

**GAINESVILLE PLANNING AND APPEALS BOARD
MINUTES OF MEETING
JANUARY 16, 2018**

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, Ryan Thompson and Rich White

Members Absent: None

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

Others Present: Council Members Barbara Brooks and George Wangemann

MINUTES OF DECEMBER 12, 2017

There was a motion to approve the minutes as presented.

Motion made by Board Member White
Motion seconded by Board Member Delgado
Vote – 6 favor, 1 vacancy

OLD BUSINESS

A. Annexation Request

- 1) Request from **EDRE Assets, LLC** to annex a 5.048± acres tract located on the north side of Ramsey Road at its terminus (a/k/a **0, 2608 and 2611 Ramsey Road**) and to establish zoning as Planned Unit Development (P-U-D).
Ward Number: Two
Tax Parcel Number(s): 09-110-000-019 (part), 024 and 027
Request: 3 single-family lots

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

Motion made by Vice-Chair Fleming
Motion seconded by Board Member Martin
Vote – 6 favor, 1 vacancy

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

The applicant is proposing to annex the subject property with a zoning of Planned Unit Development (P-U-D) for the purpose of utilizing city sewer for 3 single-family lots. The property is currently zoned Planned Residential Development (P-R-D) within unincorporated Hall County for 3-lots and is adjacent to the city limits to the south and east. The property touches Lake Lanier to the north and is heavily wooded. Nearby uses include mostly undeveloped land, a single-family home and Kubota Manufacturing and the Olympic rowing, canoe and kayak venue to the west. According to the applicant the three lots will each be over 1.35 acres in size. In order to reduce the overall impervious area, access to the three lots is proposed from Ramsey Road through a common access easement and driveway on Lot 2, as the entire three tracts combined only have 42' of road frontage. Each of the homes will have a minimum of 2,000 square feet of heated floor space. As well, three, 2-slip boat docks have been approved by the Corps of Engineers. The Gainesville City School System

states that bus transportation is not currently provided to the area and would not justify extending a bus route until additional developments are built.

The Future Development Map for the City of Gainesville places the subject property within the *Low-Medium Density Residential* land use category, which includes areas containing or planned for single-family housing at densities ranging from two to four dwelling units per acre. The development proposes a residential density of only 0.57 dwelling units per acre. According to the Character Area Map of the 2030 Gainesville Comprehensive Plan the property is located within the *Economic Development Gateways* Character Area which includes commercial, industrial, mixed-use, residential (existing low density residential uses), public / institutional, transportation / communications / utilities, and parks / recreation / conservation.

The Planning Division staff is recommending **conditional approval** of the annexation request with **(P-U-D) zoning**, based on the Comprehensive Plan and adjacent residential use, with five conditions.

Applicant Presentation: Jack O'Hanlon, 120 Hickory Walk, Marietta, stated he was a civil engineering consultant representing the applicant. He stated the staff report covered everything but did mention the reason the request was tabled was to remove a sliver of the subject property from the original survey which included the septic drain field for an adjacent property because of concerns by environmental health. He felt that issue had been resolved and asked for approval from the Board.

FAVOR: None

OPPOSE: None

Planning and Appeals Board Comments: None

There was a motion to recommend conditional approval of the request to annex the subject property and establish zoning as Planned Unit Development (P-U-D) with the following conditions:

Conditions

1. The proposal shall be limited to a maximum of 3 single-family lots and shall adhere to the development standards as depicted within the narrative, concept plan and architectural renderings submitted with the application.
2. The minimum heated floor space of each single-family home shall be 2,000 square feet.
3. Completion of the common driveway shall be required prior to the issuance of a Certificate of Occupancy for the proposed homes. Access point design of the proposed shared driveway along Ramsey Road must be reviewed and approved by the Gainesville Public Works Department. All road improvements associated with access to the subject property shall be at the full expense of the developer.
4. The owner/developer shall disclose the existence of industrial activities on adjacent and nearby properties as part of the purchase/sale agreement with potential buyers. Said disclosure shall state: "Owners, occupants, and users of property shown are hereby informed of the impacts associated with industrial practices which may take place on adjacent and nearby property including, but

not limited to noise, odors, dust, traffic and the operation of machinery. Therefore, owners, occupants and users of the property should be prepared to expect the effects of such practices.”

5. **All conditions of zoning shall be made a part of any final plat created for the subdivision.**

Motion made by Board Member Thompson

Motion seconded by Board Member Martin

Vote – 6 favor, 1 vacancy

NEW BUSINESS

A. Rezoning Request

- 1) Request from **Altus Development, LLC** to rezone a 1.13± acres tract located on the northwest side of the intersection of Park Hill Drive and South Enota Drive (a/k/a **1351 Park Hill Drive**) from Residential-II (R-II) to Office and Institutional (O-I).

Ward Number: Two

Tax Parcel Number(s): 01-077-001-027

Request: Medical office

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

The applicant is proposing to rezone the subject 1.13 acres property in order to construct a 10,800 square foot medical office building. The property is located within the Limestone Corridor Overlay Zone and contains an established, single-family rental home that is currently occupied and is planned to be demolished to make room for the proposed medical office. The adjacent uses include the Beehive Homes Assisted Living Facility, Burnam Woods subdivision, CVS pharmacy and single-family homes. The anticipated hours for the medical office tenants are from 8 A.M. to 5 P.M. According to the concept plan, there will be a total of 47 parking spaces and a right turn in/out driveway is proposed on Park Hill Drive and South Enota Drive.

The Gainesville 2030 Future Development Map for the City of Gainesville places the subject property within the *Mixed Use General* land use category which supports a mixture of land uses including office, neighborhood retail, and residential. As well the property is located within the *Traditional Neighborhoods* Character Area and the *Northern Neighborhoods* Subarea which is not a primary destination for business; however neighborhood serving business development is encouraged.

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

Applicant Presentation: **Charlie Hawkins**, Norton Agency, 646 Tommy Aaron Drive, stated the buyer had no issues with the conditions of zoning as presented.

FAVOR: None

OPPOSE: None

Planning and Appeals Board Comments: None

There was a motion to recommend conditional approval of the request to rezone the subject property from Residential-II (R-II) to Office and Institutional (O-I) zoning, with the following conditions:

Conditions

- 1. The exterior materials of the building shall adhere to the standards as depicted on the architectural elevation provided with this rezoning application. All flat roof surfaces and roof top equipment shall be screened by a parapet roof on all sides.**
- 2. The westerly side of the property shall be planted with a dense evergreen buffer along the property line. The location, spacing, size and type of vegetation and trees planted shall be subject to Community Development Department Director approval. In addition, a decorative eight foot (8') tall opaque fence shall be provided between the planted buffer and the building / parking area / dumpster but shall not extend to Park Hill Drive beyond the proposed dumpster pad.**
- 3. All access point design and sidewalk installation along Park Hill Drive and South Enota Drive 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 – 6 favor, 1 vacancy

B. Zoning Amendment Request

- 1) Request from **Tyler Land Holdings** to amend the existing Planned Unit Development (P-U-D) zoning on a 2.98± acres tract located on the northeast side of the intersection of McEver Road and Hillside Gardens Lane (a/k/a **1209 and 1229 Hillside Gardens Lane**).**

Ward Number: Five
Tax Parcel Number(s): 08-006-001-058 and 075
Request: Boat sales dealership

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

The applicant is proposing to amend the existing Planned Unit Development (P-U-D) zoning to allow a boat sales dealership. Adjacent uses include the Gainesville Exploration Academy, Hillside Memorial Gardens Cemetery, Hall County Recycling Center, Hillside Chapel Funeral Home and the Life South Community Blood Center. The entire 2.98 acres tract consists of two parcels which were originally annexed in 2004 with P-U-D zoning for office, warehousing and light retail uses within an existing 12,000 square foot metal building. In addition, there were to be three, 5,000 square foot, two-story office/warehouse buildings and an additional 8,000 square foot warehouse building that were never constructed. The existing metal building has been occupied by multiple tenants including a construction company, recreational trailers sales facility, arts and gifts retail store

and attorneys office. The applicant proposes to renovate and upgrade the existing metal building with brick facade, windows and architectural treatment. According to the applicant, all boats will be serviced inside of the existing building and boat inventory will be stored outside on the easterly side of the property fronting Hillside Gardens Lane. In addition, an area within the existing front parking lot facing McEver Road will be reserved for some boat inventory display. Extensive landscaping is proposed along portions of Hillside Gardens Lane and McEver Road to screen and beautify the boat storage and display areas. This will include a 15-foot wide vegetated buffer and a decorative wrought iron fence. Access will remain the same which includes two driveways on Hillside Gardens Lane.

The front portion of the subject property which contains the building is located within the *Retail/Commercial* land use category and the rear wooded portion of the subject property is located within the *Public / Institutional / TCU (transportation, communication, utilities)* land use category. The subject property is also located within the *Suburban Commercial* Character Area which includes commercial, public / institutional, multi-family residential and mixed use.

The Planning Division staff is recommending **conditional approval** of this zoning amendment request based on the Comprehensive Plan and the adjacent residential and non-residential land uses, with seven conditions.

Applicant Presentation: Rett Tyler, 568 Sheffield Way, Birmingham, Alabama, stated that Skiers Marine is a 23 year old company in which he shared some history. He stated the Atlanta boating market is 5th in the nation so it only makes sense for them to expand their market area and have their fifth location in Gainesville. They are currently in a temporary location in Oakwood on Mundy Mill Road. Mr. Tyler stated the proposed project along the gateway into Gainesville would be a \$6,000,000 investment between the land, inventory and renovation of the building, and they are projecting 12 to 15 million in sales and estimate selling 100 new Mastercraft and pontoon boats per year. He stated they made a minor change to the exterior of the building and presented renderings of a daylight view and dusk view of the building to show the proposed lighting along McEver Road, noting this would be a state of the art facility with average boat sales of \$130,000 each. He felt they have the best employees and products and are excited about the opportunity to serve Gainesville.

FAVOR: Ed Myers, 752 Chattahoochee Place, stated he was the civil engineer for the project and had a few items on the technical side of things. He presented a letter from Rives Doss, one of the property owners, where he received support from the adjacent property owners for this project. Mr. Myers requested condition 3 be changed to allow the use of gravel in the screened storage areas as a cost savings but more importantly for safety reasons, noting gravel would better stabilize the boats. The applicant would like to display some boats along McEver Road as Mr. Tate mentioned. In conclusion, Mr. Myers asked condition 7 be revised so the applicant could occupy the space immediately upon closing which is scheduled for March 1st, noting they could immediately begin construction of the buffer and storage areas and install fencing. The applicant would like to stage the storage of the boats for the spring boating season then begin the building renovations in August when the boating season is winding down in order to be completed by the end of the year. The current condition requires an updated as-built survey to be completed before the certificate of occupancy could be issued.

OPPOSE: None

Planning and Appeals Board Comments: Chairman Carter reviewed the requested changes to conditions. Planning Manager Matt Tate stated the applicant did not want a display area which was totally buffered and noted screening with landscape and fencing was acceptable relating to the display area but he was unclear on the number of boats they plan to display.

Mr. Tyler stated the storage area for boat repair would be located behind the building going up Hillside Gardens Lane and they are requesting gravel to be used in that storage area which would not be visible from Hillside Gardens Lane because it also helps with water runoff. He stated the display area would be located on the grassy area, which is required to be paved according to standards, in front of the building and parking spaces along McEver Road where they would have 7 or 8 boats displayed. They would also display 5 or 6 boats in the parking spaces on the side of the building along Hillside Gardens Lane and display 5 or 6 boats indoors as well.

Chairman Carter asked Mr. Tyler to clarify the staging issue Mr. Myers mentioned. Mr. Tyler stated he would like to complete the project in three phases in the following order: 1) the boat repair storage area in the spring; 2) then the front display area; and finally 3) the building renovation in August which should be completed by the end of this year, noting once the building renovation begins, everything would come out of the building except for a couple of offices and they would not be able to operate.

Planning Manager Matt Tate stated there are other businesses in Gainesville with outdoor displays and his main concern is with the aesthetics by making sure the display area is landscaped and on a hard surface area as the City has a no yard parking ordinance. In regards to the use of gravel in the storage areas, Mr. Tate would like to leave condition 3 as stated which would allow the Department of Water Resources to review and approve any alternative material.

Community Development Director Rusty Ligon agreed with Mr. Tate but noted he would advocate on the applicant's behalf that the boat storage area be gravel for safety purposes.

There was discussion regarding the revision of condition 7 in order to allow the applicant to occupy the building in the spring before building renovations begin in August to be completed by the end of the year.

There was a motion to recommend conditional approval of the request to amend the existing Planned Unit Development (P-U-D) zoning to allow a boat sales dealership with the following revised conditions:

Conditions

- 1. The proposal shall be generally consistent with the building and site development standards provided with this application.**
- 2. The proposed use shall be limited to the proposed boat sales and service use, as well as professional office uses.**
- 3. The outdoor storage areas shall be limited to storage of boats only. The storage areas must consist of asphalt, concrete or an impervious material acceptable to the Gainesville Department of Water Resources Director.**

4. **The proposed landscaping along McEver Road and Hillside Gardens Lane shall be a minimum of 15 feet in width and shall screen all proposed boat storage areas and above ground storm water detention areas. The location, spacing, size and type of vegetation and trees planted shall be subject to Community Development Department Director approval.**
5. **A decorative wrought iron fence not to exceed eight feet (8') in height shall be installed along the perimeter of the property between the storage and parking areas and the vegetated buffer.**
6. **All required access / traffic / sidewalk improvements associated with the proposed development shall be at the full expense of the developer / property owner.**
7. **All building and property improvements as identified in the applicant's concept plan and the aforementioned zoning conditions shall be completed by December 31, 2018. Upon the completion of all improvements, an updated as-built boundary survey/plat of the subject property shall be recorded.**

Motion made by Board Member Martin
Motion seconded by Board Member Thompson
Vote – 6 favor, 1 vacancy

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 Section 9-21-1-7 entitled "Meetings"; amendments to subsections (a), (b), (c) and (f) of Section 9-22-2-18 entitled "Action by Governing Body."

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

The City Council currently approves the Planning and Appeals Board calendar each year and the amendment to Section 9-21-1-7 of the ULDC would give that authority to the Community Development Director as well as the authority to call any special meetings. The ULDC amendment to Section 9-22-2-18 would eliminate the requirement of a second reading for zoning ordinances. Currently, there is a public hearing / first reading of all zoning ordinances and two weeks later there is a second reading of the ordinance for final adoption which is basically a formality. However, the City Charter has to be amended as well to achieve this goal, so that process is running parallel with this ULDC amendment to eliminate second reading.

FAVOR: None

OPPOSE: None

Planning and Appeals Board Comments: None

There was a motion to recommend approval of the code amendment as presented.

Motion made by Board Member White
Motion seconded by Board Member Martin
Vote – 6 favor, 1 vacancy

ADJOURNMENT

There was a motion to adjourn the meeting at 6:10 p.m.

Motion made by Board Member Martin
Motion seconded by Board Member Delgado
Vote – 6 favor, 1 vacancy

Respectfully submitted,

Doug Carter, Chairman

Judy Foster, Recording Secretary