GAINESVILLE PLANNING AND APPEALS BOARD
MINUTES OF MEETING
FEBRUARY 14, 2012

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

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

Members Absent: Chairman Dean Dadisman

Staff Present: Community Development Director Rusty Ligon, Planning Manager Matt Tate and Recording Secretary Judy Foster

Others Present: Council Member Myrtle Figueras, Public Utilities Engineer Myron Bennett and Public Works Engineer Stan Aiken

MINUTES OF JANUARY 10, 2012

Motion to approve the Minutes as presented.

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

NEW BUSINESS

NOTE: Board Member Fleming recused herself and left the meeting at 5:33pm.

A. Rezoning Request

1) Request from **The Norton Agency Insurance, LLP** to rezone a 0.61± acre tract located on the east side of Boulevard, north of its intersection with Park Street (a/k/a **424 Boulevard NE**) from Residential-II (R-II) to Residential and Office (R-O).
Ward Number: Two
Tax Parcel Number(s): 01-038-003-011
Request: Professional office

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

The applicant is proposing to rezone the subject property from R-II to R-O for a professional office. The subject property is 0.61± acre in size and is located on the east side of Boulevard between Park Street and Candler Street. The property contains a vacant 2,440± square foot, 1.5-story, single-family residential structure and detached garage that were originally constructed in 1917 and is listed on the *National* Register of Historic Places.

According to the applicant, the existing structure is to be renovated for the purpose of occupying approximately 12-15 employees from The Norton Agency Insurance division. Proposed changes to the site of significance include the addition of an 18-foot wide driveway on the north side of the property, 42 square foot monument sign, as well as 20-paved parking spaces, 12 pervious overflow parking spaces, 1,000 square foot storage garage and a storm water area to the rear of the structure. Other changes

include the addition of a 2nd story fire escape to the rear of the structure, landscaping and the demolition of the existing driveway and detached garage. Of note, the applicant has filed a separate variance request to reduce the driveway width from 30-feet to 18-feet and to increase the number of parking spaces from 11 to 32.

The subject property is located within close proximity to downtown Gainesville and the Brenau campus. The adjacent uses include three single-family homes, a vacant residential duplex, the 26-unit Lafayette Court Apartment complex and the 4-unit Annie's Place townhomes zoned Residential-II (R-II). As well, directly across Boulevard are professional real-estate offices which are owned by The Norton Agency and are zoned Residential and Office (R-O) and Planned Unit Development (P-U-D).

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.

The proposed zoning of R-O is considered a residential zoning district which encourages a compatible mixture of residential and office uses and places an emphasis on the physical character and design of existing and new structures. It is staff's opinion the proposed R-O zoning is consistent with the zoning of the adjacent and nearby properties; however, the amount of parking spaces proposed by the applicant appears to be too aggressive and should be considerably reduced.

The Gainesville Public Works Department states that prior to any construction of parking or drive area the Owner will submit for review a full set of Civil Drawings and if required a Hydro Report. Staff also received thirty petitions, letters and emails in opposition to this proposal.

Therefore, based on the Comprehensive Plan and the surrounding residential and nonresidential land use, staff is recommending **approval** of this rezoning request with the following six 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 fire escape addition shall be located to the rear of the existing structure.**
3. **Any proposed new parking areas or potential storm water management areas shall be located to the rear of the structure and shall be adequately screened from the adjacent residential uses located along the north, south and east property lines. The buffer area may consist of an opaque fence and or a solid vegetated buffer. The final installation, placement, maintenance and type of the buffer shall be subject to the Community Development Director approval.**
4. **The subject property shall be limited to no more than 11 total parking spaces including handicapped parking. This shall not include parking within the proposed detached garage which shall be limited to 1-story and 1,000 square feet in size.**

5. **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.**
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 future professional office use.**

Applicant Presentation: Frank K. Norton, Jr., 434 Green Street, stated that he represented the applicant and it was their intent to renovate the structure in a first class manner in keeping with the surrounding neighborhood and compatible with their own historic residential office campus. They plan to house the employee's benefits division and insurance accounting staff, totaling fifteen people in the building who would work normal business hours (8am–5pm), five days per week with minimal visitor traffic. Mr. Norton stated that they met with the adjacent neighbor, who would be most affected by the rezoning, to hear their concerns. The neighbor suggested they consider the following items: rezone to Residential and Office (R-O) instead of Office and Institutional (O-I); move the required fire stairs from the side to the rear of the house; install a 5-foot to 8-foot solid fence along their property line; place blinds in an upper window to prevent light spill at night; save some existing plant and hedge cover where possible between neighbors; use low to ground non-spill parking lot safety lighting; plant additional trees and shrub cover in the area where they are planning to remove the existing driveway; keep the residential character of the house and reduce property signage to a minimum. He stated they incorporated all of those items in their final plan.

Mr. Norton stated they have requested a variance to allow them to remove and relocate the existing driveway to the north end of the house, believing it to be less intrusive for the neighbors to the south. They have also requested a variance for twenty parking spaces and an interim overflow area for an additional ten cars. He stated that parking is needed for the employees, noting they currently use twenty overflow spaces in Lafayette Court Apartments complex, and at times, overflow onto Boulevard due to sales and training meetings which are not everyday nor all day long. Mr. Norton presented three maps to the Board: 1) Comprehensive Plan map of the area with uses designated as mixed use, residential, multi-family and office; 2) current land use map of general area, noting a purchaser could tear down the existing historical structure and build seven multi-family units or renovate the structure for rental space and build six additional rental units without guidelines for lighting, drives, parking, or fencing; and 3) a plan which shows the potential of two buildings with a renovated structure and six units with parking and associated parking. They have chosen not to build additional space but use the property, properly screened for interim parking and thus alleviating stress on the neighborhood. Mr. Norton stated that one change on the plan presented is the applicant agrees to use 100% of pervious paving materials for the entire parking spaces. He stated that parking is as important as the space requirements and they cannot go through with the purchase without the twenty parking spaces. He requested to reserve time for rebuttal.

FAVOR:

Bob Norton, 434 Green Street, stated he was President of the Norton Insurance Division, and that the Green Street office currently houses the insurance operations center which consists of twenty-four people and has outgrown their space. He stated that parking was also an issue and they considered all of their options and concluded that they would like to stay in Gainesville and maintain a certain campus feel and improve the property values within the neighborhood.

Chip Frierson, 3719 Beaver Creek Road, Gainesville, stated that he represented his Mother and property owner, Joanne Frierson. Mr. Frierson gave some brief history on the property, noting it was a difficult decision for the family to decide to sell it. He stated that when you put a property up for sale, you lose control of its destiny. However, he was relieved to hear that Norton Insurance was interested in the property, noting the Norton Agency is an excellent corporate citizen in Hall County, a locally owned and operated business that will be here for years to come. He supports their plans and believes they will preserve the structural and historical integrity of the home because they have a proven background with homes in the neighborhood. He feels the home will be better with this transaction because they will be taking care of the property on a daily basis.

OPPOSED:

Fred Powell, 418 Boulevard, stated that he was the adjacent property owner and presented additional petitions to Vice-Chairman Johnson. He stated that his wife was not able to be present but he spoke for her as well since they would be the most affected by this proposal. Mr. Powell read a statement asking the Board to vote "No" on the request and noted the following objections: intense proposed use in which the site plan calls for twenty paved parking spaces with twelve additional pervious parking spaces; if gravel is used, it is a matter of time before it would require paving; thirty-two parking spaces is enough for a 10,000 square foot building; noise from slamming doors everyday; losing the neighborhood, noting every historical home does not need to be converted to office space; removal of 100 year old trees to replace with paving; offers no quality of life for him or his neighbors, only more concrete and cars; extremely concerned for pedestrians because of increased traffic; proposal requires too many variances to be considered; and it would affect his property value.

Odis Sisk, 442 Boulevard, stated his concerns as follows: maintaining the historical character of the neighborhood; preserving the mature trees and landscape; safety for pedestrians and car traffic with increased use; more road deterioration; commercial vehicles utilizing a 18-foot driveway; changes in electrical service; applicant has option of multiple other areas they can go without disturbing this house; and keeping a historical legacy for our children and grandchildren, noting that similar rezoning of properties is what happened to commercialize Gwinnett County.

Jan Priester-Hughes, 810 Park Street, stated her main concern was traffic safety. She stated that Park Street was becoming a raceway and a cut through, noting there are a lot of pedestrians and elderly/disabled residents who have to cross the street.

Rebuttal: Frank K. Norton, Jr. stated that current personnel who are already parking in and around their campus would park at the Frierson property so it would not be additional traffic, just parking in a different place. He stated that standards of parking for zoning do not take into account practical business use and shared the following example: the Code only allows four spaces per 1,000 square feet of medical space; however, at the Medical Arts center, they park seven cars per day. He also stated that they are trying to improve the neighborhood by renovating the house, noting that on the other side of Mr. Powell, along Park Street, there are three houses which are dilapidated. Finally, Mr. Norton stated that out of the thirty names on the petition opposing the proposal, one lives out of the area, sixteen are tenants (mostly Norton tenants in Lafayette Court Apartments), and the other five are either related to Mr. Powell or are his tenants.

Fred Powell stated that while he appreciated Mr. Norton's response of no new traffic, he believed there would be more traffic. He also commented that while one of the houses Mr. Norton referenced needed some work, the other two houses were not falling in. Mr. Powell reiterated that Mr. Norton was looking for a parking lot and stressed that this location in a residential area was not the place for a major parking lot.

Planning and Appeals Board Comments: Upon inquiry by Board Member Snyder, Mr. Norton confirmed that there would not be any additional parking within the proposed 1,000 square foot storage shed; and that they were in agreement with all the conditions as proposed by staff with the exception of Condition #4 allowing only eleven parking spaces total, noting that without the requested amount of parking, they cannot move forward with the purchase of the property. Board Member Snyder asked if there was any room for negotiations between the residents and the applicant since the Board has the authority to amend the conditions so this matter would not come up again. There was no response from the applicant or residents.

Vice-Chairman Johnson requested clarification regarding the parking spaces condition and the future variance request. Planning Manager Matt Tate stated that if the condition for a maximum of eleven total spaces is approved by City Council, in the future the applicant would have to go through a zoning amendment process in order to have the zoning condition changed or removed which is different from a variance request. Condition #4 would have to be amended or removed prior to a variance request.

Board Member Stanley confirmed with Mr. Norton that there would be no more cars than what is there today.

There was a motion to recommend conditional approval of the request to rezone 424 Boulevard NE from Residential-II (R-II) to Residential and Office (R-O) for a professional office with the following six conditions:

<u>Conditions</u>

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 fire escape addition shall be located to the rear of the existing structure.**
3. **Any proposed new parking areas or potential storm water management areas shall be located to the rear of the structure and shall be adequately screened from the adjacent residential uses located along the north, south and east property lines. The buffer area may consist of an opaque fence and or a solid vegetated buffer. The final installation, placement, maintenance and type of the buffer shall be subject to the Community Development Director approval.**
4. **The subject property shall be limited to no more than 11 total parking spaces including handicapped parking. This shall not include parking within the proposed detached garage which shall be limited to 1-story and 1,000 square feet in size.**

5. **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.**
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 future professional office use.**

Motion made by Board Member Snyder
Motion seconded by Board Member Hokayem
Vote – 3 favor (Stanley, Hokayem, Snyder), 2 opposed (Johnson, Rucker), and 2 absent (Dadisman, Fleming)

ADJOURNMENT

There was a motion to adjourn the meeting at 6:15 PM.

Motion made by Board Member Hokayem
Motion seconded by Board Member Rucker
Vote – 5 favor, 2 absent (Dadisman, Fleming)

Respectfully submitted,

Doyle Johnson, Vice Chairman

Judy Foster, Recording Secretary