

**GAINESVILLE PLANNING AND APPEALS BOARD  
MINUTES OF MEETING  
MAY 13, 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:** Council Member George Wangemann

**MINUTES OF APRIL 8, 2014 AND APRIL 22, 2014**

**There was a motion to approve the April 8, 2014 Minutes as presented.**

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

**There was a motion to approve the April 22, 2014 Minutes as presented.**

Motion made by Board Member Snyder  
Motion seconded by Board Member Rucker  
**Vote – 7 favor**

**NEW BUSINESS**

**Chairman Dadisman amended the agenda to move the rezoning request from Beehive Homes of Gainesville to the first item on the agenda.**

**C. Rezoning Requests**

- 2) Request from **Beehive Homes of Gainesville** to rezone a 2.0± acres tract located on the west side of South Enota Drive across from its intersection with Enota Circle (a/k/a **1351 Park Hill Drive**) from Residential-I (R-I) to Residential-II (R-II).  
Ward Number: Two  
Tax Parcel Number: 01-077-001-027 (Part)  
Request: Assisted living facility

**Staff Presentation:** Planning Manager Matt Tate recommended that the Board table this item until the June 10, 2014 meeting since the applicant's request changed slightly and a new legal ad needs to be published.

**There was a motion to table this item until the June 10, 2014, Planning and Appeals Board meeting.**

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

**A. Variance Request**

- 1) Request from **Baltazar Contreras** to vary the left side yard setback and front yard setback requirements along Downey Boulevard on a 0.10± acre property located between Wall Street and Downey Boulevard, northwest of its intersection with Myrtle Street (a/k/a **498 Wall Street**), having a zoning classification of Residential-II (R-II).  
Ward: Three  
Tax Parcel Number: 01-035-002-037  
Request: Bedroom addition

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

The applicant is requesting to vary the side yard setback from 10-feet to 6-feet and the front yard setback along Downey Boulevard from 30-feet to 14-feet for the purpose of constructing a 580 square foot bedroom addition that will include a bathroom and closet. The property is 0.10± acre in size and contains an older 800 square foot single family residence. The subject property is zoned Residential-II (R-II) and has two front yard setback requirements as it fronts Wall Street to the east and Downey Boulevard to the west. The adjacent and nearby uses include single-family homes, vacant land and a church. The Boys and Girls Club, Lanier Terrace Apartments and the Fair Street Elementary school are located on the west side of Downey Boulevard. The applicant is basing the hardship on the small size of the lot and the existing two road frontages on Wall Street and Downey Boulevard.

The Planning Division staff is recommending **approval** of this variance request within the Residential-II (R-II) zoning district based on the small size of the property and the two road frontages.

**FAVOR:** None

**OPPOSED:** None

**Planning and Appeals Board Comments:** None

**There was a motion to approve the request to vary the left side yard setback requirement from 10-feet to 6-feet and vary the front yard setback requirement along Downey Boulevard from 30-feet to 14-feet for a bedroom addition at 498 Wall Street as presented.**

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

**B. Annexation Requests**

- 1) Request from **Ben F. Castleberry** to annex a 0.19± acre tract located on the southeast corner of the intersection of Hazel Street and Ralston Street (a/k/a **1322 Hazel Street**) and to establish zoning as Residential-II (R-II).

Ward Number: Four  
Tax Parcel Number: 00-130-001-006  
Request: Sewer for existing home

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

The applicant is proposing to annex the subject property into the City of Gainesville in order to utilize city sewer services for the existing single family residence as the existing septic system has failed. There are no other changes to the property at this time. The subject property contains a single family residence that was constructed in 1950 and is currently zoned Residential-II (R-II) within Hall County. The property is part of a larger unincorporated county island and is adjacent to the city limits to the west across Ralston Street. The Gainesville 2030 Future Development Map for the City of Gainesville places the subject property within the *Medium-High Density Residential* land use category and within the *West Side* character area which supports single-family and multi-family uses. The Gainesville Public Utilities Department states that in 2012 the City extended an 8 inch gravity sewer in the area of the property which can serve the property.

The Planning Division staff is recommending **approval** of this annexation request with R-II zoning, based on the Comprehensive Land Use Plan and the adjacent residential land use.

**Applicant Presentation:** **Ben Castleberry**, stated that he was the owner of the subject property and that the septic system has failed and he has no space available for field lines, so he needs access to sewer.

**FAVOR:** None

**OPPOSED:** None

**Planning and Appeals Board Comments:** None

**There was a motion to recommend approval of the request to annex 1322 Hazel Street and to establish the zoning as Residential-II (R-II).**

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

- 2) Request from **Swann Drive Villas, LLC** to annex a 1.63± acres tract located west of Swann Drive at its terminus and on the south side of Pearl Nix Parkway (a/k/a **1297 Swann Drive**) and to establish zoning as Residential-II (R-II).

Ward Number: Four  
Tax Parcel Number: 00-129-001-017  
Request: Multi-family apartments

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

The applicant is proposing to develop a 3.5<sup>±</sup> acre tract located on the south side of Pearl Nix Parkway and west of Swann Drive for 26 multi-family apartments. The proposal involves three separate requests that include the annexation of 1.63<sup>±</sup> acres with R-II zoning, rezoning 1.78<sup>±</sup> acres from L-I to R-II, and abandoning a 0.08<sup>±</sup> portion of the Swann Drive cul-de-sac.

The 1.63<sup>±</sup> acres to be annexed is part of a larger unincorporated county island currently zoned R-II and contains four mobile homes. The 1.78<sup>±</sup> acres property to be rezoned is undeveloped. The applicant recently purchased this property from the City of Gainesville Public Utilities Department which was considered remnant property from when Pearl Nix Parkway and the sanitary sewer easement were created. The 0.08<sup>±</sup> acre portion of Swann Drive cul-de-sac is part of a larger unincorporated island and will become part of the city limits upon the above 1.63<sup>±</sup> acres being annexed.

The applicant is proposing to develop the subject properties for 26 townhome style apartments at an overall density of 7.4 dwelling units per acre. Each residential unit is to be a minimum heated floor space of 1,500 square feet. Approximately 16 of the proposed units will have front facades oriented toward Pearl Nix Parkway which will include raised landscaped berms to help improve the aesthetics. Each residential unit is to be a minimum heated floor space of 1,500 square feet. Access is proposed from the end of Swann Drive.

The City of Gainesville Public Utilities Department states that the City currently serves the subject property with water and sanitary sewer services and has adequate capacity to serve the proposed development.

The Gainesville Future Development Map for the City of Gainesville places the subject property within the *Mixed-Use and Park/Recreation/Conservation* land use categories. The *Mixed-Use* category includes areas containing or planned for a mixture of land uses including office, neighborhood retail, and residential. The *Park/Recreation/Conservation* land use category includes areas containing or planned for parks and recreation facilities, permanently designed open space, conservation areas including buffers along waterways and other environmental features. The property was placed within the *Park/Recreation/Conservation* land use category because it was originally thought to be needed for right-of-way or sewer easement purposes.

According to the Character Area map for the City of Gainesville, the subject property is located within the *West Side* character area which allows for medium-density residential, multifamily residential, mixed-use, commercial, public / institutional, and parks / recreation / conservation.

The Planning Division staff is recommending **conditional approval** of this annexation, rezoning, and right-of-way abandonment request with Residential-II (R-II) zoning, based on the Comprehensive Land Use Plan and the surrounding residential and nonresidential land uses with the following conditions:

### **Conditions**

- 1. The subject property shall be limited to single-family homes or a maximum of 26 townhome, condominium or apartment units. Each home or unit shall have a minimum heated floor space of 1,500 square feet.**

2. The exterior architecture of the proposed buildings shall be generally consistent with the elevation rendering submitted with the application. Exterior facades facing Pearl Nix Parkway and the internal parking areas shall contain upgraded materials to include hardiplank siding and at minimum a three foot (3') tall water table of brick or stone materials.
3. The subject property shall contain a minimum 20-foot wide vegetated buffer along the easterly property boundary adjacent to the single-family homes. The buffer shall consist of a combination of existing and new vegetation in order to provide for a solid buffer to include a mixture of Cryptomeria trees, Leyland Cypress trees and other similar evergreen vegetation at a minimum height of six feet (6') upon installation. In addition, the twenty foot (20') wide frontage landscape strip along Pearl Nix Parkway shall be improved with landscape berms, trees and shrubs. The final number, type and location of landscape/buffer materials shall be subject to the approval of the Community Development Department Director.
4. All access point design must be reviewed and approved by the Gainesville Public Works Director as to provide for sufficient access for City utility and emergency vehicles from Swann Drive. Any required traffic improvements associated with the proposed development shall be at the full expense of the developer/property owner.
5. The proposed four foot (4') wide pedestrian sidewalk connecting to the existing sidewalks located along Pearl Nix Parkway must be reviewed and approved by the Gainesville Public Works Director.
6. The subject property shall be limited to one monument sign facing Pearl Nix Parkway and one monument sign located at the entrance of the development off of Swann Drive. The monument signs shall be a maximum height of eight feet (8') not to exceed 80 square feet in size each.

**Applicant Presentation:** Steve McKibbon, stated that he represented the owning entity of this project and felt that Mr. Tate covered everything in his presentation. He felt this project will be a big improvement to the area by replacing four temporary structures with permanent housing which will add to the tax base. He stated that he was available to answer any questions.

Board Member Fleming stated that the starting intention for the project is for apartments to rent, but asked if it could change in the future to become fee simple homes for people to buy? Mr. McKibbon stated that they would ultimately love to see them become fee simple homes but they have not seen much demand for it in their other projects.

Upon inquiry by Chairman Dadisman, Mr. McKibbon stated that they have no problems with the conditions as proposed by Staff.

**FAVOR:** None

**OPPOSED:** None

**Planning and Appeals Board Comments:** None

There was a motion to recommend conditional approval of the request to annex 1297 Swann Drive and to establish zoning as Residential-II (R-II) with the following conditions:

**Conditions**

1. The subject property shall be limited to single-family homes or a maximum of 26 townhome, condominium or apartment units. Each home or unit shall have a minimum heated floor space of 1,500 square feet.
2. The exterior architecture of the proposed buildings shall be generally consistent with the elevation rendering submitted with the application. Exterior facades facing Pearl Nix Parkway and the internal parking areas shall contain upgraded materials to include hardiplank siding and at minimum a three foot (3') tall water table of brick or stone materials.
3. The subject property shall contain a minimum 20-foot wide vegetated buffer along the easterly property boundary adjacent to the single-family homes. The buffer shall consist of a combination of existing and new vegetation in order to provide for a solid buffer to include a mixture of Cryptomeria trees, Leyland Cypress trees and other similar evergreen vegetation at a minimum height of six feet (6') upon installation. In addition, the twenty foot (20') wide frontage landscape strip along Pearl Nix Parkway shall be improved with landscape berms, trees and shrubs. The final number, type and location of landscape/buffer materials shall be subject to the approval of the Community Development Department Director.
4. All access point design must be reviewed and approved by the Gainesville Public Works Director as to provide for sufficient access for City utility and emergency vehicles from Swann Drive. Any required traffic improvements associated with the proposed development shall be at the full expense of the developer/property owner.
5. The proposed four foot (4') wide pedestrian sidewalk connecting to the existing sidewalks located along Pearl Nix Parkway must be reviewed and approved by the Gainesville Public Works Director.
6. The subject property shall be limited to one monument sign facing Pearl Nix Parkway and one monument sign located at the entrance of the development off of Swann Drive. The monument signs shall be a maximum height of eight feet (8') not to exceed 80 square feet in size each.

Motion made by Vice Chairman Johnson  
Motion seconded by Board Member Snyder  
**Vote – 7 favor**

**C. Rezoning Requests**

- 1) Request from **Swann Drive Villas, LLC** to rezone a 1.78± acres tract located on the south side of Pearl Nix Parkway, east of Atlanta Highway (a/k/a **620 Pearl Nix Parkway**) from Light Industrial (L-I) to Residential-II (R-II).  
Ward Number: Four  
Tax Parcel Number: 00-129-001-035  
Request: Multi-family apartments

**There was a motion to recommend conditional approval of the request to rezone 620 Pearl Nix Parkway from Light Industrial (L-I) to Residential-II (R-II) with the following conditions:**

**Conditions**

- 1. The subject property shall be limited to single-family homes or a maximum of 26 townhome, condominium or apartment units. Each home or unit shall have a minimum heated floor space of 1,500 square feet.**
- 2. The exterior architecture of the proposed buildings shall be generally consistent with the elevation rendering submitted with the application. Exterior facades facing Pearl Nix Parkway and the internal parking areas shall contain upgraded materials to include hardiplank siding and at minimum a three foot (3') tall water table of brick or stone materials.**
- 3. The subject property shall contain a minimum 20-foot wide vegetated buffer along the easterly property boundary adjacent to the single-family homes. The buffer shall consist of a combination of existing and new vegetation in order to provide for a solid buffer to include a mixture of Cryptomeria trees, Leyland Cypress trees and other similar evergreen vegetation at a minimum height of six feet (6') upon installation. In addition, the twenty foot (20') wide frontage landscape strip along Pearl Nix Parkway shall be improved with landscape berms, trees and shrubs. The final number, type and location of landscape/buffer materials shall be subject to the approval of the Community Development Department Director.**
- 4. All access point design must be reviewed and approved by the Gainesville Public Works Director as to provide for sufficient access for City utility and emergency vehicles from Swann Drive. Any required traffic improvements associated with the proposed development shall be at the full expense of the developer/property owner.**
- 5. The proposed four foot (4') wide pedestrian sidewalk connecting to the existing sidewalks located along Pearl Nix Parkway must be reviewed and approved by the Gainesville Public Works Director.**
- 6. The subject property shall be limited to one monument sign facing Pearl Nix Parkway and one monument sign located at the entrance of the development off of Swann Drive. The monument signs shall be a maximum height of eight feet (8') not to exceed 80 square feet in size each.**

Motion made by Board Member Snyder

Motion seconded by Board Member Fleming

**Vote – 7 favor**

**D. Special Use Request**

- 1) Request from **Gerald Darby and Bobby Norris** for a Special Use on a 0.611± acre tract located on the east side of Green Street, south of its intersection with Glenwood Drive (a/k/a **756 Green Street NE**), having a zoning classification of Residential and Office (R-O).

Ward Number: Two

Tax Parcel Number: 01-039-001-001

Request: Antique gallery and residence

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

The applicant is proposing a Special Use within the Residential and Office (R-O) zoning district to establish an antique gallery and residence. The surrounding properties consist of numerous land uses including residential, office, institutional, commercial and public uses. In addition, the subject property is located within the Green Street Local Historic District. The subject property contains a three-story building and detached garage known as the "Liberty House" which has been occupied most recently for professional office purposes and has road frontage along Green Street as well as an access drive previously known as Glenwood Drive at its terminus. Specifically, the main floor of the structure will be used as an antique gallery/interior design studio for appointment only clients. The second floor will be occupied as a residence for the applicants. Improvements will be focused on the interior of the building and the property grounds, but will be brought up to code to improve handicapped accessibility standards and fire safety code standards. The exterior of the structure is to be maintained in order to retain its historic significance. Parking will be provided within the existing parking lot located behind the structure.

According to the Georgia Department of Transportation (GDOT), the applicant will be required to apply to GDOT for a new driveway permit due to the change in use of the property. There were no other departmental comments regarding this request.

The Gainesville 2030 Future Development Map for the City of Gainesville places the subject property within the *Mixed-Use General* land use category and the Downtown/Midtown Character Area which supports mixed-use developments.

The applicant's ability to re-use the property and building without significantly altering its historic significance appears to make the proposal suitable. Therefore, based on the surrounding uses and the Comprehensive Plan, the Planning Division staff is recommending approval of this Special Use request with the following condition:

**Condition**

**The existing monument sign shall not be replaced or structurally modified except for the sign face area depicting the name of the business.**

**Applicant Presentation:** Bobby Norris, stated that he was one of the business partners and they believe the antique gallery would improve the appearance of the building and bring it back to its historic nature with minimal foot traffic since their business would be by appointment only, noting a lot of their business would be through internet sales. He stated that the gallery would not look like a typical antique store that is cluttered with a hodge podge of items, but rather set up like living quarters such as a music room or library which would add to the appeal for their clients so they can see what the items would look like in a natural environment and in their own home. Mr. Norris stated that the upstairs would be used as the residence.

Board Member Fleming stated that the proposal is brilliant and she would like to see more retail with living quarters located above within Gainesville.

Chairman Dadisman stated that it looked like a good project to him.

**FAVOR:** None

**OPPOSED:** None

**Planning and Appeals Board Comments:** None

There was a motion to recommend conditional approval of the Special Use request to allow an antique gallery and residence within Residential and Office (R-O) zoning at 756 Green Street with the following condition:

**Condition**

The existing monument sign shall not be replaced or structurally modified except for the sign face area depicting the name of the business.

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

**E. Road Action Request**

- 1) Request from **Swann Drive Villas, LLC** to abandon a 0.08± acre portion of the cul-de-sac of Swann Drive having a zoning of Residential-II (R-II).  
Ward Number: Four  
Request: Multi-family apartments

There was a motion to recommend conditional approval of the abandonment of a 0.08± portion of the cul-de-sac on Swann Drive as proposed with the following conditions:

**Conditions**

1. The subject property shall be limited to single-family homes or a maximum of 26 townhome, condominium or apartment units. Each home or unit shall have a minimum heated floor space of 1,500 square feet.
2. The exterior architecture of the proposed buildings shall be generally consistent with the elevation rendering submitted with the application. Exterior facades facing Pearl Nix Parkway and the internal parking areas shall contain upgraded materials to include hardiplank siding and at minimum a three foot (3') tall water table of brick or stone materials.
3. The subject property shall contain a minimum 20-foot wide vegetated buffer along the easterly property boundary adjacent to the single-family homes. The buffer shall consist of a combination of existing and new vegetation in order to provide for a solid buffer to include a mixture of Cryptomeria trees, Leyland Cypress trees and other similar evergreen vegetation at a minimum height of six feet (6') upon installation. In addition, the twenty foot (20') wide frontage landscape strip along Pearl Nix Parkway shall be improved with landscape berms, trees and shrubs. The final number, type and location of landscape/buffer materials shall be subject to the approval of the Community Development Department Director.
4. All access point design must be reviewed and approved by the Gainesville Public Works Director as to provide for sufficient access for City utility and

- emergency vehicles from Swann Drive. Any required traffic improvements associated with the proposed development shall be at the full expense of the developer/property owner.**
- 5. The proposed four foot (4') wide pedestrian sidewalk connecting to the existing sidewalks located along Pearl Nix Parkway must be reviewed and approved by the Gainesville Public Works Director.**
  - 6. The subject property shall be limited to one monument sign facing Pearl Nix Parkway and one monument sign located at the entrance of the development off of Swann Drive. The monument signs shall be a maximum height of eight feet (8') not to exceed 80 square feet in size each.**

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

#### **ADJOURNMENT**

**There was a motion to adjourn the meeting at 5:56 PM.**

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

Respectfully submitted,

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Dean Dadisman, Chairman

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Judy Foster, Recording Secretary