

**GAINESVILLE PLANNING AND APPEALS BOARD
MINUTES OF MEETING
MARCH 11, 2014**

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

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

Members Absent: Board Member Dexter Stanley

Staff Present: Planning Manager Matt Tate and Recording Secretary Judy Foster

Others Present: Council Member George Wangemann

MINUTES OF DECEMBER 10, 2013

There was a motion to approve the Minutes as presented.

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

NEW BUSINESS

NOTE: *Board Member Hokayem recused himself from the meeting at 5:33 p.m. due to a conflict of interest.*

A. Zoning Amendment Request

- 1) Request from **Waffle House Inc.** to amend a condition of zoning for a 3.21± acres tract located at the southwest side of the intersection of Clarks Bridge Road and Limestone Parkway (a/k/a **2551 Limestone Parkway NE**), having a zoning classification of General Business (G-B).

Ward: Two
Tax Parcel Number: 09-125-000-118
Request: Waffle House Restaurant

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

The applicant is proposing to amend a zoning condition to allow for relief from having to construct a pitched roof for a proposed 1,850 square foot Waffle House restaurant. The subject 3.21± acres property is located at the southwest side of the intersection of Clarks Bridge Road and Limestone Parkway and is within the Limestone Parkway Overlay Zone. The Future Land Use Map for the Comprehensive Plan places the subject tract within the *Retail Commercial* land use category which includes commercial service activities such as grocery stores, banks, restaurants, theatres, hotels, and automotive related businesses. As well, the property is located within the *Limestone Medical Corridor* character area which is consistent with the request. Adjacent uses include the Clarks Bridge Corners Residential Condominium development to the west, Hall Co. Credit Union to the north, Kangaroo/BP gas station and retail strip center and a single-family residence to the east and undeveloped land to the south.

The property was rezoned during 2006 to General Business (G-B) with conditions for commercial uses as part of a larger 16.74± acres tract (Refer to original Zoning Ordinance 2006-60). Since that time, the property has been developed with a 10,000± square foot multi-tenant retail building that was constructed with a pitched roof and contains a pharmacy and retail store. In addition, the property contains 103 associated parking spaces and a multi-tenant sign.

The proposed Waffle House is to be constructed with improved architectural elements to closely resemble what is depicted in the picture provided by the applicant to include extension of parapet walls with cornice feature to screen roof and mechanical equipment, elimination of trademark Waffle-House yellow fascia and a standing seam pitched metal awning that provides for pitched elements. Access locations will remain the same, with 30 total spaces (18 existing).

Mr. Tate reported that there was a site meeting with some of the Clarks Bridge Corners residents to discuss traffic calming measures that could be put into place to help address the resident's concerns and there seemed to be an agreement on both sides. He stated that the cost would be minimal for such measures as relocating a stop sign, painting a stop bar on the driveway and installing raised bollards to slow down traffic on Senior Circle.

Mr. Tate stated that the applicant requested that only condition one from the original ordinance be amended; however, staff is recommending that condition two also be amended by deleting the traffic impact study requirement, since it has already been completed, and replace it with a new condition to provide for a solid buffer.

The Planning Division staff is recommending approval of this request with the amended conditions:

Conditions

- 1. The architecture of the smaller proposed buildings adjacent to the residential homes under construction and the institutional facilities shall be residential in appearance with a pitched roof, as indicated on the attached photographs, and shall be subject to Planning Division approval. Relief shall only be given from requiring a pitched roof upon buildings being constructed with a parapet, false mansard roof, or other decorative architectural elements to screen flat roof surfaces and roof equipment from public view. In addition, when a flat roof is constructed, all exterior walls of the building shall be constructed with either a four sided brick or brick-like facade, rock, stone or a mixture thereof.**
- 2. Additional evergreen trees shall be planted along the westerly property line adjacent to the residential properties in order to provide for a solid buffer. The trees shall consist of a mixture of Cryptomeria and Leyland Cypress trees at a minimum height of six feet (6') upon installation. The final number and location of trees shall be subject to the approval of the Community Development Department Director.**
- 3. An updated as-built boundary survey/plat of the subject property, indicating all improvements required for the proposed nonresidential development, shall be recorded prior to obtaining a Certificate of Occupancy for the nonresidential use.**

Applicant Presentation: Sal Nappo and Samford McAllister, both with Waffle House Inc., 5986 Financial Drive in Norcross, were present to represent the applicant. Mr. Nappo stated that Waffle House is requesting approval of a zoning condition amendment which would allow for an aesthetically pleasing parapet roof building as shown in photos, and meets the intent of the Limestone Parkway overlay which is to create identity for the area, enhance economic vitality, and protect the value of the properties within the area. He stated that they can answer any questions and reserved time for rebuttal if needed.

Upon inquiry by Board Member Snyder, Mr. Nappo stated that there would be equipment on the roof. Mr. McAllister added that the equipment would not be visible to the public with the zoning conditions that are proposed and they are willing to accept.

FAVOR: Jeff Lawson, 4481 Walking Stick Lane, stated that he was the current property owner and noted that the property was already zoned and approved for 5,280 sq. ft. of retail, inclusive of a restaurant with outside dining. He felt this proposal would be less of an impact regarding traffic than what is already approved. Mr. Lawson agreed with Mr. Tate's comment that the meeting with the residents in Clarks Bridge Corners went well and they have agreed to some traffic calming measures, even though they are not required, in an effort to be good neighbors.

OPPOSED: Linda Miller stated that she was a resident of Clarks Bridge Corners and lives close to the entrance to the proposed Waffle House. She expressed concerns with the hours of operation (24/7), lighting and noise issues, crime and rodents.

Richard Brown stated that he was President of the Homeowners Association in Clarks Bridge Corners. He expressed concerns with the hours of operation (24/7), traffic issues, who would pay for the expense of traffic calming devices, and buffer requirements.

REBUTTAL: Mr. McAllister stated that they were aware of the resident's concerns and clarified that the reason for their request is specifically regarding the roof, not the use or traffic challenges, all of which are permitted currently as zoned and operated. He stated that they have listened to and are willing to work with the residents because they want to be good neighbors and that is why they agree to the condition regarding buffers and why they researched and provided some traffic calming measures as a result of the on-site meeting with the residents and are willing to install some of the measures.

Chairman Dadisman asked who will pay for these traffic calming measures. Mr. McAllister stated that Waffle House is willing to pay for the measures that are within the boundaries of their property, noting there were some additional measures suggested which are located outside of those boundaries.

Board Member Fleming asked Planning Manager Matt Tate to review the buffer area again for the residents.

Mr. Tate stated that he wanted to address the traffic calming measures first. He stated that all the suggested traffic calming measures would be located on private property, not within public right-of-way. Therefore, he stated that the cost would be shared by Waffle House and the Clarks Bridge Corners HOA, noting the raised bollards would be located within the Clarks Bridge Corners HOA property. Mr. Tate stated that whether or not Waffle House wants to cover that cost as well is up to them; however, the City cannot require them to do so since the bollards would not be on their property.

Regarding the existing buffer, Mr. Tate stated that it needs to be supplemented with some fast growing, evergreen material which would be at the expense of Waffle House to help with noise and light concerns. He stated that the City already has a non-spill lighting ordinance in place to address lighting concerns.

OPPOSED: **Luann Baxter** stated that she works in the nearby pharmacy and shared concerns regarding traffic, safety, dumpster location, grease disposal and rodents.

Mr. Tate stated that there were ordinances in place to address grease traps for restaurant uses, and noted there were other pharmacies in the City located near restaurants.

Richard Brown recommended a crosswalk for pedestrians be installed because of safety concerns.

Planning and Appeals Board Comments: None

There was a motion to recommend conditional approval of the request to amend conditions of zoning at 2551 Limestone Parkway NE with the following conditions:

Conditions

- 1. The architecture of the smaller proposed buildings adjacent to the residential homes under construction and the institutional facilities shall be residential in appearance with a pitched roof, as indicated on the attached photographs, and shall be subject to Planning Division approval. Relief shall only be given from requiring a pitched roof upon buildings being constructed with a parapet, false mansard roof, or other decorative architectural elements to screen flat roof surfaces and roof equipment from public view. In addition, when a flat roof is constructed, all exterior walls of the building shall be constructed with either a four sided brick or brick-like facade, rock, stone or a mixture thereof.**
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- 3. An updated as-built boundary survey/plat of the subject property, indicating all improvements required for the proposed nonresidential development, shall be recorded prior to obtaining a Certificate of Occupancy for the nonresidential use.**

Motion made by Board Member Snyder

Motion seconded by Vice Chairman Johnson

Vote – 5 favor, 1 absent (Stanley), 1 recusal (Hokayem)

ADJOURNMENT

There was a motion to adjourn the meeting at 6:05 PM.

Motion made by Vice Chairman Johnson

Motion seconded by Board Member Snyder

Vote – 5 favor, 2 absent (Stanley, Hokayem)

Respectfully submitted,

Dean Dadisman, Chairman

Judy Foster, Recording Secretary