

**GAINESVILLE PLANNING AND APPEALS BOARD  
MINUTES OF MEETING  
JULY 10, 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., Ryan Thompson, Carmen Delgado, Rich White and Kelvin Simmons

**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 JUNE 12, 2018**

**There was a motion to approve the minutes as presented.**

Motion made by Board Member Thompson  
Motion seconded by Board Member Delgado  
**Vote – 7 favor**

**NEW BUSINESS**

**A. Rezoning Request**

- 1) Request from **REB Land Development, LLC** to rezone a 2.744± acres tract located on the northwest side of the intersection of Dawsonville Highway and Lakeshore Drive (a/k/a **621 Lakeshore Drive, NW**) from Residential-I (R-I) to General Business (G-B).  
Ward Number: One  
Tax Parcel Number(s): 01-117-004-025  
Request: Multi-tenant retail, office and restaurant

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

The applicant is proposing to rezone the subject 2.744± acre property from R-I to G-B for the purpose of constructing a multi-tenant retail/office strip center and restaurant. The property is located within the Gateway Corridor Overlay Zone and is the current site of the 7,200± square foot Gainesville Masonic Lodge built in 1962. The property is partially wooded and contains an access driveway on Lakeshore Drive. The adjacent uses include single-family homes, Shell gas station/retail center, Little & Davenport Funeral Home and Lakeshore Mall. As well, Lake Lanier's Longwood Cove is located within close proximity to the north which is an environmentally sensitive area. The proposal includes demolishing the existing Masonic Lodge building for the redevelopment of a 10,000 square foot multi-tenant building with drive-thru and a 3,500 square foot quick service restaurant building with drive-thru. According to the applicant, most of the site will be graded and lowered to street level which will require a retaining wall to be constructed along the westerly side of the property. A 20-foot wide vegetated buffer is proposed along the north and west property lines adjacent to the residential zoning. In addition, there is an existing 60-foot wide unopened, wooded right-

of-way area located along the north property line boundary that will remain undisturbed. A right-in/right-out access drive is proposed from Dawsonville Highway and a full access drive is proposed off of Lakeshore Drive that would relocate the existing driveway. There is currently a full access, signalized intersection at Lakeshore Drive/Dawsonville Highway.

The Gainesville 2030 Future Development Map for the City of Gainesville places the subject property within the *Mixed Use General* land use category and within the *Longwood Cove* Character Area which includes areas containing or planned for a mixture of land uses including office, neighborhood retail, residential, public /institutional and parks /recreation/conservation.

Based on the proposal, the Public Works Department may require a traffic impact study from the applicant depending on the proposed tenants and projected traffic counts as the actual tenants are unknown at this time. In addition, written confirmation from GDOT shall be provided for the proposed right-in/right-out on SR 53 and any required intersection/signal improvements at the intersection of Lakeshore Drive and SR 53.

Therefore, based on the Comprehensive Plan and the adjacent residential and non-residential land uses, staff is recommending approval of the request with G-B zoning with seven conditions.

**Property Owner Presentation: Ron Farmer**, 4507 Arlington Court, current President of the Gainesville Masonic Lodge stated it was chartered in 1857 and was relocated to the current location in 1962. Membership had declined over the years and they need to restructure to remain viable in Gainesville. The decision to sell the current property was not made lightly as it had been discussed for many years and to ensure the Gainesville Lodge will continue to be active and serve the community for many generations to come.

**Applicant Presentation: Rock Baker**, 727 Lindsay Baker Court, managing member of REB Land Development, LLC stated the Masonic Lodge would like to move into a central area and build a new facility, noting the current property would be better utilized for commercial development. Even though the subject property was zoned Residential-I, it was never utilized as residential and has always been the Masonic Lodge. The traffic counts on Dawsonville Highway now exceed over 37,500 cars per day so it truly is a commercial corridor. The Masonic Lodge does not look as good as it once did and with the right redevelopment of the property it could be a big improvement over what is there currently with the right architecture and landscaping. Mr. Baker asked for a tire store to be allowed on the property as he is negotiating with Firestone which would build a very nice structure including stacked stone and brick, with nice awnings and landscaping. A picture of the type of store Firestone would like to construct if rezoning is approved was shown on the Power Point Presentation. Mr. Baker stated he had a neighborhood meeting and complimented those in attendance as they had an open mind to the proposal with no preconceived notions who felt he would do a good job for the neighborhood with the redevelopment.

**FAVOR: Pat Horgan**, 1004 Lakemont Drive, stated the request was confusing since the Masonic Lodge is located in a commercial building on a residential lot in a residential neighborhood. Most people in the neighborhood do not want rezoning and feel the entrance to a long standing residential subdivision should not be converted to commercial. They also felt the rezoning of existing residential property to commercial was not a good practice. However, he stated the neighborhood understands the Masonic Lodge situation is unique, a residential solution may not be attractive, and that commercial development may be inevitable on the subject property and they would like to have a voice if it does go

commercial. They met with the developer and was impressed with his quality, flexibility and integrity and felt he was an excellent developer. Even so, Mr. Horgan was still concerned about the type of use on the property and the traffic it would bring. He stated there would be dysfunctional traffic access as cars going towards the City making a left hand turn onto Lakeshore Drive and then making another left hand turn into the proposed development may be hindered by Lakeshore Drive traffic waiting at the intersection to turn and inevitably blocking the intersection. This is the same issues happening with drivers trying to turn left into Freddy's and Pueblos at the corner of Ahaluna Drive and it causes traffic to stop in the intersection. Some people may use the main exit from the development directly onto Dawsonville Highway and go about 100 feet and make a U-turn which would keep traffic off Lakeshore Drive but still is not a good plan, noting traffic from the Shell station does this as well if they need to go east on Dawsonville Highway. Adding more right turn traffic at the intersection will exacerbate the problem. Traffic volume will determine if there will be problems at the intersection and traffic volume is influenced by the type of retail tenant. A fast food restaurant with a drive-thru as proposed has the highest traffic volume in retail. Small transactions require high volume and often into late at night and seems like a poor choice to place at a problematic intersection. He felt some good examples for commercial businesses which would generate less traffic would be 9 to 5 offices, banks, medical clinics, and specialty food stores. In conclusion, Mr. Horgan stated that while they wish to preserve the neighborhood, if the City elects to rezone anyway, they favor the proposed developer. He asked the City to address the potential traffic and safety issues and promote high end, low traffic tenants for the area.

**Clyde Morris**, 2375 Whippoorwill Lane, stated he was representing the Lake Lanier Association (LLA) and was also Chairman of the Sedimentation & Erosion Control Committee whose goals are to find ways to protect Lake Lanier so that it stays clean, safe and full. They are trying to establish a program to get developers in the Lake Lanier area to endorse to help protect Lake Lanier from sedimentation such as was experienced in Longwood Cove many years ago when Lakeshore Mall and other structures were constructed. Several million dollars have been spent during the last decade to dredge out that cove and they want to protect it. Although he does not expect this particular development to create that much sedimentation, any sedimentation or pollutants going into the lake is something they want to avoid. Mr. Morris stated he had a conversation with the developer about these goals in respect to developing the subject property and Mr. Baker gave him authority to disclose his verbal commitment of his intention to sign a written pledge with the LLA for certain specific steps to be taken before any dirt is turned on the property if rezoning is approved. The LLA was not concerned with the use of the property but only wanted to protect the lake and has received verbal assurances from the developer that he has every intention of protecting the lake which will greatly benefit everyone.

**OPPOSE: Troy McGraw**, 1059 Lakemont Drive, stated he lives in the cul-de-sac and was concerned with the type of tenants in the existing gas station and multi-tenant building at the opposite corner which is also zoned General Business. They have things that are conducive to drug use and was concerned about the element that hangs around that type of business. He found drug paraphernalia in the cul-de-sac with packaging that is displayed in the convenience store. He understood the applicant was not proposing anything like that but he did not want to see any other businesses which would negatively impact the neighborhood and bring that kind of element to the area.

Chairman Carter stated there are proposed conditions of zoning which would prohibit certain uses on the subject property in an effort to discourage the type of concerns Mr. McGraw referenced.

**Tom Spraley**, 792 Lakeshore Drive, stated the serious problem with traffic on Dawsonville Highway has been reported in the newspaper a number of times and considerations have been made to deal with the traffic. Most of the traffic at the Lakeshore Drive intersection is coming into town from new developments to the west. He agreed with Mr. Horgan that a fast food restaurant with drive-thru would increase traffic and exacerbate the problem. The proposed use of the current driveway at the Masonic Lodge would also create a problem as he currently waits three or four minutes at the intersection before the traffic signal changes. He objects to the type of development that would create a lot more traffic, as well as any access on Lakeshore Drive, noting he would rather see a doctor's office or bank at the location.

**Mandy Harris**, 1459 Douglas Drive, stated there are six ingress/egress access points from Pearl Nix Parkway to Nix Drive and nine access points from Beechwood Boulevard to McEver Road. The proposed development would add two more access points making it almost the same number of access points as from Beechwood to McEver. There is continuous weaving back and forth with drivers changing lanes along Dawsonville Highway trying to get around while others are just trying to drive straight through. With two proposed fast food restaurants, it would cause the same problem as with the McDonalds access as drivers pull out and block the turn lane waiting until the traffic light changes and someone will let them over to go on into town. She asked the Board to consider that while the picture of the tire store looks nice now, and would be better than a fast food drive-thru, it may not always be there like the Pollo Tropical building on down the road which was only there for about a year and now sits empty.

**Michael Proulx**, 1260 Lakeshore Circle, appreciated the property owner's situation and what they want to do with the property and he understood that commercial development is part of the City's plan for the corridor. He agreed with Mr. Morris' comments and would like to see a more proactive environmental plan for the development. One and a half years after the development of the Northlake Square, the cove where he lives and the feeder streams are choked with silt, noting there is a houseboat half buried in silt which was not like that a year ago. The silt had to come from new construction and it should be seriously considered and managed. He complained how the green space behind the businesses from the mattress store to Home Depot was buried in trash and the fence was falling in places which he understood was a code enforcement issue. The businesses are also having garbage picked up at 4:00 to 5:00 in the morning so he was concerned with the close proximity of the dumpsters to the existing residential houses as shown on the concept plan. He asked the Board to consider all that has been said as they try to learn how to live in a neighborhood behind commercial businesses and balance that with what the City would like to see along the corridor, noting Gainesville should not try to be like Buford.

**Glenda Pierce**, 749 Sunset Boulevard, stated all traffic leads to Dawsonville Highway or so it seemed to her. She uses Nix Drive to go west on Dawsonville Highway but Sunset Boulevard and Nix Drive have to get onto the narrow Lakeshore Drive to go to the traffic light in order to turn left on Dawsonville Highway since you can no longer turn left out of Nix Drive. She lives behind Home Depot and hears heavy equipment running all night even though they are not supposed to do any of it in the early morning hours. She stated the traffic light at the Lakeshore Drive intersection has a long wait time and something has to be done about the traffic on Dawsonville Highway.

**DeDe Forrester**, 998 Lakeshore Drive, stated she has lived in the neighborhood since 6<sup>th</sup> grade and loved it so much she decided to build her home there. She too hears the trash cans banging and vacuums going through the night but her biggest concern was the

tremendous amount of traffic the proposal would cause, noting the gas station was not as bad since they have an outlet onto the highway and felt if the proposal only had an outlet on the highway it would be a little better. The neighborhood was not as safe as it used to be because of all the developments coming in along the highway because people walk through neighborhood to get to the mall or the convenience store and has become a safety issue. She did not want to add to the existing problems as it is already hard to get in and out of the neighborhood which felt like it was being sucked into the developments all around them.

**Planning and Appeals Board Comments:** Vice-Chair Fleming asked about the requirement of a traffic impact study as noted in proposed condition 5. Planning Manager Matt Tate stated the Public Works Department would determine whether a traffic study would be required based on the tenant; and out of that study, there may be specific improvements required which would include coordination between the developer, Public Works, and Community Development staff. He stated that would all hinge on what the Georgia Department of Transportation (GDOT) would require as well since they would have to permit access points, deceleration lanes, sidewalks, etc. Mr. Tate stated if the end user turns out not to be a quick service restaurant but an office instead, it may not require a traffic study because it would generally create less traffic.

Board Member Thompson asked about revising proposed condition 2 to include a tire store. Planning Manager Matt Tate stated Mr. Baker had contacted him about allowing a tire store at this location so he crafted some language to add to the condition in case the Board wanted to allow a tire store. The additional language was as follows: "Upon review and approval of the Community Development Department Director, a tire store may be permitted that meets or exceeds the architectural standards shown on the tire store picture provided by the applicant which shall be made a part of this zoning ordinance. No outside storage of tires shall be permitted."

Mr. Tate stated the referenced picture was the one shown on the Power Point Presentation.

**There was a motion to recommend conditional approval to rezone the subject property from Residential-I (R-I) to General Business (G-B) for multi-tenant retail, office and restaurant uses with the following conditions, including an amendment to condition 2:**

**Conditions**

- 1. The proposed development shall be generally consistent with the concept plan and architectural elevations provided with this rezoning application and shall meet the Architectural Design Standards within Chapter 9-9-5 of the Unified Land Development Code.**
- 2. Prohibited uses for the subject property shall include motels or hotels, group homes, crisis centers, adult novelty stores, adult entertainment centers, pawn shops, dollar-type stores, massage parlors, tobacco or vaping stores, tire stores, auto parts stores, gas station/convenience store, auto body shops, automobile sales establishments, marine sales or repair stores, automated or non-automated car washes, truck stops, coin-laundry facilities, tattoo parlors, psychics, fortune tellers, clairvoyants and the like. Upon review and approval of the Community Development Department Director, a tire store may be permitted that meets or exceeds the architectural standards shown on the tire store picture provided by the applicant which shall be made a part of this zoning ordinance. No outside storage of tires shall be permitted.**

3. **With the exception of relocating the existing Lakeshore Heights subdivision sign, the property shall be limited to one multi-tenant monument style sign along Dawsonville Highway. An LED electronic message board is not permitted. In addition, one non-illuminated directional sign may be permitted at the driveway entrance on Lakeshore Drive not to exceed 4 square feet in size.**
4. **A minimum 35-foot wide evergreen natural and/or planted buffer shall be provided adjacent to the single-family property to the west. A minimum 20-foot wide evergreen natural and/or planted buffer shall be required adjacent to the unopened right-of-way to the north. The location, spacing, size and type of trees planted shall be subject to Community Development Department Director approval.**
5. **Prior to a permit being issued for the subject property, a Traffic Impact Study shall be required if determined necessary by the Gainesville Public Works Department Director.**
6. **All access point design for the subject property shall require review and approval by the Gainesville Public Works Department Director and shall be limited to Dawsonville Highway and Lakeshore Drive. All required access/traffic/sidewalk improvements associated with the proposed development or any additional improvements identified within the Traffic Impact Study, if determined necessary, shall be at the full expense of the developer/property owner.**
7. **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 White  
**Vote – 7 favor**

## **MISCELLANEOUS**

Community Development Director Rusty Ligon introduced Heather Bryan as the new Planner II on staff.

## **ADJOURNMENT**

**There was a motion to adjourn the meeting at 6:14 p.m.**

Motion made by Board Member White  
Motion seconded by Board Member Simmons  
**Vote – 7 favor**

Respectfully submitted,

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Doug Carter, Chairman

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Judy Foster, Recording Secretary