

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

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., Ryan Thompson and Rich White

Members Absent: Board Members Connie Rucker and Carmen Delgado

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

Others Present: Council Members George Wangemann and Ruth Bruner

MINUTES OF JUNE 13, 2017

There was a motion to approve the minutes as presented.

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

NEW BUSINESS

A. Annexation Request

- 1) Request from **Keel Property Management, LLC** to annex a 6.32± acres tract located on the northeast side of the intersection of Jesse Jewell Parkway and White Sulphur Road (a/k/a **0 White Sulphur Road**), and to establish zoning as General Business (G-B).
Ward Number: Two
Tax Parcel Number(s): 09-123-000-008
Request: Restaurant and retail uses

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

The applicant is proposing to annex the subject 6.32± acres property into the city limits of Gainesville with a zoning of General Business (G-B). The property is currently zoned Agricultural Residential-III (AR-III) and Highway Business (H-B) within unincorporated Hall County and is adjacent to the city limits to the south and west. The surrounding uses include New Haven Church, New Holland Market and single-family homes. The property is undeveloped, heavily wooded and abuts railroad right-of-way to the east. In addition, the property is located within the Limestone Parkway Overlay Zone and the Hall County Gateway District. The applicant intends to utilize water and sewer services for future restaurant and retail purposes. The conceptual plan proposes a 3,500 square foot Fazoli's restaurant, a 4,800 square foot restaurant and a 7,000 square foot retail building. Access is proposed from White Sulphur Road, directly across from the rear entrance to the New Holland Market Place. Public water and sewer will be utilized which will require a sanitary sewer extension of approximately 1,300 feet from Jesse Jewell Parkway.

The proposed development appears to be compatible with the Future Development Map of the Comprehensive Plan as the subject property is located within the *Retail/Commercial* land use category and both within the *Limestone Medical Corridor* Character Area and the *Historic Mill Villages* Character Area. Land uses allowed in the Historic Mill Villages include medium-density residential, mixed-use, commercial, public / institutional, and parks / recreation / conservation.

The Planning Division staff is recommending **conditional approval** of this annexation request with G-B zoning, based on the Comprehensive Plan and the adjacent mixture of land uses with five conditions.

Applicant Presentation: Ed Myers, Myers & Company, 752 Chattahoochee Place, stated he represented the applicant and was the project engineer. He stated the request was to annex the subject property, be consistent with General Business zoning standards, and to get water and sewer services from the City. He stated the developer would be the owner of the Fazoli's franchise on the corner and develop the rest of the property to market to help cover the costs. Mr. Myers stated the property has been on the market for a month and they have a proposed car wash and asked the restriction of a car wash in the conditions be removed. He stated they did not ask for that use to be restricted and noted it is a permitted use within the General Business zoning district. He stated they would also like the option for mini-warehouse units on Lot 3, on the north side, noting they would be screened and the front facades constructed in compliance with overlay standards. He felt there was a need for both of these uses in the area because of new residential developments.

FAVOR: None

OPPOSE: None

Planning and Appeals Board Comments: None

There was a motion to recommend approval of the request to annex the subject property and establish zoning as General Business (G-B) with the following conditions as proposed by staff:

Conditions

- 1. Prohibited commercial uses shall include motels or hotels with rooms accessed from the exterior of the building, adult novelty stores, adult entertainment centers, pawn shops, gas stations, tire stores, massage parlors except for practitioners licensed by the State of Georgia, vaping stores, auto body shops, automobile sale establishments, marine sales or repair stores, automated or non-automated car wash, coin-laundry facilities, truck stop, non-climate controlled mini-warehouses or storage facilities, tattoo parlors, psychics, fortune tellers, clairvoyants and the like.**
- 2. The exterior of the buildings shall be constructed with brick, stone or masonry finish on all sides visible from a public street and will comply with the Limestone Parkway Overlay Zone standards and Architectural Design Guidelines stated within the Gainesville Unified Land Development Code.**
- 3. The proposed development shall be limited to one free standing sign per lot. Each sign shall be limited to a maximum height of 10-feet, maximum sign face area of 50 square feet, maximum sign structure area of 96 square feet with internal or indirect lighting. No electronic changeable copy signs shall be permitted. The purpose of**

these sign standards is to provide for consistency with the adjacent New Holland Market development.

4. **Prior to a permit being issued, the developer shall provide a traffic study and coordinate with the Georgia Department of Transportation (GDOT) Traffic Division to determine the traffic development impacts on the intersection of SR 369 / Jesse Jewell Parkway and White Sulphur Road and to determine whether the existing turn lanes will accommodate the future traffic generated by the development.**
5. **All access point design for the subject property 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.**

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

B. Rezoning Request

- 1) Request from **Will & McCay Crumley** to rezone a 0.308± acre tract located on the north side of Park Street and northeast of the intersection of Park Street and Boulevard (a/k/a **523 Park Street**) from Residential-II (R-II) to Residential-I (R-I).
Ward Number: Two
Tax Parcel Number(s): 01-038-003-015
Request: Single-family home

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

The applicant is proposing to rezone the subject 0.308± acre property from Residential-II (R-II) to Residential-I (R-I) for the existing single-family use. The subject property contains a one-story, single-family home and a detached building and has road frontage along Park Street. The surrounding uses include single-family homes, multi-family apartments, professional offices and Brenau University. The applicant intends to keep the property as single-family which is currently occupied by the applicant. The request would effectively downzone the property so that any future non-single-family uses would be required to provide a buffer adjacent to the subject property.

The Future Development Map for the City of Gainesville places the subject property within the *Low-Medium Residential* land use category and within the *Traditional Neighborhoods* Character Area specifically within the *Northern Neighborhoods subarea*. Land uses allowed include low-density and medium-density residential, and mixed-use / commercial.

The Planning Division staff is recommending **approval** of this rezoning request with R-I zoning, based on the Comprehensive Plan and the surrounding residential and non-residential land uses.

Applicant Presentation: **Will Crumley**, 523 Park Street, stated that down-zoning is an odd thing and not seen very often. However, he and his wife felt it was the best way to protect their property value in a neighborhood that is changing. He stated that several businesses were moving into the area and the rezoning would be best for their interest.

FAVOR: None

OPPOSE: None

Planning and Appeals Board Comments: None

There was a motion to recommend approval of the request to rezone the subject property from Residential-II (R-II) to Residential-I (R-I).

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

ADJOURNMENT

There was a motion to adjourn the meeting at 5:46 p.m.

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

Respectfully submitted,

Doug Carter, Chairman

Judy Foster, Recording Secretary