

**GAINESVILLE PLANNING AND APPEALS BOARD
MINUTES OF MEETING
OCTOBER 10, 2017**

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

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

Members Absent: Board Member Connie Rucker

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

Others Present: Council Member George Wangemann

MINUTES OF AUGUST 8, 2017

There was a motion to approve the minutes as presented.

Motion made by Board Member White

Motion seconded by Board Member Martin

Vote – 6 favor, 1 absent (Rucker)

NEW BUSINESS

A. Variance Request

- 1) Request from **David Dell** to vary the front yard setback requirements for a sign on a 0.74± acre tract located on the southwest side of the intersection of Dawsonville Highway and Lake Ranch Court (a/k/a **2197 Dawsonville Highway NW**), having a zoning classification of General Business (G-B).

Ward Number: One

Tax Parcel Number(s): 10-094-000-010

Request: Monument Sign

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

The applicant is proposing to vary the front yard setback requirements along Dawsonville Highway from 5-feet to 0-feet in order to construct a multi-tenant monument sign. The subject property is 0.74± acre in size and is located on the southwest side of the intersection of Dawsonville Highway and Lake Ranch Court at the northwesterly edge of the city limits boundary and is zoned G-B. The adjacent uses include single-family homes and mini warehouses. The property contains a recently renovated multi-tenant commercial building that is 6,368 square feet in size and is within the Gateway Corridor Overlay Zone. The proposed multi-tenant sign is 104± square feet in size (8-feet wide by 13-feet in height), internally illuminated, and is to be located on the northwest side of the driveway entrance along Dawsonville Highway.

According to the applicant, part of the recent renovations to the property included improving a drainage issue caused by the width of GDOT right-of-way which left no area to construct the sign other than within the parking lot. The applicant states that the width of the right-of-way and the improvements made to address the drainage problem limit the area to construct a sign that will be safe for customers. The property's slope, the location of the building and

the width of the right-of-way appear to limit the ability to construct a freestanding sign. There is a small area close to the right-of-way of Lake Ranch Court in which a sign could be located. However, this would be less desirable due to its visibility from the adjacent neighborhood and may cause some confusion for motorist accessing driveway.

Therefore, staff is recommending **conditional approval** of this variance request given the limited visibility and the width of the right-of-way with one condition.

Applicant Presentation: **David Dell**, 2197 Dawsonville Highway, stated he completed extensive renovations to the parking area and elevations to correct a drainage problem from the widening of S.R. 53. He felt the best location for the proposed monument sign was along Dawsonville Highway right of way which would make the sign visible in both directions as opposed to locating the sign closer to Lake Ranch Court which would be a distraction for those residents.

FAVOR: None

OPPOSE: **Lou Feldkamp**, 2227 Lake Ranch Court, complimented Mr. Dell for improvements he has made to the building which enhanced its appearance. He questioned why signage couldn't be placed on the building instead of located in front of the building since he felt it would be just as effective. Mr. Feldkamp also expressed the following safety concerns: dangerous intersection; limited sight distance; curve of the road; 55 mph speed zone; bridge renovation construction; U-turns; proposed sign could block view to the east; and a huge distraction. He took exception with comments made by Mr. Dell regarding the drainage problems, noting there was a pond located behind the subject property which is now filled with mud. He felt the drainage had nothing to do with the sign.

REBUTTAL: David Dell reiterated why he chose the proposed location for the monument sign and felt having signage on the building itself would present more of a hazard because of drivers having to look at the building rather than a monument sign located in their parking lot. He also commented that tenants leasing commercial retail space need an area in which to advertise.

Planning and Appeals Board Comments: None

There was a motion to conditionally approve the request to vary the front yard setback requirement from 5-feet to 0-feet within General Business (G-B) zoning district for a monument sign, with the following condition:

Condition

The subject property shall be limited to one monument sign located on the northwest side of the access driveway fronting Dawsonville Highway. The proposed sign shall not exceed the sign dimensions provided with this application and shall not contain an electronic message board display.

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

B. Annexation Request

- 1) Request from **Lanier Technical College** to annex an 8.154± acres tract having no road frontage and located east of State Route 365 (Cornelia Highway), north of Lanier Tech Drive and Howard Road (a/k/a **0 Howard Road**) and to establish zoning as Light Industrial (L-I).

Ward Number: Two
Tax Parcel Number(s): 15-020-000-068
Request: Technical College

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

The applicant is proposing to annex the subject 8.154± acres property with a zoning of Light Industrial (L-I). The property is currently zoned Agricultural Residential-IV (AR-IV) within Hall County and is contiguous to the city limits to the south and borders Lake Ramsey to the north. Other adjacent properties include undeveloped land, RaceTrac gas station and the Lanier Tech Campus. The subject property is the specific location of a proposed one-story conference center which is part of the overall 95.5± acres Lanier Tech campus that is under development and is scheduled to open in January of 2019. The applicant desires to have the entire campus property located within one jurisdiction as the balance of the campus property is currently located within the city limits.

The Future Development Map for the City of Gainesville places the subject property within the *Parks / Recreation / Conservation* land use category of the Comprehensive Plan which includes areas containing or planned for parks and recreation facilities, permanently designated open space, and conservation areas, including buffers along water ways and other environmental features. As well the property is located within the *Regional Recreation / Conservation* Character Area which includes parks / recreation / conservation and public / institutional uses.

The Planning Division staff is recommending **approval** of this annexation request with L-I zoning, based on the Comprehensive Plan and the adjacent uses.

Applicant Presentation: **Brian Rochester**, Rochester and Associates, 425 Oak Street, stated the Lanier Tech campus on the newly acquired address of 2555 Lanier Tech Way is under construction. He stated the subject property would be the location for a Conference Center on the campus and is an ideal location because it sits atop a knoll overlooking Lake Ramsey. Mr. Rochester stated the main reason for the request to annex the remainder of the campus was to eliminate any confusion as to which jurisdiction would handle any emergency situations which may arise since the safety of the students, faculty and visitors are a top priority. He stated they met with Hall County officials who were understanding of the concern and supported the request.

FAVOR: **Dr. Ray Perren**, President of Lanier Technical College, stated the proposed Conference Center would seat 750 people banquet style and 1,500 people theater style and was hopeful to make it available to the community as well. He stated the property was donated to the college by the Ramsey Family.

OPPOSE: None

Planning and Appeals Board Comments: None

There was a motion to recommend approval of the request to annex the subject property and to establish zoning as Light Industrial (L-I).

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

C. Rezoning Request

- 1) Request from **The 5 MCS, LLC** to rezone a 5.24± acre tract located on the southwest side of the intersection of Enota Avenue and Yonah Avenue (a/k/a **1012 Enota Avenue NE**) from Planned Unit Development (P-U-D) and Residential-I (R-I) to Planned Unit Development (P-U-D).

Ward Number: Two

Tax Parcel Number(s): 01-075-001-024

Request: Assisted living facility, townhome cottages and single-family home

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

The applicant is proposing to rezone the 5.24± acres subject property from R-I and P-U-D to P-U-D. The property contains an older two-story, single-family home and the 65-room Ashton assisted living facility that was constructed in 2015 and are owned by the applicant.

The purpose of the request is to consolidate the zoning as P-U-D in order to construct up to 15 cottage style townhomes that are to be located between the existing assisted living facility and the single-family home. According to the applicant, the townhome cottage units will consist of approximately 800 square feet of heated space and will be rented with services available from the assisted living facility including cafeteria meal plans, emergency nursing assistance, housekeeping and social gathering areas. Each townhome unit will be one story and will contain a full kitchen, single-bedroom and bathroom. Access will be provided from the existing two driveways serving the assisted living facility off of Yonah Avenue and Enota Avenue. Approximately 38 additional parking spaces and sidewalk connectivity will be provided to accommodate residents and visitors. The existing driveway serving the single-family home will be relocated to better serve the property.

The proposed use is located within the *Medium-High Density Residential* land use category of the Future Land Use Map and the *Traditional Neighborhoods* Character Area which are compatible with the Comprehensive Plan.

The Planning Division staff is recommending **conditional approval** of this rezoning request, based on the Comprehensive Land Use Plan and the adjacent residential and non-residential uses.

Applicant Presentation: Ed Myers, Myers and Company, 752 Chattahoochee Place, stated the proposal is similar to projects the applicant has completed in Gwinnett County which provides independent living for elderly residents with access to some services from the assisted living facility such as meals, laundry and cleaning.

FAVOR: None

OPPOSE: **Anne Chenault**, 1256 Riverside Drive, stated she lives next door to the Mormon Church and close to several condominiums and apartment complexes all of which used to be single-family residences and questioned why we have zoning if it is constantly changed. As a resident, she felt she had no protections. She stated she was opposed to the original rezoning in which Vice-Chair Fleming was involved in the sale of the subject property. Ms. Chenault stated they were told then that nothing else would be added but now the applicant is requesting to expand to townhomes. She understood the business aspect of why the applicant is requesting the townhomes but felt it was not the surrounding property owner's responsibility to guarantee him a profit. She stated the neighborhood was being chipped away and asked the Board to deny the rezoning because once the property is rezoned to Planned Unit Development, there was nothing to stop the applicant from demolishing the existing single-family home for expansion again in the future.

Mary Carden, 1354 Riverside Drive, stated that people who reside in assisted living facilities typically do not drive; however, with the expansion of the development into townhomes, the applicant is proposing 38 additional parking spaces, which is over two parking spaces per unit. She was concerned about the additional traffic this would create on Enota Avenue, noting no one wants to live on a busy street and she was afraid of losing the neighborhood. Ms. Carden stated she moved to the area because it was a stable neighborhood and has moved two other times in the past to avoid such development. She asked the Board to consider the impact the development would have on the whole neighborhood.

Planning and Appeals Board Comments: Vice-Chair Fleming addressed a comment made by Anne Chenault and clarified that she was the listing agent for the subject property when it was sold to Curtis McGill and noted she recused herself from the public hearing when action was taken on the request.

Upon inquiry by Chairman Carter, Planning Manager Matt Tate clarified that the proposed Planned Unit Development (P-U-D) zoning is site specific and would define what is permitted within the subject property. He stated the maximum number of townhomes allowed on the property is 15 and could ultimately be less. Any amendments to the P-U-D zoning would require the request to come back before the Planning and Appeals Board and City Council for consideration.

REBUTTAL: **Curtis McGill**, 1253 Yonah Avenue, stated he currently lives in the single-family home which had to be renovated. He stated the subject property was deteriorating and there were some deplorable housing in the area and he felt the area has improved with the completion of Ashton Senior Living. Mr. McGill stated Enota Avenue has always been a cut through to get across town and it will continue to get worse and there is nothing he could do about it. He explained the proposed cottages are like small, upscale and modern homes and is an alternative for spouses of residents who are in the assisted living facility. He felt they are helping senior citizens with the proposal.

There was a motion to recommend conditional approval of the request to rezone the subject property from Planned Unit Development (P-U-D) and Residential-I (R-I) to Planned Unit Development (P-U-D) with the following conditions:

Conditions

- 1. The proposal shall meet or exceed the development standards as depicted within the narrative, concept plan and pictures submitted with the application and are subject to Community Development Department Director approval.**

2. **The existing trees located within the subject property shall remain except for what is only necessary to be removed for the development. The required tree/landscape plan shall provide for additional evergreen trees and deciduous trees planted between the proposed townhome cottages and the southerly property line and Yonah Avenue. The number, location, spacing, size and type of trees planted shall be subject to Community Development Department Director approval.**
3. **Access point design and sidewalk location and design along Yonah Avenue must be reviewed and approved by the Gainesville Public Works Department. All road and sidewalk improvements associated with access to the subject property shall be at the full expense of the developer.**
4. **The subject property shall be limited to the two existing monument signs located along Enota Avenue which are limited to a height of six (6) feet and thirty-two (32) square feet in size with indirect lighting.**
5. **An updated as-built boundary survey/plat shall be recorded prior to obtaining a Certificate of Occupancy for the proposed use.**

Motion made by Board Member White

Motion seconded by Board Member Delgado

Vote – 5 favor, 1 opposed (Martin), 1 absent (Rucker)

ADJOURNMENT

There was a motion to adjourn the meeting at 6:11 p.m.

Motion made by Board Member Martin

Motion seconded by Board Member Delgado

Vote – 6 favor, 1 absent (Rucker)

Respectfully submitted,

Doug Carter, Chairman

Judy Foster, Recording Secretary