

**GAINESVILLE PLANNING AND APPEALS BOARD
MINUTES OF MEETING
SEPTEMBER 13, 2016**

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

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

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 AUGUST 9, 2016

There was a motion to approve the minutes as presented.

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

OLD BUSINESS

There was a motion to remove the item from the table.

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

There was a motion to reopen the public hearing to hear public comments.

Motion made by Board Member Rucker
Motion seconded by Board Member Delgado
Vote – 7 favor

NOTE: Board Member Martin recused himself from the meeting at 5:34 p.m.

A. Special Use Request

- 1) Request from **Synergy Recovery Center** for a Special Use on a 0.50± acre tract located on the west side of Cleveland Street, south of its intersection with Myrtle Street (a/k/a **746 Cleveland Street SW**), having a zoning classification of Residential-II (R-II).
Ward Number: Four
Tax Parcel Number(s): 01-048-001-007
Request: Group home for men

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

The applicant is requesting special use approval to establish a group home for 36 adult males known as the Synergy Recovery Center. The property is zoned Residential-II and is 0.50± acre in size and has access on Cleveland Street. The surrounding properties include single-family homes, multi-family apartments, Salvation Army facility and nearby non-residential uses such as the J & J Foods Grocery Store, Pierce Wholesale and International Ink Company. There are two other group homes for men facilities within the nearby vicinity including a 48 bed facility located off of Auburn Avenue and a 24 bed facility located off of Erskin Avenue. The subject property contains an older 10-unit, one story apartment building known as the Cleveland Street Apartments. The apartments are partially occupied and were originally constructed in 1987. According to the applicant, one of the units will be converted to an office space for a property manager. Each of the remaining 9-units will contain two bedrooms, kitchen and bathroom designed to house four adult males. Most of the improvements are to include cleaning, painting and bringing the units up to building code standards. Exterior improvements will include replacing the roof and damaged windows. Trash pickup will be provided by an onsite dumpster. The proposed group home is a minimum twelve month residential, structured housing / sober living program for men who struggle with substance abuse.

The Future Development Map for the City of Gainesville places part of the subject property within the *Medium-High Density Residential* land use category which includes areas containing or planned for single-family attached or multi-family housing. According to the Character Area map for the City of Gainesville, the subject property is located within the *West Side* character area which supports multi-family residential uses.

The Planning Division staff recommended **conditional approval** of the special use request based on the Comprehensive Plan and the surrounding mixture of uses with six conditions.

Applicant Presentation: Stuart Smith, 3300 Hamilton Mill Road, Suite 102, Buford, stated there appeared to be a disconnect at the last meeting between the Cleveland Street community and the applicant so he clarified that the Synergy Recovery Center would not be participating in a detox program but simply supporting recovery and sobriety of the men following detox. He reported they have spent countless hours and thousands of dollars upgrading the property such as replacing the roof, completing a mold assessment, began pest control of the property, painted all units as they became available, installed new flooring and appliances, upgraded the bathrooms and lighting to bring everything up to code, installed landscaping, and sweep up the trash from the parking lot daily because they want to upgrade the community.

Gina Diresta, 3300 Hamilton Mill Road, Suite 102, Buford, stated besides making improvements to the property, they are completing thorough background checks and requiring an ID from applicants before they could live on the property. She stated some occupants complained they were making them move, but there were issues with too many people living in the one bedroom apartments, noting six to seven people were living in some units. There was also a problem with some residents running a daycare out of one of the units.

Todd Price, 1974 Crosswaters Drive, Dacula, stated in addition to the improvements to the property and trying to build community, the purpose for them doing this program was to help the men. He shared his experience six years ago as an addict and how it affected others and his relationships with them. Now he is a successful business owner and an asset to community instead of a burden. His desire is to help the men with their relationships with

their parents, spouses and children since he knows what it takes to succeed and has a connection with them since he has been through addiction.

Mr. Smith presented two letters of recommendation to the Board.

Upon inquiry by Chairman Carter, Mr. Smith shared that the men would be subjected to random drug testing two to three days per week or more if needed. He clarified that no violent crime offenders or sex offenders would be allowed in the program.

Mr. Price stated there would be someone on staff at all times with the men, 24/7.

FAVOR: Brandy Anderson, 570 Fuller Street, Athens, stated she was the founder and executive director of Acceptance Recovery Center. She has known Gina Diresta for several years now and has found her to be a person of integrity with a passion for helping those in recovery. She shared a similar experience of going through a zoning process when starting her business in Athens and how Ms. Diresta consulted with her throughout the process.

Vice-Chair Fleming asked about work requirements for the men. Mr. Smith stated they would like the men to start working immediately because they are required to pay rent; however, the men would have a two-week grace period in which to find a job and their rent would be prorated. The men would also be required to attend one to two meetings per day such as AA meetings and they would encourage the men to join other support groups at churches or small groups. Once they find a job, Mr. Smith stated they would be required to work a minimum of forty hours per week.

Billy Joe Price, 687 Killian Hill Road, Lilburn, stated he was Todd Price's father and shared how his son was an alcoholic but had straightened out his life and is now a successful business owner and he couldn't be more proud of him. He stated he had been through a recovery system also and was proud of his son for his willingness to help those who want to be helped. He shared some of his experience with addiction and stated sometimes people do not have anyone so this program could help them. He shared an example of his son's generosity in helping others and doubted anyone could find a nicer person.

Andy Duff, 4595 Summerset Drive, stated he thought he had everything under control seven years ago. He battled substance abuse and alcoholism but thought he was still in control until he lost his job, his wife, his house and everything around him. He stated through a recovery program, he was able to peel back the layers and determine what caused those problems, sustain his sobriety for seven years now, got saved while involved with C3 School of Ministry, met his wife, and opened a successful auto restoration business. He stated in the early stages of sobriety, it is so important to have someone hold you accountable, to believe in you and encourage you because you can't do it alone. He felt men need to know that they are loved and worthy in order to see their full potential. His church, C3 Church, would stand with the center to help them with any donations they may need and can offer pastoral care as needed since he is an ordained minister. Mr. Duff believed in what the applicants are doing because he has been there himself.

OPPOSE: Dulce Rodriguez, 4810 Serene Shores Drive, stated she has relatives who live at 743 Cleveland Street, directly across from the subject property. She stated they are not against second chances, but why locate the center in their neighborhood when they could put it anywhere in Hall County. She stated her family wanted to feel safe in their own neighborhood. She shared an incident that occurred after the last meeting whereby the Police were called because of someone throwing garbage into a dumpster on the subject

property. She wondered if similar incidents would happen in the future. She presented a petition to the Board from neighbors opposed to the request. In conclusion, she felt the center would hurt their property value and scare off potential buyers if they tried to sell their property.

Jade Fajardo, 733 Cleveland Street, stated she was opposed to the request because there were always children playing in the neighborhood and she felt having troubled adult men there would not be safe for the children. She asked the Board Members if they would like it if the group home were located in their neighborhood and bringing men already dealing with problems into the area with children playing outside.

Board Member Rucker confirmed the maximum number of men proposed for the center was thirty-six.

Board Member Hokayem asked if the applicant held any neighborhood meetings with the surrounding residents regarding their proposal. Mr. Price stated they did not have any formal meetings but have walked the neighborhood and talked to the neighbors about their plans and goals, noting they were not trying to impose on anyone nor scare any kids.

Board Member Hokayem asked Mr. Smith to elaborate on the disconnect he mentioned earlier. Mr. Smith thought the neighbors might think the program would bring men who were actively using into the neighborhood when actually the men would already be detoxed and dried out and the recovery program would only be supporting the men.

Board Member Hokayem asked what would happen if one of the men had a relapse. Mr. Smith stated they would be required to immediately leave the premises and staff would call their probation officer. Mr. Price confirmed there would be no probationary period if caught using again which is safeguarded by the breathalyzers and random drug screenings as well as the presence of staff.

Board Member Hokayem asked what model they are following for the recovery center and had it been implemented and successful in other cities. Mr. Price stated it had been successful in Athens and in another group home in Gainesville and asked Krista Crowe to address the model.

Krista Crowe, 3629 Thompson Mill Road, Buford, stated the actual model is a combination of a drug court model and the Agora House model which were merged together and would typically run like a drug court. She stated the men would have to attend a minimum of one AA or NA meeting per day; keep a full time job working forty hours per week; check in with staff at least once per day; and have random drug tests at least two to three times per week, including breathalyzers. She stated the drug court would also be supervising the men and reiterated the zero tolerance policy for relapses and contacting their probation officer.

Vice-Chair Fleming asked if all the men would be on probation. Ms. Crowe stated there would be some but not all on probation, noting there would not be any violent crime or sex offenders since they would be vetted by background checks. She also confirmed the model they plan to use is the same as the drug court in Gainesville.

Board Member Delgado asked if the men would be supervised day and night. Ms. Crowe stated a staff member would be at the center during the daytime hours and would make random checks during the nighttime hours. At some point, responsible house managers would be assigned and have to report to staff during the nighttime hours as well.

Board Member Hokayem asked how long they had been in operation in the other location. Ms. Crowe stated the Agora House had been in Gainesville for about fifteen years.

Board Member Betancourt asked if the detox process which would take place at another location would be operated by their program. Mr. Price stated no, not by anyone affiliated with their program. He also confirmed there was not a waiting period after detox before the men could move in so there would be a lesser chance for relapse.

Chairman Carter asked Planning Manager Matt Tate if he knew how many people were living in the complex prior to the change in management. Mr. Tate stated he toured the facility about a month ago and walked through some of the units and he found eight to ten people living in deplorable conditions in at least two of the units. He stated the ten unit apartment building was originally designed as one bedroom units with a den, kitchen and bath. Mr. Tate stated the applicant has converted the den area into another bedroom with both having a bunk bed and couch and the men would share the bathroom and kitchen. He estimated, density wise, there would be less people in the building with four men in each unit than was there in the past.

Mr. Price showed pictures to the Board of the condition of the apartments before they started making improvements.

Dulce Rodriguez wanted to clarify they are homeowners across the street from the subject property, not renters.

Planning and Appeals Board Comments: None

There was a motion to recommend conditional approval of the request with the following conditions:

Conditions

- 1. The use of the subject property shall be limited to the proposed group home for 36 adult men and those uses inherently permitted under the Residential-II (R-II) zoning classification. Any use permitted within the R-II zoning as a Special Use, including a new or different group home, shall require a separate public hearing. The maximum occupancy of men residing in the group home shall be determined by the Gainesville Buildings Inspections Division and shall not exceed 36 adult men.**
- 2. A house / property manager shall be on site daily to enforce program rules and to assure that the property is being properly maintained.**
- 3. Any replacement structure, exterior facade changes, and/or future development at this location shall be of a residential appearance.**
- 4. The existing, healthy significant trees located within the subject property shall be retained and incorporated into any site improvements, where possible, as determined by the Director of the Community Development Department.**
- 5. The exterior of the subject property and building shall be improved and cleaned per the approval of the Director of the Community Development Department.**

6. **The existing dumpster pad location shall be properly maintained and sufficiently screened by an opaque fence and/or evergreen buffer trees as determined by the Director of the Community Development Department.**

Motion made by Board Member Hokayem

Motion seconded by Vice-Chair Fleming

Vote – 4 favor, 2 opposed (Rucker, Betancourt), 1 recusal (Martin)

NOTE: Board Member Martin returned to the meeting at 6:13 p.m.

NEW BUSINESS

A. Rezoning Request

- 1) Request from **Jack Bailey** to rezone a 0.69± acres tract located on the west side of Thompson Bridge Road, north of its intersection with Virginia Circle (a/k/a **1665 Thompson Bridge Road NW**) from Residential-I (R-I) to Office and Institutional (O-I).

Ward Number: One

Tax Parcel Number(s): 01-091-003-015

Request: Insurance office

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

The applicant is proposing to rezone the subject property from Residential-I (R-I) to Office and Institutional (O-I) for an insurance office. The property is located within the Gateway Corridor Overlay Zone and the adjacent uses include an attorney's office, optometrist office and single-family homes. The property is partially wooded with large trees and contains a vacant 2,500 square foot residential home and one outbuilding within the rear yard that will remain. The owner plans to renovate the existing home and the existing driveway on Thompson Bridge Road (SR 60) will be improved with the addition of nine (9) parking spaces located within the front yard.

According to the Georgia Department of Transportation (GDOT), the development will be required to meet the sight distance requirements and will need to coordinate with GDOT for review and approval.

The proposal is consistent with the Comprehensive Plan as the subject property is located within the Mixed Use General land use category of the Future Development Map and the Traditional Neighborhoods Character Area which is supportive of office uses.

The Planning Division staff recommended **conditional approval** of the rezoning request based on the Comprehensive Plan and the adjacent non-residential uses with four conditions.

Applicant Presentation: **Ken Day**, 1521 Woodland Way, stated he was the property owner who wanted to turn the subject property into his insurance office since it is so close to his home. He stated he was in agreement with the conditions as proposed by staff.

FAVOR: None

OPPOSE: None

Planning and Appeals Board Comments: None

There was a motion to recommend approval of the request with the following conditions:

Conditions

- 1. Any new or replacement structure(s), exterior façade change(s), and/or future development at this location shall be of a single-family residential appearance and be subject to Community Development Department approval. Said new or replacement structure(s), and / or future development, shall consist of a pitched roof with architectural shingles.**
- 2. The existing, healthy significant trees located on the subject property shall be retained and incorporated into the design of site improvements where possible, including the proposed parking area, and shall be protected throughout construction of any required and/or proposed improvements.**
- 3. All access point design along Thompson Bridge Road and sidewalk installation must be reviewed and approved by the Georgia Department of Transportation in conjunction with the Gainesville Public Works Director. All required access / traffic / sidewalk improvements associated with the proposed development shall be at the full expense of the developer / property owner.**
- 4. An updated as-built boundary survey / plat of the subject property, indicating all improvements required for the proposed use, shall be recorded prior to obtaining a Certificate of Occupancy.**

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

ADJOURNMENT

There was a motion to adjourn the meeting at 6:19 p.m.

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

Respectfully submitted,

Doug Carter, Chairman

Judy Foster, Recording Secretary