

**GAINESVILLE PLANNING AND APPEALS BOARD
MINUTES OF MEETING
APRIL 11, 2017**

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

Members Present: Chairman Doug Carter, Vice-Chair Jane Fleming, Board Members Connie Rucker, Eddie Martin, Sr., Ryan Thompson and Rich White

Members Absent: Board Member Carmen Delgado

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

Others Present: Council Member George Wangemann

MINUTES OF MARCH 14, 2017

There was a motion to approve the minutes as presented.

Motion made by Board Member Martin
Motion seconded by Board Member Rucker
Vote – 6 favor, 1 absent (Delgado)

NEW BUSINESS

A. Variance Request

- 1) Request from **Antioch Baptist Church** to vary the lighting requirements for a sign on a 0.925± acre tract located on the southwest side of the intersection of Mill Street and Elm Street (a/k/a **1010 Mill Street SE**), having a zoning classification of Neighborhood Conservation (N-C).

Ward Number: Three

Tax Parcel Number(s): 01-034-002-001

Request: Electronic message board sign

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

The applicant is proposing to vary the lighting standards to allow for an electronic message board (EMB) sign to be added to the existing monument sign along Mill Street. The property is zoned Neighborhood Conservation (N-C) which only allows signs with external illumination. The subject property is 0.925± acre in size and is located on the southwest side of the intersection of Mill Street and Elm Street and is the location of the Antioch Baptist Church. The adjacent and nearby uses include single-family homes, Gainesville Bethel A.M.E. Church which fronts Mill Street and McDonald Street, the Boys and Girls Club and Fair Street Elementary School located to the north, and various industrial uses located south of the property near the railroad. According to the applicant, the proposed sign will use the existing sign posts and frame but will replace the existing manual message board with a 14 square foot (2.5' x 11.6') electronic message board sign. Where EMB signs are permitted, the maximum size allowed by the code is 20 square feet with amber or white lighting.

The applicant states the proposed request would benefit the church and community as a whole which would allow for flexibility to display messages that will better represent the church. As well, the sign's color, brightness and time of operation will be maintained to help minimize any potential disruption to the neighbors. There have been no nearby variance requests approved for EMB signs within the immediate area. However, numerous variance requests for similar EMB signs have been approved within the city limits over the past 10 years for various churches including the First Baptist Church on Green Street, First United Methodist Church on Thompson Bridge Road and the New Haven Church on White Sulphur Road. The supporting documents provided by the applicant include a Statement of Hardship, Concept Plan, Sign Rendering, and a Petition of Support.

The Planning Division staff is recommending conditional approval of this variance request given the limited visibility of the sign due to existing vegetation with one condition.

Applicant Presentation: Steve Calloway, 253 Glen View, Hoschton, stated he was a member of Antioch Baptist Church and noted Pastor Rodney Lackey and other church members were also in attendance. He stated the purpose for the sign is community outreach, including messages about church activities as well as community events and information. He stated the hardship for the sign is due to the existing trees and shrubbery and the lighting for the sign would make it more visible. Mr. Calloway stated they spent considerable time checking with their neighbors to make sure it would not be a problem for them and even held a community meeting at the church to present the proposed sign and to answer any questions or concerns from the community. They also went door to door in the community and obtained 67 signatures in support of the sign. A woman directly across the street from the church told him she would appreciate the extra light from the sign for security purposes. They are able to control the brightness of the sign and use the timer if there are any problems with the neighbors. He felt the sign would benefit the church and the community.

FAVOR: None

OPPOSE: None

Planning and Appeals Board Comments: Board Member Martin asked what time the sign would be cut off. Mr. Calloway stated at 10:00 pm during daylight savings time.

There was a motion to recommend approval of the variance as presented with the following condition:

Condition

The subject property shall be limited to one electronic message board sign. The electronic message board sign may be two sided not to exceed 20 square feet per side and shall meet the standards of the Unified Land Development Code.

Motion made by Board Member White
Motion seconded by Board Member Martin
Vote – 6 favor, 1 absent (Delgado)

NOTE: Vice-Chair Fleming recused herself from the meeting at 5:42 p.m.

B. Rezoning Request

- 1) Request from **W. L. Norton Agency, Inc.** to rezone a 0.42± acre tract located on the east side of Boulevard, north of its intersection with Park Street (a/k/a **418 Boulevard NE**) from Residential-II (R-II) to Residential and Office (R-O).

Ward Number: Two

Tax Parcel Number(s): 01-038-003-012

Request: Professional office

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

The applicant is proposing to rezone the subject property from Residential-II (R-II) to Residential and Office (R-O) for an insurance and real estate office. The property contains a two-story, 3,738± square foot, residential duplex structure, detached two-story garage and a small detached screened in sandbox. The adjacent uses include professional offices zoned R-O to the north and west, single-family homes to the south, east and west zoned R-II. In 2012, a similar request by the applicant to rezone the adjacent 424 Boulevard property from Residential-II (R-II) to Residential and Office (R-O) was approved with conditions for a professional office. The applicant states that renovations to the site are to include converting 2,205 square feet of the first floor to office space and the addition of 11 to 13 new gravel parking spaces to the rear of the structure consisting of pea gravel and existing concrete. The applicant states that the two residential apartments on the upper floor will eventually be renovated for additional office space. There are expected to be 4 primary employees with business hours from 8:30 A.M. to 5:00 P.M. Monday thru Friday. Guests will be directed to the main office building across the street.

The Future Development Map for the City of Gainesville places the subject property within the *Low-Medium Residential* land use category which includes areas containing or planned for single-family detached or semi-detached housing at densities ranging from two to four dwelling units per acre with only limited light office use allowed, such as a home office. As well, the property is located within the *Traditional Neighborhoods* Character Area specifically within the *Northern Neighborhoods subarea*. The vision for this area anticipates minimal change, and primary issues within this subarea include incompatible infill development and the threat of encroaching urban sprawl. Commercial encroachment should be minimized and should respect and mirror the small scale of the surrounding neighborhoods, while the purity of the landscape and quality of housing should be preserved. The area is not a primary destination for business; however neighborhood serving business development is encouraged. Land uses allowed include low-density and medium-density residential, and mixed-use / commercial.

The Planning Division staff is recommending conditional approval of this rezoning request with R-O zoning, based on the Comprehensive Plan and the surrounding residential and non-residential land uses with the following six 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 south and east property lines. The buffer area shall consist of an opaque fence, a minimum of 6 feet in height, and evergreen shrubs or trees. 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 13 total parking spaces including handicapped parking. This shall not include parking within the proposed detached garage. The use of pervious material within the parking area shall require approval by the Department of Water Resources.
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 Norton, Jr., 434 Green Street, stated he would like to reserve time for rebuttal and clarification. He stated he and his brother owns The Norton Agency, an 89 year old insurance and real estate company. The purpose of the rezoning request is to add a building to their corporate campus. He felt his family DNA is rooted in preservation and quality development and shared some history of the Green Street area and his family's involvement in its development. Mr. Norton stated the house on the subject property was the original Candler Street School which was moved to this site from Candler Street in 1905, renovated at that time for a duplex and has remained a duplex for its existence. He appreciates the street character of the house and the front gardens as created by Mrs. Powell which will be largely unchanged. The facility will house the corporate CFO, VP of Human Resources and is a base for their regional commercial brokerage as they come and go throughout the month. No lobby or receptionist will exist within the facility, thus limiting public interaction. The facility will be well landscaped and well designed with attention to detail. Mr. Norton concluded that he was in agreement with the conditions as proposed by staff and asked for approval of the request.

FAVOR: None

OPPOSE: Thomas Mitchell, 1809 Buford Highway, Buford, stated he represented the Crumleys on Park Street whose property is adjacent to the rear of the subject property. He stated the Crumley home is one of the older homes in the area which they bought and spent a substantial amount of money renovating it. He stated that the Comp Plan indicates the area should be a historic residential area and his clients want their property interests protected by leaving it residential. Mr. Mitchell provided copies of sections from the Comp Plan to the Board to highlight the following: Park Street is specifically called out as an identifier of the Park/Prior/Perry neighborhood which would be strengthened and preserved as a traditional or historic residential district, and the line between the campus and the neighborhood held just south of Park Street; Under *Community Objectives*, within the *Traditional Neighborhoods* and *Heritage Preservation* categories, the area is a classic intown historic neighborhood but is threatened by insensitive development and also includes historic resources which are worth protecting, noting the applicant wants to construct a parking lot right beside his clients property which he felt was not consistent with the objectives; Even though it is not specific to the subject property, under *Land Use Goals* the implementation measures listed are intended to downzone an area instead of upzone in an

attempt at preserving the historic character of the area as well as encourage compatibility of non-residential uses to existing residential uses; Under *Housing Issues*, the Comp Plan supports continued efforts to preserve historic and intown neighborhoods and ensure compatible infill development; and Under *Land Use & Zoning Issues*, the Comp Plan states that infill development should be carefully guided, especially in historic neighborhoods, such as the area of the request, in order to preserve the historic integrity and character of the City. Mr. Mitchell felt the City's desire is to protect other property owners through its zoning regulations and the comprehensive planning process. With the number of statements highlighted in the Comp Plan, he felt it might suggest the rezoning itself is not proper at this location. Mr. Mitchell recalled a Georgia Supreme Court case from over 20 years ago which dealt specifically with landscaping and buffering around parking lots, noting the case was Parking Association of Georgia vs. City of Atlanta. The decision gave the City permission to limit the use of that property, especially when trying to protect the historic integrity of the area, even though it would diminish the usability of the property.

Mr. Mitchell stated the Crumleys would prefer the request be denied and the Residential-II zoning stay in place so the office uses do not continue to encroach into the residential area. However, if the Board recommended approval, he presented additional conditions to the Board which his clients would like to have included with staff's conditions. Mr. Mitchell stated Mr. Norton actually provided these conditions to his clients and he requested the following changes noted in red:

- 1) Norton will build an 8-foot **pressure treated** wooden fence from the corner of existing garage to **a point 5-feet off the property line at** existing side fence on south side of property. **Norton shall regularly maintain structure, integrity and appearance of the fence.**
- 2) At the existing tree, the fence will split and brackets installed to preserve tree and allow for tree growth.
- 3) The Crumley's may plant and maintain any plant material they want on Norton's property but on the Crumley's side of Norton's fence.
- 4) Concrete bumper guards will be installed along Norton's fence area for protection of wooden fence from cars.
- 5) Low level exterior lights will be placed in parking area for security. **The lighting shall be designed so as to minimize light spillage along the exterior of the development to not more than one .25 foot candle.**
- 6) Norton will use their main campus dumpster for trash disposal versus having onsite commercial dumpster.
- 7) **A planted buffer shall be installed on the Norton side of the fence. This buffer shall be 7-feet at the south fence. Plantings shall be subject to approval of the Community Development Director. This buffer shall be installed and maintained in the manner required by the Unified Land Development Code and shall include a mix of trees and shrubs and shall be at least as high as the fence.**

In conclusion, Mr. Mitchell stated that just because the Norton family has done a lot for the City of Gainesville does not mean they should get to do anything they want, wherever they want. As a formality, he provided a constitutional objection to the rezoning request and stated he was available to answer any questions.

REBUTTAL: Frank Norton, Jr. stated he would argue the proposed development is sensitive in nature as opposed to insensitive as described by Mr. Mitchell. Mr. Norton presented photographs of their Frierson renovation as an example of preserving historic resources, and of the subject property in which they intend to leave the streetscape intact.

In regards to compatibility of non-residential uses to existing residential uses, Mr. Norton stated they are not changing the footprint of the house, noting the fire escape would be the only exterior addition and will be located in the same place as the existing deck. They also will not be changing the residential scale. Mr. Norton stated the Crumleys purchased their house after the Frierson rezoning to Residential and Office and with no fence separating the structures, noting they cleaned up their property which opened up their view even further. He stated the Crumleys purchased their house which overlooks a 21-car parking area, knowing they had a small lot and was already adjacent to R-O zoning. Mr. Norton presented additional photos of the view from the Crumleys house. He stated Planning staff recommended approval of the R-O zoning which has been used to maintain the historic character of these structures. Planning staff recommended a 6-foot fence and Mr. Norton recommended an 8-foot fence. He stated the adjacent neighbor on Boulevard, Scotty Ball, submitted a letter of support for the rezoning. He met with Mr. Crumley early on to walk the property line and even made an offer to purchase their house. Even though Mr. Crumley rejected the recommendations for conditions by Mr. Norton two weeks ago, he stated he had no problem with the fence being pressure treated or that he would maintain the fence as noted in the revised conditions presented by Mr. Mitchell. However, he did have a problem with #1 "a point 5-feet off the property line" because it imposes upon the pre-existing 2-story garage which was built by the Powell's and would then block any entry into one of the garage bays. He was agreeable with the other conditions except #7 which would require them to remove the existing paving, would block access to the garage and would eliminate the ability to put in an entire row of parking which would eliminate 7 parking spaces. He argued the proposed plan is less dense than the one next door and will be a quality development, noting they have put in measures to protect their next door neighbors.

Chairman Carter asked Mr. Mitchell if he wanted to make any final comments.

In regard to the pre-existing parking lot to the north of the Crumley's home, Mr. Mitchell stated the parking lot sits a substantial distance from their home and is not nearly as impactful as the proposed parking lot. He reiterated his clients would like the request to be denied, however, if the Board recommended approval, they would like the additional conditions placed on the property in order to help screen the house.

Planning and Appeals Board Comments: None

There was a motion to recommend approval of the rezoning as presented 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 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 south and east property lines. The buffer area shall consist of an opaque fence, a minimum of 6 feet in height, and evergreen shrubs or trees. 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 13 total parking spaces including handicapped parking. This shall not include parking within the proposed detached garage. The use of pervious material within the parking area shall require approval by the Department of Water Resources.
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.
7. The applicant will construct an 8-foot pressure treated wooden fence from the corner of the existing garage to the existing side-fence on the south side of the property and shall regularly maintain the structure, integrity and appearance of the fence.
8. At the existing tree, the fence shall split and brackets shall be installed to preserve the tree and allow for tree growth.
9. The adjoining property owners may plant and maintain any plant material they desire on the subject property on the adjoining property owners side of the fence.
10. Concrete bumper guards will be installed along fence area for protection of wooden fence from vehicles.
11. Low level exterior lights will be placed in parking area for security. The lighting shall be designed so as to minimize light spillage along the exterior of the development to not more than one .25 foot candle.
12. The applicant shall use their main campus dumpster for trash disposal rather than having an onsite commercial dumpster.

Motion made by Board Member Martin

Motion seconded by Board Member White

Vote – 5 favor, 1 recusal (Fleming), 1 absent (Delgado)

NOTE: Vice-Chair Fleming returned to the meeting at 6:15 p.m.

C. Special Use Request

- 1) Request from **Adams & Copeland, LLC** for a special use on a 0.61± acre 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**), having a zoning classification of Office and Institutional (O-I).

Ward Number: One

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

Request: Hair salon and office

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

The applicant is proposing a special use within Office and Institutional (O-I) zoning for the purpose of renovating an existing residential home for a hair salon and office. The existing hair salon known as Hair Artistry, has been located within the Sherwood Plaza Shopping Center for over 20 years. The subject property was previously rezoned in October of 2016

for an insurance office but has remained vacant. 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 contains a 2,500 square foot vacant residential structure and a detached outbuilding. The applicant proposes to remove the existing two car garage and outbuilding in order to provide access to construct a parking area within the rear yard to include 18 to 20 parking spaces consisting of permeable pavers. By doing so, the structure will be reduced in size to approximately 1,860 square feet in size.

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 Future Development Map for the City of Gainesville places the subject property within the *Mixed Use General* land use category which includes areas containing or planned for a mixture of land uses including office, neighborhood retail, and residential. As well, the subject property is located within the *Traditional Neighborhoods* Character Area specifically within the *Northern Neighborhoods* subarea. The vision for this area anticipates minimal change, and primary issues within this subarea include incompatible infill development and the threat of encroaching urban sprawl. Commercial encroachment should be minimized and should respect and mirror the small scale of the surrounding neighborhoods, while the purity of the landscape and quality of housing should be preserved. The area is not a primary destination for business; however neighborhood serving business development is encouraged. Land uses allowed include low-density and medium-density residential, and mixed-use / commercial.

The Planning Division staff is recommending conditional approval of this special use request based on the Comprehensive Plan and the adjacent non-residential uses with four conditions.

Applicant Presentation: Peggy Copeland, 6544 Stringer Road, Clermont, stated she and her sister are co-owners of Hair Artistry which is a family business, noting they have a third generation coming up and would like to provide a nice place for them to work and serve the community in a good way. She stated their parents owned the first shop, but they have always rented and with the uncertainty of their current location, they don't want to be in that situation again. They will keep the character of house and have parking in the rear. She stated the proposal would be very low impact as far as the neighborhood is concerned.

QUESTIONS: Brenda Coursey, 493 Mountain View Drive stated the subject property backs up to residential and she was concerned about runoff crossing over Thompson Bridge Road and coming on down onto Mountain View Drive. She asked if the conditions require the use of pervious paving for the rear.

Chairman Carter stated the applicants are proposing pervious pavers which would help with drainage and asked Planning Manager Matt Tate for clarification. Mr. Tate stated you would not want to make pervious pavers a requirement because they are not allowed just anywhere. The Department of Water Resources would have to review and approve the area where it would be permitted, noting this would be a part of the design review process and they will work with the applicant on the matter.

FAVOR: None

OPPOSE: None

Planning and Appeals Board Comments: Vice-Chair Fleming stated she was glad to see the proposal is preserving the neighborhood.

There was a motion to recommend approval of the special use as presented 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 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 shall require approval 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 Thompson
Vote – 6 favor, 1 absent (Delgado)

ADJOURNMENT

There was a motion to adjourn the meeting at 6:25 p.m.

Motion made by Board Member Martin
Motion seconded by Vice-Chair Fleming
Vote – 6 favor, 1 absent (Delgado)

Respectfully submitted,

Doug Carter, Chairman

Judy Foster, Recording Secretary