GAINESVILLE PLANNING AND APPEALS BOARD
MINUTES OF MEETING
JANUARY 10, 2012

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 Pro-tem George Wangemann, Council Member Myrtle Figueras, Public Utilities Engineer Myron Bennett and Fire Marshal Chad Payne

MINUTES OF DECEMBER 13, 2011

Motion to approve the Minutes as presented.

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

NEW BUSINESS

A. Variance Request

1) Request from **Patton Land Surveying** to vary the left side yard building setback requirement on a 1.26± acres tract located on the south side of Overlook Drive, southeast of its second intersection with Club Drive (a/k/a **197 Overlook Drive NW**), having a zoning classification of Residential-I-A (R-I-A).
Ward Number: One
Tax Parcel Number(s): 01-103-001-006
Request: Carport addition

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

The applicant is requesting to vary the left side yard building setback from 15-feet to 8.1-feet for the purpose of constructing a detached carport and breezeway that will allow the homeowners covered access during inclement weather. Specifically, the detached carport is to be 484-square feet in size and the breezeway is to be 204-square feet in size and is to be constructed along the left side property line connected to the existing residence. The subject property is 1.26± acres in size, is zoned Residential-I-A (R-I-A) and is located adjacent to Lake Lanier within the Chattahoochee Country Club off of Overlook Drive. The site contains an existing 3,070 square foot single-family residence constructed in 1965. The surrounding area is comprised of other single-family residential properties within the City of Gainesville.

The applicant is basing the hardship on the shape and topography of the lot and states the location of the existing home was created by the previous owner which limits where the carport addition can be constructed.

Staff's opinion is that although the proposed carport and breezeway will be constructed closer to the property line than is permitted by the Unified Land Development Code (ULDC), the addition is both consistent in scale and architectural styles as the existing residence and neighboring properties. Therefore, the Planning Division staff is recommending **approval** of this variance request within the Residential-I-A (R-I-A) zoning district with the following condition.

Condition

The existing evergreen trees and shrubs along the left side property line shall remain as a natural buffer between the subject property and adjacent property to the east.

Applicant Presentation: **Chris Patton**, 419 Bradford Street, stated that he represented the Robinson's, who are the property owners. The Robinson's have read the staff recommendation report and agree with the condition. He stated that they also met with the adjoining neighbor to the east, the White family, and discovered the White family was concerned with the way the proposed condition was written, noting there was a gap in the hedges along the eastern property line and they would like to see the gap filled in. He stated that the Robinson's have agreed to install evergreens there and suggested it to be added to the condition.

FAVOR: None

OPPOSED: **Ann White** stated she was the adjoining property owner, and noted she had no objection to the request as long as the gap was filled in with shrubs.

Planning and Appeals Board Comments: Upon inquiry by Board Member Snyder, Planning Manager Matt Tate confirmed that the condition could easily be changed and stated a revised proposal to the Board.

There was a motion to conditionally approve the request to vary the left side yard building setback requirement at 197 Overlook Drive NW from 15-feet to 8.1-feet for the construction of a carport and breezeway with the following revised condition:

Condition

The existing evergreen trees along the left side property line shall remain as a natural buffer between the subject property and adjacent property to the east with the addition of evergreen trees in place of the shrubs.

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

B. Rezoning Requests

1) Request from **Dennis and Jill Momper** to rezone a 0.51± acre tract located on the east side of Prior Street, northeast of its intersection with Park Street (a/k/a **430 Prior Street NE**) from Residential-II (R-II) to Residential and Office (R-O).
Ward Number: Two
Tax Parcel Number(s): 01-038-004-013
Request: Single-family residential and professional office

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

The applicant is proposing to rezone the subject 0.51± acre property from Residential-II (R-II) to Residential and Office (R-O) to allow the subject property to be marketed for a future professional office use. The subject property contains a 3,000 square foot brick home built in 1928 as well as a smaller detached building with one driveway off of Prior Street. The property is also located within a historic district that was listed on the National Register of Historic Places during 1985. The residence is occupied by the owner/applicant as a single-family residence but has previously been occupied as a residential duplex.

The applicant states there are no immediate plans to change the residential use to an office use, therefore, no changes to the structure are being proposed at this time. However, the applicant's concept plan proposes to maintain the residential appearance of the property by utilizing the existing driveway and locating any future parking area to the rear of the property.

The Gainesville Public Works Department states that the change from a residential use to an office use may require land development and building permits to meet current Code standards.

Adjacent and nearby properties to the north include the Magic Years of Learning child daycare center, a group home for three physically-disabled adults, attorney's office, single-family homes, and multi-family town homes and condominiums.

The Future Land Use Map of the Comprehensive Plan places the subject property in the *Suburban Residential-Medium Density* land use category, which predominantly is characterized by single-family residential development and is intended to have a maximum density of two dwelling units per acre. Appropriate land uses within this residential land use category include single-family homes, limited neighborhood commercial establishments, and appropriately scaled office and institutional uses.

Therefore, based on the Comprehensive Plan and the surrounding residential and nonresidential land uses staff is recommending **approval** of this rezoning request with the following four conditions:

Conditions

1. **Any new or replacement structure(s), exterior facade change(s), and/or future development at this location shall be of a single-family residential appearance and be characteristic of the surrounding historic properties, and shall be subject to the Community Development Director approval.**

2. **Any proposed new parking areas shall be adequately screened from the adjacent residential uses located along the south and east property lines. The buffer may consist of an opaque fence or a solid vegetated buffer. The final installation, placement, and maintenance of the buffer shall be subject to the Community Development Director approval.**
3. **The subject property shall be limited to one (1) monument sign for a future office use not to exceed five (5) feet in height and twenty (20) square feet in size.**
4. **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 future professional office use.**

Applicant Presentation: Jill Momper, 430 Prior Street, stated that they would like to rezone their property so that it would be more marketable in the future if they decide to sell, noting that more and more commercial properties have taken over homes in the area.

FAVOR: Lee Hemmer, with the Simpson Agency stated they are helping the property owners in the disposition of this asset, noting that they agree with the conditions as presented by staff.

Debra Harkrider, 805 Park Street, stated her property was adjacent to the back of the Momper property and she was in favor of the request as long as the conditions were maintained. She commented that the daycare center is very loud at times and since there are several commercial properties along Prior Street, she believed it to be a wise decision to rezone, noting that she doesn't want any other properties to go R-O in an effort to maintain the residential neighborhood.

OPPOSED: Brenda Powell, 418 Boulevard, stated that she owns property directly behind the Momper property as well as several others in the area. She stated that there are only two businesses on Prior Street from Candler to Perry, noting the daycare has been there a long time and the other business is an attorney's office. She stated that the Mompers must have known of the daycare before they moved in. She stated that she was an advocate for the neighborhood, noting she believed in preserving the residential neighborhoods and historic structures.

Planning and Appeals Board Comments: Board Member Fleming asked staff if there would be a limit on parking. Planning Manager Matt Tate stated yes, parking is regulated by the Unified Land Development Code and is based on use and square footage, noting it would be regulated through plan review. He clarified that R-O is still a residential zoning classification, it simply allows for light office professional uses. Board Member Fleming asked for an example of an R-O use. Mr. Tate stated that two doors down from the Momper's property is an attorney's office which was rezoned about five years ago. He stated the purpose for R-O zoning is to keep the residential character while still having the option of a professional office, noting the conditions of zoning would help keep the property in residential character. Mr. Tate stated that for a dentist or a lawyer's office, with the 3,000 square foot building, the maximum number of required parking spaces would be 10 spaces, noting the driveway would have to be widened as well.

There was a motion to recommend conditional approval of the request to rezone 430 Prior Street NE from Residential-II (R-II) to Residential and Office (R-O) for single-family residential and professional office with the following conditions:

Conditions

1. **Any new or replacement structure(s), exterior facade change(s), and/or future development at this location shall be of a single-family residential appearance and be characteristic of the surrounding historic properties, and shall be subject to the Community Development Director approval.**
2. **Any proposed new parking areas shall be adequately screened from the adjacent residential uses located along the south and east property lines. The buffer may consist of an opaque fence or a solid vegetated buffer. The final installation, placement, and maintenance of the buffer shall be subject to the Community Development Director approval.**
3. **The subject property shall be limited to one (1) monument sign for a future office use not to exceed five (5) feet in height and twenty (20) square feet in size.**
4. **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 future professional office use.**

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

2) Request from **Medical Arts Properties 2.0, L.P.** to rezone a 3.54± acres tract located on the east side of Fairbanks Drive, southeast of its intersection with Meeks Drive (a/k/a **0 Fairbanks Drive SW**) from Planned Unit Development with conditions (P-U-D-c) to Office and Institutional (O-I).

Ward Number:	Four
Tax Parcel Number(s):	08-031A-004-083
Request:	Medical office

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

The applicant is proposing to rezone the 3.54± acres subject property from P-U-D to O-I for medical office uses. The intent of the request is to combine the subject tract with the adjacent property to the south owned by the applicant which is already zoned O-I. Presently, the site is undeveloped and is part of the 605.0± acres Mundy Mill mixed-use development which is approved for 10,000 square feet of commercial space and open space. The property has road frontage along Fairbanks Drive and the rear boundary of the property is 50-feet from the centerline of Balus Creek which is adjacent to the planned Central Hall Multiuse Trail.

Specifically, the applicant desires to construct 22,000± square feet of medical office space and approximately 174± parking spaces within the subject tract that are to be

architecturally compatible with the neighboring Medical Arts facility. Combined, the subject tract and adjacent O-I zoned parcel will include approximately 42,000 square feet of medical office that will have access from the two existing driveways off of Fairbanks Drive.

The Public Utilities Department states that existing water and sewer can serve the development but that a developer constructed, off-site water main extension of approximately 80 linear feet will be required. Connection and extension of these mains will be allowed for up to one year from the date of approval.

The surrounding properties contain three undeveloped residential lots within the Creekside of Mundy Mill subdivision, the existing Longstreet Clinic Oakwood medical office building, undeveloped commercial zoned property within the Mundy Mill Development and various medical/dental offices within the jurisdiction of Oakwood.

The Future Land Use Map for the City of Gainesville places the subject property in the *Mixed-Use* and *Residential* land use categories which includes areas containing or planned for a mixture of land uses including office, neighborhood retail, and residential development at moderate densities.

It appears the proposed medical office use and the placement of the proposed structures are appropriately located and scaled with the surrounding land uses. Therefore, based on the Comprehensive Land Use Plan and the adjacent residential and non-residential land use, staff is recommending **approval** of this rezoning request with the following six conditions:.

Conditions

1. **The exterior of all proposed buildings shall be architecturally compatible with the neighboring Medical Arts facility which includes pitched roofs and a mixture of brick, rock or stone and cementitious siding materials.**
2. **The owner/applicant shall provide a vegetative buffer between the subject property and the neighboring three undeveloped residential lots located within the Creekside of Mundy Mill subdivision along the northerly property line. The buffer shall consist of a mixture of evergreen trees at a minimum planted height of 5 to 7 feet located within the 12.5-foot wide buffer as depicted on the applicant's concept plan. The final installation, placement, and maintenance of the buffer shall be subject to the Community Development Director approval.**
3. **There shall be a minimum 75-foot wide buffer maintained from the top of the stream bank along Balus Creek. The first 50-feet of the buffer shall be undisturbed and the last 25-feet of the buffer farthest from the stream may be disturbed but shall contain no impervious cover.**
4. **The subject property shall be limited to one monument sign fronting along Fairbanks Drive that shall not exceed 10-feet in height and 96 square feet in size. Directional signage located within the interior of the site and building signage shall be allowed as well per the Gainesville Unified Land Development Code standards for the Office and Institutional (O-I) zoning district.**
5. **Along Balus Creek, the property owner/developer shall reserve for the City, by way of easement, a ten foot strip of land for use as part of the Central Hall Multi-Use Trail. At such time as the City or County constructs an element of**

said Multi-Use Trail to which this easement might connect, the City and/or County, at its/their expense, may pave this strip. No development shall occur on the property which would interfere with the eventual construction of the Multi-Use Trail by the appropriate governmental entity.

6. **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 medical office use.**

Applicant Presentation: **Frank Norton, Jr.**, 434 Green Street, stated that he represented Medical Arts Properties 2.0, LP. He stated that the application was not so much a rezoning as it is combining two properties which are already zoned for office. Originally, the northern section, which was purchased from Butler Properties as part of the Mundy Mill Development, was zoned for medical office space. He stated they preceded that medical office space for The Longstreet Clinic and other tenants, noting this request would clean up the zoning since they now own both parcels. He stated that The Longstreet Clinic is their major tenant and has plans to expand their facility directly behind them within the next 12 months. The property owner has no additional plans, noting they are trying to develop a long term plan for the overall property to meet the needs of its tenants and others. Mr. Norton stated that they agree to 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 rezone 0 Fairbanks Drive SW from Planned Unit Development, with conditions (P-U-D-c) to Office and Institutional (O-I) for a medical office with the following conditions:

<u>Conditions</u>

1. **The exterior of all proposed buildings shall be architecturally compatible with the neighboring Medical Arts facility which includes pitched roofs and a mixture of brick, rock or stone and cementitious siding materials.**
2. **The owner/applicant shall provide a vegetative buffer between the subject property and the neighboring three undeveloped residential lots located within the Creekside of Mundy Mill subdivision along the northerly property line. The buffer shall consist of a mixture of evergreen trees at a minimum planted height of 5 to 7 feet located within the 12.5-foot wide buffer as depicted on the applicant's concept plan. The final installation, placement, and maintenance of the buffer shall be subject to the Community Development Director approval.**
3. **There shall be a minimum 75-foot wide buffer maintained from the top of the stream bank along Balus Creek. The first 50-feet of the buffer shall be undisturbed and the last 25-feet of the buffer farthest from the stream may be disturbed but shall contain no impervious cover.**
4. **The subject property shall be limited to one monument sign fronting along Fairbanks Drive that shall not exceed 10-feet in height and 96 square feet**

in size. Directional signage located within the interior of the site and building signage shall be allowed as well per the Gainesville Unified Land Development Code standards for the Office and Institutional (O-I) zoning district.

5. **Along Balus Creek, the property owner/developer shall reserve for the City, by way of easement, a ten foot strip of land for use as part of the Central Hall Multi-Use Trail. At such time as the City or County constructs an element of said Multi-Use Trail to which this easement might connect, the City and/or County, at its/their expense, may pave this strip. No development shall occur on the property which would interfere with the eventual construction of the Multi-Use Trail by the appropriate governmental entity.**
6. **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 medical office use.**

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

ADJOURNMENT

There was a motion to adjourn the meeting at 6:03 PM.

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

Respectfully submitted,

Dean Dadisman, Chairman

Judy Foster, Recording Secretary