

**GAINESVILLE PLANNING AND APPEALS BOARD
MINUTES OF SPECIAL CALLED MEETING
APRIL 22, 2014**

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 George Wangemann, Sam Couvillon and Myrtle Figueras, and Public Works Engineer Stan Aiken

NEW BUSINESS

NOTE: Board Member Hokayem recused himself at 5:31 p.m. due to a conflict of interest.

A. Rezoning Request

- 1) Request from **Polestar Development LLC** to rezone a 1.741± acres tract located on the west side of Thompson Bridge Road between Brandon Place and Virginia Circle (a/k/a **1435 Thompson Bridge Road**) from Residential-II (R-II) to Regional Business (R-B).
Ward: Two
Tax Parcel Number: 01-088-002-016 (Part)
Request: Grocery store and fuel service station

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

The applicant is proposing to rezone the subject 1.741 acres tract from R-II to R-B in order to redevelop the property for a grocery store and a fuel service station. The request would rezone the remaining balance of the property (1/3 of property) to a zoning of Regional Business (R-B) which is consistent with the present use of the property. The subject property is located within the Gateway Corridor Overlay Zone and consists of a 53,000± square foot shopping center that was originally constructed in 1983 for a Bi-Lo grocery store and additional commercial space. The occupants of the shopping center include the BodyPlex Fitness Center, El Sombrero Restaurant, United Custom Electronix Photo Lab, Sun Spa and Euroclean Laundromat.

The proposal would demolish the existing 53,000 square foot building and replace it with a 42,000± square foot grocery store and a 12 pump fuel service station to include a canopy. As part of the proposed development, improvements include improved parking, sidewalks, signage, additional green space, landscaping, and water quality treatment measures. Access would remain off of Thompson Bridge Road and Brandon Place. (Publix Grocery building is about 29,000 sq. ft.)

A Traffic Impact Study (TIS) was performed which analyzed the proposed development driveway and Brandon Place intersection with Thompson Bridge Road. Recommendations from the TIS include: conducting a signal warrant study to determine

if a signal is justified and where it should be located. As well, a 100 foot, north bound turn lane should be restriped within the center, two-way, left turn lane as not to impede the southbound left turns from Brandon Place.

The Gainesville 2030 Future Development Map for the City of Gainesville places the subject property 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 subject property is located within the *City Park Neighborhood Center* character area which allows for mixed-use, commercial, public and institutional uses.

The Planning staff believes the proposed redevelopment of the subject property is consistent with other shopping centers within the general area along Thompson Bridge Road and the rezoning would clean up the zoning boundary and bring it into conformance with the Gainesville ULDC. Therefore, based on the Comprehensive Plan, the Planning Division staff is recommending conditional approval of this rezoning request to Regional Business (R-B) with the following seven conditions:

Conditions

- 1. The subject property shall be limited to a building footprint not to exceed 50,000 square feet in size. All roof top equipment shall be screened from adjacent properties.**
- 2. An automotive paint and body repair shop or auto sales facility is not an approved use for the subject property.**
- 3. Sound emitted from any outdoor speaker devices shall be regulated in a manner to have no impact on the adjacent residential properties.**
- 4. The exterior architecture of the proposed building shall be generally consistent with the elevation rendering submitted with application to be constructed with a mixture of brick and split face block and brick materials. The exterior wall facing Thompson Bridge Road and Brandon Place shall be constructed with a minimum of 50% brick materials. The exterior walls facing the adjacent residential properties to the north and west shall be of earth tone colors.**
- 5. The subject property shall contain a minimum 25-foot wide perimeter buffer area along the northerly and westerly property lines adjacent to the single-family residential properties and the multi-family apartments. The buffer shall consist of an 8-foot tall black vinyl coated fence and the combination of existing and new vegetation in order to provide for a solid buffer. The new vegetation shall consist of a mixture of Cryptomeria trees, Leyland Cypress trees and other similar evergreen vegetation at a minimum height of six feet (6') upon installation. The final number, type and location of trees shall be subject to the approval of the Community Development Department Director.**
- 6. All access point design must be reviewed and approved by the Gainesville Public Works Director in conjunction with the Georgia Department of Transportation. Any required traffic improvements associated with the proposed development shall be at the full expense of the developer/property owner.**

- 7. The existing freestanding sign shall be replaced to meet City of Gainesville standards. A uniform sign plan shall be provided for the development as described in Section 9-18-2-7 of the Gainesville Unified Land Development Code.**

Applicant Presentation: Matt Phillips, with The Hutton Company, stated that staff did a great job summarizing their request to rezone a portion of Lanier Plaza from R-II to R-B which is consistent with its present use. Mr. Phillips asked that Condition #4, as presented by staff, be modified in regards to the exterior wall facing Thompson Bridge Road and Brandon Place to require "50% brick, stone, split face block or glass" instead of "50% brick materials" in order to give them flexibility with architectural elements. He stated that all other conditions as proposed by staff were acceptable. Mr. Phillips asked to reserve the remainder of his time for rebuttal.

FAVOR: None

OPPOSED: Abb Hayes, with Hulsey, Oliver & Mahar, 200 E. E. Butler Parkway, stated that he represented the El Sombrero Restaurants which are some of the oldest in Gainesville, and a current tenant in Lanier Plaza. He stated that they are not necessarily opposed to the rezoning of the property and understands that it would clean up the zoning. However, he felt he needed to correct some misinformation provided by the landlord. He stated that the project narrative proposes that the existing 53,000 sq. ft. shopping center would be demolished. Mr. Hayes stated that his client has prepaid their rent for the remainder of this year and noted the lease continues for 6 more years. He stated that his client is not in default of his lease and doesn't have any intention of moving, noting the landlord has no basis for kicking them out. Mr. Hayes stated that he didn't know how this project could proceed without dealing with their tenancy rights and wanted to make it known so it is not a surprise later on in the process.

Brenda Coursey, 493 Mountain View Drive, stated that she wanted to speak to the human factor. She stated that the subject property backs up to residential areas and if the proposed development is open 24 hours a day, it would be a total change to the current uses, noting there would be 24 hours of tractor trailer truck deliveries, traffic problems, dumpsters being emptied all hours of the night and a gas station in which she is totally opposed. She expressed concerns for children safety as they get off buses on Thompson Bridge Road to walk down to the Brandon Place Apartments; safety and traffic issues for a nearby, highly utilized City park; and current difficulty of getting out onto Thompson Bridge Road from Mountain View Road would increase with this development. She stated that the businesses located in Lanier Plaza now do not produce a high volume of traffic and certainly no gas station. Mrs. Coursey asked the Board to deny the request.

Jim Froehlich, 861 Sherwood Road, stated that he has lived in Gainesville for 11 years and moved here because of the small town feel it generates. He stated that although the Lanier Plaza is not fully utilized, he expressed concerns with traffic, and the effect the development would have on other grocery stores such as Publix and Kroger. He asked for the grocery store name to be identified. Mr. Phillips stated that he cannot make an announcement at this time until their due diligence is complete. Mr. Froehlich stated that was mysterious and is concerning to him. He stated that he had heard the name Wal-Mart and commented that the residents came out to oppose another Wal-Mart that was proposed down the road from this property. Mr. Froehlich stated that he would vote yes for the rezoning, but no to Wal-Mart.

Elaine Gerke, 1338 Northwood Circle, asked who would benefit from this rezoning and large development except people who have a lot of money to invest. She stated that she visits the El Sombrero Restaurant and the BodyPlex. She asked why this proposed development is needed in our community.

Linda Roseberry, 565 Honeysuckle Road, shared the same concerns as others who have spoken in opposition. She also felt the proposal is not in line with the 2030 Comprehensive Land Use Plan, noting there are a number of grocery stores already available in the area. She asked the Board to keep the identity of Gainesville as it is because people choose to live in this type of environment.

Vanessa Hyatt, 309 Oakland Drive, stated that there is a creek that runs along her property and litter ends up along its banks, which is worse when it rains. However, that was the least of her concerns. She asked why the Comp Plan is being ignored and small businesses are being kicked to the curb in favor of large businesses. She stated that BodyPlex has a lot of members and employs 14 people. Ms. Hyatt stated that she has spent thousands of dollars to renovate her house inside and out and trying to do her part to elevate the neighborhood. She stated that this development will have a major impact on the neighborhood, and asked the Board to please vote this down.

Jeff Rosetti, with United Custom Electronix Photo Lab, a current tenant of Lanier Plaza, stated that he had mixed emotions about the proposal. He stated that the current property owners are inept at best, and has requested them to do things in the past to bring in other businesses, and now he knows why they did not. He said that the tenants are being strong-armed and it's disgusting as small businesses are the backbone of this Country. He stated that his business has outlasted other similar businesses, noting they maintain a level of quality that the big businesses do not. Mr. Rosetti stated that he is not in favor of the proposal and felt it could have been presented in a better way without the strong-arm tactics. He stated that he had a store in Lanier Plaza in the early 90s, then moved to Washington Street and returned back to Lanier Plaza 4 years ago. He stated that he will stay in Gainesville and try to stay on Thompson Bridge Road, if possible.

Joan Rigel, 1504 Berkeley Court, stated that she agrees with all the comments that have been made. She stated that residents do not typically come to Planning and Appeals Board meetings, so to have this turn out and no one in favor of the project should tell the Board something.

Connie Propes, 695 Honeysuckle Lane, asked the Board if they are familiar with the 2030 Comp Plan. She stated that if the Board knew the Comp Plan, then they know the proposal is in opposition to the Comp Plan.

REBUTTAL: Mr. Phillips stated that he was unaware until today of how the property owner has approached people. He stated that their client wants to control their own announcement in regards to the name of the grocery store, noting again that an announcement would not be done until due diligence is completed and the nonconforming use was corrected. He felt this proposal was a fantastic redevelopment use, and other issues can be addressed down the road. He appreciated the interest from the residents. Mr. Phillips stated that he has a civil engineer and traffic engineer available to answer any questions.

Planning and Appeals Board Comments: Board Member Snyder asked staff if they were acceptable to the change proposed by the applicant regarding Condition #4. Planning Manager Matt Tate asked Mr. Phillips if his reference to glass meant windows. Mr. Phillips stated yes. Mr. Tate stated that staff has no problem with the mixture of materials as the applicant has proposed.

Board Member Stanley stated that he does not support the proposal in any way, even to correct the residential zoning, and he is not willing to vote favorably for the request because of the tenants with leases.

Board Member Snyder stated that progress requires change and change is hard, as this decision is hard tonight. He stated that he visited the 30 year old site and researched it. He stated that a good part of the building is vacant, the old Blockbuster Video building is vacant, and the shopping center is starting to deteriorate in his opinion. He commented on what has happened to the appearance of Browns Bridge Road which has small businesses with not much reinvestment and this would not be desired for Thompson Bridge Road. Mr. Snyder stated that Gainesville is growing and we must keep up with progress, and be able to attract young people, noting the new growth on Dawsonville Highway.

There was a motion to recommend conditional approval of the request to rezone the subject property from Residential-II (R-II) to Regional Business (R-B) with the following conditions, including an amendment to Condition #4 as requested by the applicant:

Conditions

- 1. The subject property shall be limited to a building footprint not to exceed 50,000 square feet in size. All roof top equipment shall be screened from adjacent properties.**
- 2. An automotive paint and body repair shop or auto sales facility is not an approved use for the subject property.**
- 3. Sound emitted from any outdoor speaker devices shall be regulated in a manner to have no impact on the adjacent residential properties.**
- 4. The exterior architecture of the proposed building shall be generally consistent with the elevation rendering submitted with application to be constructed with a mixture of brick and split face block and brick materials. The exterior wall facing Thompson Bridge Road and Brandon Place shall be constructed with a minimum of 50% brick, stone, split face block or glass window materials. The exterior walls facing the adjacent residential properties to the north and west shall be of earth tone colors.**
- 5. The subject property shall contain a minimum 25-foot wide perimeter buffer area along the northerly and westerly property lines adjacent to the single-family residential properties and the multi-family apartments. The buffer shall consist of an 8-foot tall black vinyl coated fence and the combination of existing and new vegetation in order to provide for a solid buffer. The new vegetation shall consist of a mixture of Cryptomeria trees, Leyland Cypress trees and other similar evergreen vegetation at a minimum height of six feet (6) upon installation. The final number, type and**

location of trees shall be subject to the approval of the Community Development Department Director.

- 6. All access point design must be reviewed and approved by the Gainesville Public Works Director in conjunction with the Georgia Department of Transportation. Any required traffic improvements associated with the proposed development shall be at the full expense of the developer/property owner.**
- 7. The existing freestanding sign shall be replaced to meet City of Gainesville standards. A uniform sign plan shall be provided for the development as described in Section 9-18-2-7 of the Gainesville Unified Land Development Code.**

Motion made by Board Member Snyder
Motion seconded by Vice Chairman Johnson

Vice Chairman Johnson stated that the City had received some emails from residents which were accusatory and suspicious in nature of those in decision making positions and he didn't feel it was appropriate. He stated that the assumption from the general public is that the proposed grocery store is a Wal-Mart which has never been termed by the applicant or the City. He asked if the grocery store was a Whole Foods or a Fresh Market, would people still be in opposition? Mr. Johnson also commented that Publix or Kroger are not considered small businesses.

Chairman Dadisman stated that he was concerned about how little the Board knew about the project.

Board Member Fleming stated that she had mixed feelings about the proposal because she lives in the neighborhood as well. She agreed with Vice Chairman Johnson and hates that people are suspicious, but since she doesn't know enough about the project, she would have to vote against it as well.

Vote – 2 favor, 4 opposed (Dadisman, Stanley, Fleming, Rucker), 1 recusal (Hokayem)

ADJOURNMENT

The meeting was adjourned at 6:10 PM by Chairman Dadisman.

Respectfully submitted,

Dean Dadisman, Chairman

Judy Foster, Recording Secretary