

**GAINESVILLE PLANNING AND APPEALS BOARD
MINUTES OF MEETING
APRIL 14, 2015**

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

Members Present: Chairman Doyle Johnson, Vice-Chair Jane Fleming and Board Members Connie Rucker, George Hokayem, John Snyder, Eddie Martin, Sr. and Zack Thompson

Members Absent: None

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

Others Present: Council Member George Wangemann

MINUTES OF MARCH 10, 2015

There was a motion to approve the minutes as presented.

Motion made by Board Member Thompson

Motion seconded by Board Member Martin

Vote – 7 favor

NEW BUSINESS

A. Annexation Request

1) Request from **Fernando Martinez** to annex a 0.24± acre tract located on the west side of Pine Circle Drive, having road frontage on Spring Road (a/k/a **2321 Pine Circle Drive**) and to establish zoning as Residential-I (R-I).

Ward Number: Five

Tax Parcel Number(s): 08-006-006-001

Request: Sewer for an existing single-family residence

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

The subject property is zoned Residential-II (R-II) within unincorporated Hall County and contains a single-family home constructed in 1960. The property is 0.24± acres in size and is contiguous to the City limits of Gainesville to the west across Spring Street. The applicant is proposing to annex the subject property into the City of Gainesville with a zoning classification of Residential-I (R-I) for sewer services. The property currently utilizes public water and is on a private septic system which has failed. There are no changes to the property proposed at this time. According to the Hall County Environmental Health Department, the subject property was issued a septic repair permit in 2013 and 2015. It appears that this septic system cannot be repaired and they need a sewer connection. The Solid Waste division of the Public Works Department states that the applicant will be assessed a monthly solid waste fee of \$32.10 a month upon annexation of the property.

The Gainesville 2030 Future Development Map for the City of Gainesville places the subject property within the *Low-Medium Density Residential* land use category and

within the *Browns Bridge Corridor* Character Area which appear to be consistent with the request.

Planning Division staff is recommending **approval** of this annexation request with Residential-I (R-I) zoning, based on the Comprehensive Plan and the surrounding residential land uses.

Applicant Presentation: **Fernando Martinez**, 2321 Pine Circle Drive, asked for approval for the request because for the past two years his septic system cost him a lot of money and he needs to get connected to sewer since it has now failed.

FAVOR: None

OPPOSE: None

Planning and Appeals Board Comments: None

There was a motion to recommend approval of the request to annex the property located at 2321 Pine Circle Drive and to establish zoning as Residential-I (R-I).

Motion made by Vice-Chair Fleming
Motion seconded by Board Member Rucker
Vote – 7 favor

B. Zoning Amendment Request

- 1) Request from **Chris Patton** to amend an existing condition of zoning for a 0.67± acre tract zoned Neighborhood Business (N-B) located on the east side of Thompson Bridge Road, south of Virginia Avenue (a/k/a **1510 Thompson Bridge Road**).
Ward Number: Two
Tax Parcel Number(s): 01-087-004-006
Request: Professional office

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

The subject property is zoned Neighborhood Business, with conditions (N-B-c), is 0.67 acre in size and is located on the east side of Thompson Bridge Road within the Gateway Corridor Overlay Zone. As well, the property is partially vegetated and previously contained a single-family home which was demolished 3 years ago. In 1998, the subject property was rezoned from Residential-I (R-I) to Neighborhood Business, with conditions (N-B-c) as part of a proposed four parcel commercial development that was never developed. The applicant is now proposing to amend zoning condition #2 that was placed on the property in 1998. Specifically, the zoning condition requires a 30-foot wide rear yard vegetated buffer and the applicant is asking that it be reduced to 15-feet. The applicant intends to construct a 7,770 square foot office building, one access driveway from Thompson Bridge Road, parking located in front and to the rear of the building, and a dumpster pad located adjacent to the proposed rear buffer. Worth noting, it appears the applicant may be required to file for a variance in the future to vary the frontage landscape strip, sidewalk, access aisle width and impervious surface coverage requirements, based on the current concept plan.

The Gainesville 2030 Future Development Map for the City of Gainesville places the subject property within the *Mixed-Use General* land use category and within the *City Park Neighborhood Center* character area which is supportive of office uses.

The proposed professional office is already an approved use within the Neighborhood Business (N-B) zoning district; therefore there is no issue with the use itself. However, it is Staff's opinion that a minimum 25-foot wide vegetated buffer is needed to better protect the adjacent single-family residential properties to be consistent with the Comprehensive Plan and the requirements of the Unified Land Development Code. The adjacent properties to the rear of the subject tract are expected to remain single-family residential which does not support reducing the buffer width below 25-feet.

Therefore, based on the Comprehensive Land Use Plan and the adjacent/nearby residential and nonresidential land uses, the Planning Division Staff is recommending conditional approval of this zoning amendment request with the following conditions:

1. The exterior architecture of the proposed building shall be generally consistent with the photograph submitted with the application to be constructed with a minimum of 50% of brick, stone or rock materials on the exterior walls.
2. The subject property shall contain a minimum 25-foot wide perimeter buffer area along the easterly property line adjacent to the single-family residential property. The buffer shall consist of a 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.
3. The northerly side yard property line shall contain an 8-foot tall, opaque, vinyl fence.
4. The subject property shall be limited to uses permitted within the Neighborhood Business (N-B) zoning district excluding a convenience store, coin laundry or tattoo parlor.

Applicant Presentation: Chris Patton, 419 Bradford Street, stated that the main reason for the request is to change the existing condition regarding the rear buffer from 30-feet to 15-feet. He presented a document to the Board and stated the nearest house from the proposed 15-foot rear buffer area of the subject property is approximately 135-feet as measured from GIS. Mr. Patton stated that he would like to have a 15-foot rear buffer area which is in direct conflict with proposed condition #2. He stated that the current Code requires a minimum 25-foot rear buffer for Neighborhood Business zoning classifications, but does allow for reduction by half which would be 12.5-feet with a structural opaque fence and vegetation, and asked for confirmation from Planning Manager Matt Tate. Mr. Tate confirmed that the Code does allow for some administrative relief under certain conditions which must factor in future land use for the adjacent property to determine if it would be allowed, but noted that with this particular request, Staff doesn't see the adjacent property zoning changing from residential uses and therefore, he didn't think Staff would approve the variance administratively. Again, Mr. Patton asked that condition #2 be changed to 15-feet in order to make the concept plan work with required parking. Mr. Patton requested that proposed condition #3 be omitted since the northern adjacent property has the same zoning and will be developed at some point and he felt an 8-foot tall fence would be very odd as you drive down Thompson Bridge Road and would be a waste of money to have it installed.

FAVOR: None

OPPOSE: None

Planning and Appeals Board Comments: Board Member Snyder asked Mr. Tate about proposed condition #2 and whether the height and/or number of vegetation needed is dependent upon the size of the buffer area. Mr. Tate stated that the current buffer requirement for the subject property is 30-feet which was a condition placed on the property when it was rezoned in 1998. Staff recommended that a 25-foot rear buffer is sufficient because the Code allows for it, noting that Staff would work with the applicant during plan review because they don't want to overcrowd the area and will use best management practices to determine the correct number and type of plant material to be used.

Regarding proposed condition #3, Board Member Snyder asked Mr. Tate if it would be feasible to install vegetation instead of a fence along the northerly side yard property line. Mr. Tate stated that there are space needs in that area based on the proposed concept plan. He stated the adjacent property to the north is zoned commercial but has historically been residential and is currently vacant. Mr. Tate stated that the long term use for the adjacent property would most likely be office or commercial so he would have less heartburn about buffering that side yard than the rear of the subject property. He stated that because the side yard is so narrow with the proposed concept plan, there simply is no room to put vegetation so the choice is fencing or nothing.

Vice-Chair Fleming asked if the future variances mentioned in the Staff presentation were contingent upon this request. Planning Manager Matt Tate stated that based on the proposed concept plan, a potential variance request would be needed in the future to address the front landscape strip, sidewalk, access aisle, and impervious surface area; however, the need for those variances are contingent upon City Council's approval of this request. Mr. Tate stated that the proposed concept plan shows a 15-foot rear buffer and the applicant could address any questions about possible changes to the concept plan which could affect the need for variances in the future.

Board Member Thompson asked for confirmation that the ULDC and Comp Plan both require a 25-foot rear buffer to protect residential areas. Mr. Tate stated that the Comp Plan supports the Code by encouraging the preservation and protection of existing single-family residential neighborhoods but does not give specifics, which is the purpose of the Code. Mr. Tate stated that the Comp Plan also shows the property to the rear of the subject property as single-family residential and he did not foresee that changing over the next 20 years.

Upon inquiry by Board Member Thompson, Mr. Tate confirmed that the proposed parking lot and dumpster pad were encroaching into the current 30-foot rear buffer area. Mr. Tate noted that the parking lot probably could not change, but the dumpster pad could possibly be moved.

There was a motion to deny the request.

Motion made by Board Member Martin

Motion seconded by Vice-Chair Fleming

Vote – 2 favor, 5 opposed (Johnson, Rucker, Hokayem, Snyder, Thompson)

There was a motion to recommend conditional approval of the request to amend an existing condition of zoning for the property located at 1510 Thompson Bridge Road with the following four conditions as proposed by Staff:

1. The exterior architecture of the proposed building shall be generally consistent with the photograph submitted with the application to be constructed with a minimum of 50% of brick, stone or rock materials on the exterior walls.
2. The subject property shall contain a minimum 25-foot wide perimeter buffer area along the easterly property line adjacent to the single-family residential property. The buffer shall consist of a 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.
3. The northerly side yard property line shall contain an 8-foot tall, opaque, vinyl fence.
4. The subject property shall be limited to uses permitted within the Neighborhood Business (N-B) zoning district excluding a convenience store, coin laundry or tattoo parlor.

Motion made by Board Member Thompson
Motion seconded by Board Member Snyder

DISCUSSION

Board Member Snyder recommended the motion be amended by omitting condition #3 regarding the fence along the northerly side yard property line.

Board Member Thompson agreed and amended the motion to recommend conditional approval of the request to amend an existing condition of zoning for the property located at 1510 Thompson Bridge Road with the following three conditions as proposed by Staff:

Conditions

1. The exterior architecture of the proposed building shall be generally consistent with the photograph submitted with the application to be constructed with a minimum of 50% of brick, stone or rock materials on the exterior walls.
2. The subject property shall contain a minimum 25-foot wide perimeter buffer area along the easterly property line adjacent to the single-family residential property. The buffer shall consist of a 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.

- 3. The subject property shall be limited to uses permitted within the Neighborhood Business (N-B) zoning district excluding a convenience store, coin laundry or tattoo parlor.**

Vote – 6 favor, 1 opposed (Martin)

ADJOURNMENT

There was a motion to adjourn the meeting at 5:53 PM.

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

Respectfully submitted,

Doyle Johnson, Chairman

Judy Foster, Recording Secretary