes are typically hydro seeded. Staff will work with Public Works Engineering regarding the erosion control.

Upon inquiry by Vice-Chairman Johnson, Mr. Tate stated that the condition was specific to love grass, so the condition would have to be amended to utilize other materials as determined by Staff.

Vice-Chairman Johnson questioned whether a condition should be added or if anything was addressed in the ordinances regarding the maintenance of buffer areas required to be the expressed duty and expense of the property owner. Mr. Tate stated that the Tree Replacement ordinance does address the maintenance of buffer areas, noting that it is understood that a percentage of trees will not survive. He stated that they could add a condition to address the buffer maintenance as well.

Board Member Fleming asked how the maintenance of the buffer area is enforced. Mr. Tate stated that the City has a Tree Arborist / Landscape Architect on staff that performs regular inspections. Ms. Fleming asked about the trash and debris problem at the neighboring development. Mr. Tate stated that typically the property owner has a property management company that maintains these areas and if they are not maintained, it is generally handled by Code Enforcement on a complaint basis.

Upon inquiry by Board Member Stanley, Mr. Tate stated that the City has a sewer easement which must be accessible to City vehicles, but no one else should have the need to access this area. Mr. Tate clarified the location of the bermed access road.

Board Member Rucker asked about the proposed traffic light. Mr. Tate stated that the revised traffic impact study showed that the increased traffic counts would support a traffic light at the intersection and it would be at the expense of the developer.

Upon inquiry by Board Member Fleming, Mr. Tate stated that while the property has sloping topography with a natural, rolling terrain, the development would make the slope steeper.

Board Member Rucker questioned the concern regarding the detention pond. Mr. Tate explained that there are two ponds, one on either side of the site, and they are engineered to take in water and release it at a rate that cannot be faster than it currently releases off the site. He stated that the detention ponds are approved by the City Engineer and it would be required to go through the plan review process for approval. He stated that the ponds are designed not to overflow.

Board Member Fleming asked if it would be similar to the detention pond at the First Baptist Church. Mr. Tate stated yes, the water would release slowly and the detention pond area would be landscaped.

City Engineer Stan Aiken addressed benching as part of best management practice is required, but is not specifically addressed in the City Code. However, the City Code does refer to the GA Soil and Water Management Manual and the Erosion and Sedimentation Control Manual which both state that benching is required every 30 vertical feet to flatten out. Mr. Tate stated that the benching does not show on these plans as they are conceptual in nature, but will be required during the plan review process.

Vice-Chairman Johnson stated that he has had a similar development proposed in his back yard with the Ingles shopping center on Thompson Bridge Road. He stated that the neighborhood was all upset and had the same concerns as presented tonight. He stated that his property abutted the Ingles property and after it was built, he never had any problems with the development as they had thought. He stated that the decision tonight is difficult.

**There was a motion to recommend conditional approval of the request to rezone the subject property from Residential-I (R-I), Residential-II (R-II) and Office and Institutional (O-I) to General Business (G-B) with the following conditions:**

***(Note: Conditions 3 and 4 were amended from Staff's proposed Conditions)***

**Conditions**

- 1. The exterior materials of the proposed shopping center buildings shall be generally consistent with the architectural rendering submitted with the application and shall conform with the Gateway Corridor Overlay Zone standards.**
- 2. The rear of the proposed buildings shall consist of earth tone colors as to blend in with the vegetated landscape.**
- 3. A minimum 100-foot wide buffer shall be provided between the rear of the commercial shopping center buildings and the adjacent residential properties located within the Lakeshore Heights Subdivision. The first 35-feet of the buffer adjacent to the residential properties shall remain undisturbed. All trees/shrubs planted within the buffer area shall be maintained by the developer and/or property owner.**
  - In addition, three staggered rows of evergreen trees shall be planted *both* at the top of the slope closest to the proposed buildings/rear access drive and at the lower slope elevation adjacent to the**

**undisturbed buffer areas. These trees shall be a minimum installation height of 8 feet and may consist of a mixture of Arborvitae Green Giant, Wax Myrtle, Leyland Cypress and/or Japanese Cryptomeria trees.**

- **All cut and fill slopes and detention pond areas visible from the adjacent residential properties, Lakeshore Circle and Ahaluna Drive shall be stabilized with weeping love grass. In addition, these areas shall be planted with a mixture of hardwoods and evergreen trees at a minimum installation height of 8 feet as to present a finished appearance from the adjacent residential properties. The type, location and number of trees shall be subject to the approval of the Community Development Department Director.**
4. **A minimum 8-foot high black vinyl coated security fence shall be installed between the rear of the proposed buildings/access drive and the planted buffer area located at the top of the cut and fill slope.**
  5. **All lighting within the development shall be positioned or screened as to not create direct glare on the adjacent residential properties. The outdoor lighting shall meet the standards as required within Chapter 9-3-4 of the Gainesville Unified Land Development Code.**
  6. **Any service areas including dumpster pad areas and loading docks area shall be sufficiently screened from all public roads and adjacent residential properties and shall meet the standards as required within Section 9-3-3-3 of the Gainesville Unified Land Development Code.**
  7. **An automotive paint and body repair shop or auto sales facility is not an approved use for the subject property. There shall be no junk vehicles or vehicles used for parts stored on the subject property.**
  8. **There shall be no vehicular access allowed from the proposed development to the adjacent Lakeshore Heights Neighborhood, excluding authorized utility vehicles.**
  9. **The applicant shall reevaluate with the Georgia Department of Transportation (GDOT) and the City of Gainesville Public Works Director, the need for a traffic signal at the median break on Dawsonville Highway in front of the subject property and the private road between the Olive Garden and Cheddar's restaurants. Any new road improvements required by the Gainesville Public Works Director and GDOT for the development of this property shall be the financial responsibility of the applicant/developer.**
  10. **A uniform sign plan shall be provided for the entire development as described in Section 9-18-2-7 of the Gainesville Unified Land Development Code.**
  11. **An updated as-built boundary survey/plat of the subject property, indicating existing conditions and all improvements shall be recorded prior to obtaining a Certificate of Occupancy for the proposed use.**

Motion made by Vice-Chairman Johnson  
Motion seconded by Board Member Snyder  
**Vote – 6 favor, 1 opposed (Dadisman)**

**ADJOURNMENT**

**There was a motion to adjourn the meeting at 7:25 PM.**

Motion made by Board Member Stanley  
Motion seconded by Board Member Fleming  
**Vote – 7 favor**

Respectfully submitted,

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Dean Dadisman, Chairman

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Judy Foster, Recording Secretary