

**GAINESVILLE PLANNING AND APPEALS BOARD
MINUTES OF MEETING
MARCH 8, 2016**

CALL TO ORDER Chairman Carter at 5:30 p.m.

Members Present: Chairman Doug Carter, Vice-Chair Jane Fleming, and Board Members Eddie Martin, Sr., Carmen Delgado and Lemuel Betancourt

Members Absent: Board Members Connie Rucker and George Hokayem

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

Others Present: Council Members Zack Thompson and George Wangemann

MINUTES OF FEBRUARY 9, 2016

There was a motion to approve the minutes as presented.

Motion made by Vice-Chair Fleming

Motion seconded by Board Member Martin

Vote – 5 favor, 2 absent (Rucker, Hokayem)

NEW BUSINESS

A. Variance Request

- 1) Request from **Heath Gayton** to vary the front yard and right side yard setback requirements for a porch and garage addition on a 0.62± acre tract located on the north side of North Avenue, between Bradford Street and Dyer Street (a/k/a **330 North Avenue NW**), having a zoning classification of Neighborhood Conservation (N-C).

Ward Number: Two

Tax Parcel Number(s): 01-040-001-016

Request: Porch and garage addition

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

The applicant is proposing to vary the front yard setback from 30-feet to 22-feet from North Avenue and the right side yard setback from 10-feet to 1-foot for the purpose of constructing an attached porch and two-car garage addition to the existing home. The subject property is 0.62± acre in size and is zoned Neighborhood Conservation (N-C). The property is located within the block of North Avenue, Bradford Street, Ridgewood Avenue and Dyer Street and the adjacent uses include single-family homes to the north, south and west and multi-family apartments to the east. The subject property contains an older one-story, single-family home which is currently under renovation. Specifically, the proposed addition includes a 312 square feet wrap around porch addition which is to connect to the existing front porch. The front porch is currently 22-feet from the front property line. The two-car garage addition is 576± square feet in size and is to be located on the existing parking pad which will attach to the porch addition.

The applicant is basing the hardship on the inability to locate the addition anywhere else on the property and the desire to preserve a mature hardwood tree.

The Planning Division staff is recommending **conditional approval** of this variance request based on the orientation of the existing home and driveway and the location of an existing hardwood tree with the following condition:

The proposed garage and porch addition shall be similar in appearance and scale to the architectural rendering provided with this variance application.

Applicant Presentation: **Heath Gayton**, 330 North Avenue, stated that Mr. Tate's summary covered everything but he was available to answer any questions.

FAVOR: None

OPPOSE: None

Planning and Appeals Board Comments: None

There was a motion to approve the request to vary the front yard setback from 30-feet to 22-feet from North Avenue and to vary the right side yard setback from 10-feet to 1-foot for an attached porch and two-car garage addition to the existing home located at 330 North Avenue with the following condition:

Condition

The proposed garage and porch addition shall be similar in appearance and scale to the architectural rendering provided with this variance application.

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

B. Rezoning Request

- 1) Request from **R. Lawton Jordan, Esq. Partner, Williams Teusink, LLC** to rezone a 3.53± acres tract located on the southeast side of the intersection of Candler Highway and Calvary Church Road (**a/k/a 1305, 1307, 1309, 1311, 1313, 1315, 1317 and 1319 Calvary Church Road**), from Residential-I-A (R-I-A) and General Business (G-B) to Light Industrial (L-I).

Ward Number: Three
Tax Parcel Number(s): 15-035-000-024
Request: Recycling center

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

The applicant is proposing to rezone the 3.53± acres subject property from Residential-I-A (R-I-A) and General Business (G-B) to Light Industrial (L-I) for the purpose of constructing a small recycling center. The property has access from

Calvary Church Road and is located within the Gateway Corridor Overlay Zone. The adjacent uses include an undeveloped industrial park and the Kangaroo gas station / convenience store zoned Light Industrial (L-I) and General Business (G-B) in the City. The adjacent property in the County includes a single-family home zoned Agricultural Residential-III (AR-III) and a trucking business / outdoor storage lot zoned Highway Business (H-B).

The subject property contains a commercial retail building that contains two bail bonds businesses and four vacant suites. The proposed recycling center is to be located adjacent to the existing dumpster pad located on the site. According to the applicant's concept plan the recycling center will be similar to a dumpster pad.

According to the Georgia Department of Transportation (GDOT), the subject location will need to coordinate with them due to the proposed use.

The Gainesville Future Development Map places the subject property within the *Industrial* land use category. As well, the subject property is located within the *Economic Development Gateways* Character Area. The vision for this area is to continue to support economic development while preserving and strengthening important natural and cultural resources while creating a positive impression for visitors entering the City from I-985. Aesthetically improving gateways can give this area of the region a competitive advantage and "brand" in attracting new industry and jobs. Land uses allowed within this Character Area are supportive of the proposed use some of which include mixed-use, commercial and industrial uses.

The Planning Division staff is recommending **conditional approval** of this rezoning request based on the Comprehensive Plan and the adjacent non-residential uses with the following conditions:

1. The proposed recycling facility enclosure shall be constructed with a brick facade similar in architecture with the existing commercial building located within the subject property. The recycling facility enclosure shall also contain the existing dumpster.
2. No billboards shall be permitted on the property.

Applicant Presentation: **Chris Collier**, with Williams Teusink, LLC, 309 Sycamore Street, Decatur, stated that Lawton Jordan was not able to attend the meeting. He stated that the subject property is currently split zoned with Residential-I-A and General Business zoning and consists of a strip mall with two bail bonds businesses and four vacant leasing spaces. Mr. Collier stated the reason for the rezoning request is twofold: 1) to unify the zoning of the property; and 2) to allow a recycling center which is not permitted as currently zoned. He stated that the request involved a very small area, and the design renderings that were shown were not brick but they are comfortable with the conditions to make the enclosure brick to simulate the façade of the existing building as well as bring the existing dumpster into the enclosure. The recycling enclosure will be very similar to a dumpster, will have no impact on utilities or surrounding areas, the subject property is already surrounded on three sides by industrial uses and there is a nice wooded area that buffers the residential area. He stated he was available to answer any questions.

FAVOR: None

OPPOSE: **Greg Loyd**, 2205 Old Hamilton Place, stated that he was a general contractor in Gainesville and is also a co-owner and developer of the property across the street which is an industrial park. He stated they have spent almost \$3,000,000 on developing the park and have been very restrictive about what type of business goes in there because they want it to be a high end office industrial park. He felt that because they have put so much time and money into their industrial park, having an unrestricted small recycling center across the street which could become a large recycling center in the future, could be detrimental to his property. Mr. Loyd stated that next to his property is the ProCare Park which they are developing into a high end office complex area as well. He stated that it would not be the best use to enhance the area since adjacent property owners have spent so much money in developments adjacent to the expressway. Mr. Loyd stated that they have had negotiations with ProCare to tie into his driveway, since their entrance is so close to the interstate ramp, in order to give them better access, and with his entrance being directly across the street from the subject property, it would not be as attractive to people coming in and out of Calvary Church Road. He stated that although the request is for a small recycling center, there are no restrictions to prevent them from putting a car crusher there as well, noting the restrictions are not enough and would give them a blanket use as a recycling center.

Wayne Bennett, 4508 Northampton, Flowery Branch, stated that he owns four acres adjacent to the subject property and he would like to have an office building on his lot rather than commercial buildings with loading docks, noting that he prefers an office complex to commercial buildings.

Planning and Appeals Board Comments: Chairman Carter asked if the request was approved, could it expand to a larger recycling center in the future. Planning Manager Matt Tate stated yes, noting any type of permitted use within the L-1 zoning classification would be allowed, including a larger recycling center, unless the Board places a condition on the property to restrict it, and that should be taken into consideration. Mr. Tate stated that unlike other industrial uses along the Candler Highway corridor, there are now mechanisms in place with the Gateway Overlay standards which have increased buffer requirements, parking, and storm water regulations, so anything that is developed there, if it were to become a larger recycling center, it must adhere to those standards.

Chairman Carter asked Mr. Collier if they would be agreeable to limiting the size of the recycling center to what is shown on the site plan. Mr. Collier stated that he did not think they would have any objection to limiting the square footage of the recycling center but limiting specific uses may be too broad. Mr. Collier assured the Board that they have no plans for a car crusher or anything other than an enclosed dumpster pad. He appreciated their concerns and stated that it is a valuable property since it has direct access to the highway but is not leased up which is why the property owner is requesting the rezoning in order to have a better economical use of this property.

Vice-Chair Fleming asked if the dumpster would be visible from the highway or the industrial park across the street. Mr. Collier stated that it would not be visible because everything below the line that runs along the middle of the parcel is wooded so there is no viewing from the south and since the dumpster pad will be enclosed, it would not be seen from Calvary Church Road. He stated that they would be

comfortable with installing some landscaping as well if needed to help hide the enclosure.

After inquiry by Chairman Carter, Planning Manager Matt Tate confirmed that the Board can place conditions on the property such as limiting the size of the recycling center, prohibiting a car crusher, or restricting a junkyard or scrap metal type business if they have such concerns.

Vice-Chair Fleming asked if a tree buffer could be added. Mr. Tate stated that an additional tree buffer could be added, but the Code already requires a 35-foot buffer against the residential property to the south. He stated that nothing can be planted in the right-of-way and any other landscaping in front of the property would severely change the parking lot. The area south of the existing parking lot already has a requirement for a 10-foot landscaping strip for not only trees but shrubs and plants to be added if they expand into that area as well.

Board Member Martin stated that the property owner could use the entire tract to expand the recycling center if not restricted.

There was discussion held about how much square footage would be appropriate in which to limit the dumpster pad. Mr. Tate stated that it would be appropriate to refer to the scale similar to the site plan as presented with the application. He stated that whenever property is rezoned, unless it is a site specific zoning such as a Planned Unit Development, there is a possibility that it could become a host of other uses which are allowed within that zoning district.

Vice-Chair Fleming stated that she would like to preserve the value of the adjacent properties but also allow the property owner requesting the rezoning to use their land without it having a negative impact.

Mr. Tate added that if a condition is placed on the property to limit the size of the recycling pad, and if the property owner decides to expand it in the future, they would be required to go through the zoning amendment process to change it.

There was a motion to recommend approval of the request to rezone 1305, 1307, 1309, 1311, 1313, 1315, 1317 and 1319 Calvary Church Road from Residential-I-A (R-I-A) and General Business (G-B) to Light Industrial (L-I) for a recycling center with the following conditions:

Conditions

- 1. The proposed recycling facility enclosure shall be constructed with a brick facade similar in architecture with the existing commercial building located within the subject property. The recycling facility enclosure shall also contain the existing dumpster.**
- 2. No billboards shall be permitted on the property.**
- 3. The recycling pad shall be limited in size as per the site plan submitted with the application.**

Motion made by Vice-Chair Fleming
Motion seconded by Board Member Martin

Vote – 4 favor, 1 opposed (Betancourt), 2 absent (Rucker, Hokayem)

C. Code Amendment Request

- 1) Request from the **City of Gainesville** to amend the Unified Land Development Code for the City of Gainesville, Georgia. The proposed amendments are to include amendments to Article 9-3 entitled "General Provisions"; amendments to Article 9-7 entitled "Flexible Zoning Districts"; amendments to Article 9-8 entitled "Overlay Zones"; to adopt a new Article 9-9 entitled "Site and Architectural Design Review"; amendments to Article 9-13 entitled "Subdivisions and Land Development"; and to repeal and adopt a new Article 9-17 entitled "Access, Parking and Loading Requirements."

Staff Presentation: Planning Manager Matt Tate proposed that this item be tabled in order to give the Staff more time to tweak the ordinance and to give Board Members more time to review the amendments.

There was a motion to table this request until the May 10, 2016, Planning and Appeals Board Meeting.

Motion made by Vice-Chair Fleming
Motion seconded by Board Member Betancourt
Vote – 5 favor, 2 absent (Rucker, Hokayem)

ADJOURNMENT

There was a motion to adjourn the meeting at 6:02 p.m.

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

Respectfully submitted,

Doug Carter, Chairman

Judy Foster, Recording Secretary