

**GAINESVILLE PLANNING AND APPEALS BOARD
MINUTES OF MEETING
MARCH 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: Council Members Myrtle Figueras, Bob Hamrick and George Wangemann, Public Works Engineer Stan Aiken and Fire Marshal Chad Payne

MINUTES OF FEBRUARY 12, 2013

There was a 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. Rezoning Request

- 1) Request from **Ketan / Gopalji Patel** to rezone a 1.26± acres tract located on the east side of Park Hill Drive, north of Lakeview Drive (a/k/a **1572, 1582 and 1586 Park Hill Drive NE**) from Residential-II (R-II) and Office and Institutional (O-I) to General Business (G-B).

Ward Number: Two
Tax Parcel Number(s): 01-080-001-008, 009 and 010
Request: Professional office and commercial uses

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

The applicant is proposing to rezone the subject 1.26± acres tract to General Business (G-B) for the purpose of constructing a new dental office building and a future retail commercial building. The subject property consists of three separate lots that are located within the Limestone Corridor Overlay Zone. Two of the lots are zoned R-II and contain two rental homes. One of the lots is zoned O-I and contains a dental office building owned and operated by the applicant. According to the applicant the proposed 4,500 square foot dental office building would be constructed first and the existing dental office building would then be demolished for development of the proposed 3,500 square foot building and parking area.

Adjacent uses include the Biddies Coin Laundry facility and various retail uses to the north, single-family residential homes to the east, single-family homes and various small commercial uses to the south, multi-family apartments and professional offices to the

west including the Brentwood, Norwood and Versailles apartments and the Blue Laser Group eye doctors office.

The Georgia Department of Transportation states that any work occurring within the Park Hill Drive (U.S. 129) right of way will require a permit and will have to be in conformance with GDOT rules and regulations.

The Gainesville Public Utilities Department states that existing water and sewer can serve the development.

The Comprehensive Plan places the subject tract within the *Mixed Use General* land use category which includes areas containing or planned for a mixture of land uses including office, neighborhood retail, and residential. The types of nonresidential uses that are desirable in this area would include restaurants, specialty retail, and low-intensity office. As well, the subject property is located within the *Traditional Neighborhoods* Character Area specifically within the *Northern Neighborhoods subarea*. The vision for this area anticipates minimal change and primary issues within this subarea include incompatible infill development and the threat of encroaching urban sprawl. Commercial encroachment should be minimized and should respect and mirror the small scale of the surrounding neighborhoods, while the purity of the landscape and quality of housing should be preserved. The area is not a primary destination for business; however neighborhood serving business development is encouraged. Land uses allowed in the *Northern Neighborhoods subarea* include low-density and medium-density residential, and mixed-use / commercial.

The Planning Division staff is recommending conditional approval of this rezoning request with G-B zoning, based on the Comprehensive Plan and the adjacent nonresidential land uses with the following conditions:

Conditions

- 1. The subject property shall be limited to the uses permitted within the Neighborhood Business (N-B) zoning district with the allowance of a drive-thru window.**
- 2. Any new or replacement structure(s), exterior facade change(s), and/or future development at this location shall be of residential scale as depicted on the architectural rendering submitted with the rezoning application, and shall be subject to the Community Development Director approval.**
- 3. The proposed monument signs shall be similar in size and architecture to the sign rendering submitted with the application and shall not exceed a height of 10-feet and 64 square feet in size with internal or indirect lighting.**
- 4. The existing healthy, significant trees located on the subject property shall be retained and incorporated where possible into the design of site improvements, including the proposed parking area, and shall be protected throughout construction of any required and/or proposed improvements per Community Development Director approval.**
- 5. An updated as-built survey/plat of the subject property, indicating existing conditions and all improvements shall be recorded prior to obtaining a Certificate of Occupancy for the future use.**

Applicant Presentation: Donna Phillips of 527 Hunting Hills Drive, Braselton, stated that she has worked with Dr. Patel for 6 years and is speaking on his behalf since he was not able to attend the meeting. She stated that she works at the current location at 1586 Park Hill Drive and believed this development would be a great addition and improvement to the community. She stated that one of their biggest problems was that their patients drive right past the current location because it looks like a small home rather than a business, noting the allowed signage does not help because it looks like a real estate sign. She stated that a backlit sign would look more professional and improve the appearance of the area. The building design would be more craftsman style, similar to those within a half mile closer to Gainesville. She stated that Dr. Patel wanted to keep the landscaping so the development would not become too commercialized. She stated that they currently have 3,000 patients, most of who live within a 15 minute radius of the office so they do not anticipate a high increase of traffic volume. She felt the development would improve that area of town where the buildings are getting run down.

Upon inquiry by Chairman Dadisman, Ms. Philips stated that they had no problems with the conditions as proposed by staff. She stated that the current appearance of the building is not what you would prefer for a professional location.

FAVOR: None

OPPOSED: None

Planning and Appeals Board Comments: None

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

Conditions

- 1. The subject property shall be limited to the uses permitted within the Neighborhood Business (N-B) zoning district with the allowance of a drive-thru window.**
- 2. Any new or replacement structure(s), exterior facade change(s), and/or future development at this location shall be of residential scale as depicted on the architectural rendering submitted with the rezoning application, and shall be subject to the Community Development Director approval.**
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- 4. The existing healthy, significant trees located on the subject property shall be retained and incorporated where possible into the design of site improvements, including the proposed parking area, and shall be protected throughout construction of any required and/or proposed improvements per Community Development Director approval.**
- 5. An updated as-built survey/plat of the subject property, indicating existing conditions and all improvements shall be recorded prior to obtaining a Certificate of Occupancy for the future use.**

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

B. Road Action Request

- 1) Request from **Phil and Beth Sutton** to abandon a 0.1172± acre (173± linear feet) portion of unopened right-of-way known as Fern Street, intersecting Queen City Parkway and Gordon Avenue having a zoning classification of General Business (G-B).
Ward Number: Three
Request: Abandonment of right-of-way

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

The applicant is proposing to abandon all of Fern Street right-of-way which is 0.1172± acre in size. The purpose of the request is to combine the unopened right-of-way with the adjacent properties in order to one day redevelop and improve the properties which serve as an important gateway entrance into the City of Gainesville. Specifically, the right-of-way is to be combined with the adjacent properties as identified on the legal descriptions and Plat Survey prepared by Patton Land Surveying and dated 01/30/2013.

- Parcel “**A-1**” and “**A-2**” shall be awarded to Ila Jo Richards Purcell, Administrator of the Richards Family Trust (551 Jesse Jewell Parkway);
- Parcel “**B-1**” shall be awarded to Ms. Pauline and Ashlei T. Vickery (543 Jesse Jewell Parkway);
- Parcel “**C-1**” and “**C-2**” shall be awarded to William and Jason W. Peck (522 Gordon Avenue);

Currently, the right-of-way contains a gravel driveway and is used as a cut thru from Gordon Avenue to Queen City Parkway. There are no existing water or sewer line easements present. The right-of-way area is zoned General Business (G-B) and is located within the Midtown Overlay Zone. The adjacent properties contain an older single-family home and an older motel property that has been closed for years.

The Planning Division staff is recommending approval of this request.

Applicant Presentation: **Phil Sutton** of 4764 Upper Berkshire Road, Flowery Branch, stated that he and his wife would like the right-of-way to be abandoned in order for all the neighbors to combine their lots with the abandoned right-of-way to make a reasonable sized lot suitable for a high level commercial development.

FAVOR: None

OPPOSED: None

Planning and Appeals Board Comments: Upon inquiry by Board Member Fleming, Planning Manager Matt Tate confirmed that the abandoned right-of-way would be quit claim deeded to the adjacent property owners.

Board Member Stanley stated that once this right-of-way is abandoned, the property owners will pay property taxes on the land which will increase the City’s tax base.

Chairman Dadisman stated it would be a good location for a new development.

There was a motion to recommend approval of the request to abandon a 0.1172± acre (173± linear feet) portion of unopened right-of-way known as Fern Street having a zoning classification of General Business (G-B).

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

ADJOURNMENT

There was a motion to adjourn the meeting at 5:45 PM.

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

Respectfully submitted,

Dean Dadisman, Chairman

Judy Foster, Recording Secretary