

**GAINESVILLE PLANNING AND APPEALS BOARD
MINUTES OF MEETING
NOVEMBER 12, 2019**

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

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

Members Absent: None

Staff Present: Assistant City Manager Angela Sheppard, Community & Economic Development Director Rusty Ligon, Community & Economic Development Deputy Director Matt Tate and Recording Secretary Gwen Fleming

Others Present: Council Members George Wangemann & Barbara Brooks

MINUTES OF OCTOBER 8, 2019

Motion made by Board Member Delgado
Motion seconded by Board Member White
Vote – 7 favor

NEW BUSINESS

A. Code Amendment Request

- 1) Request from the **City of Gainesville** to amend the Unified Land Development Code for the City of Gainesville, Georgia to amend Table 9-6-1 of Article 9-6 entitled “Permitted and Special Uses for Nonresidential Zoning Districts”; to amend Table 9-6-2 of Article 9-6 entitled “Dimensional Requirements for Nonresidential Zoning Districts”; to amend Section 9-8-7-6 entitled “Prohibited and Permitted Uses” within the Midtown Overlay Zone; to amend Article 9-10 entitled “Specific Use Provisions”; to adopt a new Section 9-10-6-2 entitled “Hookah, E-Cigarette and/or Vapor Lounge/Bar”; to adopt a new Section 9-10-6-13 entitled “Special Event Facility”; to adopt a new Section 9-10-6-14 entitled “Food Processing Plant”; to adopt a new Section 9-10-6-15 entitled “Lodging Services and Extended Stay, Lodging Services”; to amend Section 9-10-1-2 entitled “Fences and Walls”; to amend Section 9-20-14-15 entitled “Suspension of Permits and Certificates”; and to amend Section 9-9-1-4 entitled “General Requirements”.

Staff Presentation: Deputy Director Matt Tate gave the following staff presentation:

Amend Table 9-6-1- is the nonresidential land use table that provides a definition of the uses and regulates what zoning districts they are allowed.

1. Add the use and definition of a “Hookah, E-Cigarette and/or Vapor Lounge/Bar” and require special use approval within L-I and H-I. And to provide specific regulations for this use.
2. Add the use and definition of “Retail Sales of All Alternative Nicotine Products” and require special use approval within R-B, G-B, L-I and H-I. This is for Stand-alone primary sales.

3. Amend the use and definition of a “Special Event Facility” and require special use approval within O-I, N-B, C-B, R-B, G-B, L-I and H-I. And provide for specific regulations regarding this use. Intended for the primary occupancy as an even facility but excludes hotels, nonprofit clubs, educational facilities, recreation facilities, religious institutions and such.
4. Amend the use of a “Food Processing Plant” allowing only within H-I zoning. And provide for specific regulations for this type of use.
5. Amend the definition of “Lodging Services” and “Extended Stay Lodging Services” and provide for specific regulations regarding these uses.
 - Allow Lodging Services in C-B, R-B, G-B, L-I and H-I which has remained unchanged. Extended Stay Lodging Services allowed as a special use within G-B zoning.
 - Current standards regulate the number of days a person can stay within these types facilities will not change -15 days for Lodging Services and no more than 30 days for Extended Stay Lodging Services.
 - Provides basic tools which are not in place now to address the public safety, health and welfare to better protect occupants. It is not goal or objective of the City to displace people from these types of facilities.
6. **Table 9-6-2-** Provides standards such as setbacks, buffer, height and density standards. Increase the setback and buffer requirements from 35’ to 50’ for Light Industrial (L-I) and 35’ to 100’ for Heavy Industrial (H-I) zoned properties when adjacent to residential zoned property.
7. **Table 9-6-2-** Amend the residential density requirements within the Central Business (C-B) zoning district to provide for a Floor Area Ratio (FAR). Example: An FAR of 2.0 = 20,000 SF of residential space on a 10,000 SF lot.
8. **Sec. 9-8-7-6-** Amend the residential density requirements and the prohibited uses within the Midtown Overlay Zone limiting to 12 du/acre unless part of an approved PUD.
9. **Sec. 9-10-1-2 (a), (b) and (c)-** Amend the fence and wall standards. Most notably removing the 3’ setback requirement for fences and walls.
10. **Sec. 9-20-14-15-** Amend the Suspension of Permits and Certificates to allow the revocation of a certificate of occupancy and business license for the same use for criminal offenses for a period of 12 months.
11. **Sec. 9-9-1-4 (f), (g) and (h)-** Amend the “General Requirements” of the Site and Architectural Design Review standards to address process for demolition within the Central Business District.

Public Comments:

Joshua Silavent, 475 North Avenue, formerly local journalist and homeless advocate – actively involved in working with the homeless community and stated the proposal will cause afflictions upon the homeless and prohibit them to a stable life. The homeless count is up 20 percent since 2017. It will displace families and living in a hotel is their last refuge. Many of those family's students go to our local city schools. A two-week gap in not being able to stay in a hotel is going to overburden, under staffed and under resourced missions, ministries, shelters and non-profits trying to help. Shelter is a basic need such as food and water so he asked that we oppose this proposal.

Mike Freeman, retired pastor – was a resident for almost 30 years and does not live in Gainesville. He has dealt with people that live in these facilities and is their last resort. If you limit how long someone can live in a hotel, at least do it on an individual basis. Many people have no other opportunity of a place to live in this community than those kind of operations. He has knowledge of this by dealing with people during his ministry having no other place to live, homeless and often with children. Please do not deal with the symptom unless you are going to deal with the disease as well.

Christine Osasu, 1738 Lanier Springs Drive, Director of Community Outreach for Habitat for Humanity of Hall County - costly to renovate units and will pass the cost along to the tenants, in the last 6 months, almost 300 people reached out to Habitat for Humanity who are homeless in Hall County have needed place to go, and only 1 of those has qualified. This is the case with many non-profits systems in this county. There are a variety of obstacles blocking them from using the services because there are a there is an entire community that is not being served by the non-profits for one reason or another. All non-profits have a specific set of criteria and many people are not meeting them. Those people are urban camping, living in tents in the cold. They are living three-four-five-six to a bedroom, and literally living in their car. Any ordinance that passes, amending something to make it more difficult whether on its face or in its application, something that makes it more difficult for people to secure housing, hope you would recommend they do not pass any amendment that would make it more difficult for people to secure housing.

Dr. Ursula Harris, 508 Oak Street, Gainesville City School Social Worker and Gainesville homeless liaison – in the last five years, there have been an increasing number of homeless families. It includes families living in hotels and motels because there is no other adequate space for them and those who reside in our four shelters which includes our domestic violence shelter. Over the last few years our average numbers are at least 60 students in motel and hotels plus another 60 who are in our shelters. Last year there were 240 students who are homeless and this year we are already at 341. Across Georgia, 18 percent of homeless students live in hotel and motels. Almost 20 percent of these students across this state. The requirements of shelters eliminate many of our families as stated. You must be married, work first shift or the age of children would disqualify them from staying at a shelter. There are difficulties with families who have students with behavioral disabilities. Also, if you have young children and they are not school age, you can't stay in shelters during the day. If these proposed regulations are put into place and there are no plans to displace anybody currently living in these situations, what resources will be made available for these families who be required to vacate their rooms after 15 or 30 day stays? What shelter is going to be available during this two-week timeframe between the hotel stays and are there conversations being held with our shelter programs to address these gaps? Students experiencing homelessness struggle to stay in school, to perform well and to form meaningful relationships with their peers and adults. Ultimately, they are much more likely

to fall off track and eventually drop out of high school. As a community, we must insure we are not contributing to the instability of children and families and the downfall of that same community. Instead we should be creating policies, procedures and programs that support and train our families to maintain fixed adequate and stable home environments.

Willie Mitchell, 795 College Avenue, Vice-Chairman Gainesville City Schools Board of Education – Hotel owners that are made to improve living conditions, the cost will fall back on our kids. It prohibits them from learning, education is a civil right and by making some rules and some regulations that causes us to have homeless kids. It needs to stop somewhere or either address some resources to make things happen. He stated if we talk about progress, he challenges anyone to get one of those 341 kids and tell them that progress is being made.

Autro Adame, 224 Boulevard, NE - local homeless advocate – following city council and City of Gainesville, their initiatives for the homeless since 2017. Since 2017 to this year he has only seen city council find ways to get rid of homeless problem. Not so much as to find solutions but just keep finding ways to set them back and displace more people. That trend is still going on this year. He feels the conversation even though it is not the intention, is to displace the people for staying at these hotels and that's what will happen. This should not be discussed until thinking of solutions. We haven't been thinking about solutions before the consequences of displacing them or whatever the city has been doing to get rid of the homeless problem here. Since 2017, he has not seen any real plans for affordable housing to assist any of the homeless shelters here and if these shelters were sufficient, they would not be in hotels currently.

Donald Croupat, 766 Jesse Jewell - currently living at an extended stay lodging facility in Gainesville for two years. He doesn't want to have to move from one hotel to another every 30 to 60 days. He works 65 hours a week, 40 hours at one job and 25 hours at a hotel and he can't come up with money to move out if any other unexpected expenses occur. He is concerned about the city wanting hotels to keep records of guests. He doesn't understand the need to know who is living where and doesn't want to lose his home and is very unhappy. He asked if there can be a grandfathered law to allow them to stay.

Richard Labriola, 1735 Browns Bridge Road - Manager of Hilton Garden Inn, Gainesville – 1735 Browns Bridge Road, majority of his clients do not fall into extended stay but it is not uncommon for guests to stay 15 days or more. Currently, there is a large group staying more than 17 days that is working on a project in Dawsonville. Under this proposal there would be no hotel to accommodate them in the city of Gainesville resulting in loss of revenue for merchants and the city. Business transactions in the modern world are based on speed and convenience. Electronic keys and digital check-in are provided to customers to help speed them on their way. There is no way for hotels to know if information on the profiles of these guests is current without having it verified each and every time they stay in our city. Again, this seems to be a recipe for loss revenue for merchants and the city. Businesses have an obligation to protect the privacy of customers and does not agree with allowing the city and its officers to inspect hotel records for compliance. Hotels would be exposing themselves, their management companies and their respected brands to potential legal action by sharing this information without the expressed approval of the guests. He urged the board to vote against this proposal.

Michael Fisher, 308 Spring Street – Ninth District Opportunity Housing Manager, – This is an unnecessary burden put upon the poor and vulnerable population of this community. There is a serious lack of affordable housing that can be used for this population to put them

in. These hotels are a final refuge for many of these individuals and families. Taking this away from them leaves us to ask where do we put them. Do we give them freedom to just go live on the street because this is the last refuge for them? Help us protect these most vulnerable citizens and this population and these children because being poor is not a crime.

Jay Singh, 520 Queen City Parkway, Owner of Guest Lodge, Gainesville – lives in City of Atlanta – He has a group of contractors from Texas and have been here six weeks and another six weeks. Should we turn down business from that aspect? There are people that come from all over the world to work here and stay three, six and nine months at a time and not practical for them to move hotels every 15 days. He recommends for the board, hotel owners and non-profits come together to find a healthy solution to the issue.

Kenneth Washington, 1745 and 1755 Browns Bridge Road, General Manager Marriott Courtyard, Fairfield Inn and Suites, and Towne Place Suites by Marriott, Gainesville – which is an extended stay hotel. We focus on extended stay guests and have a lot of guests from Germany and California. If they were told they could only stay for 15 days, there would be a lot of revenue the city would lose. Also, they work with Habitat for Humanity and power company employees from out of town that stay in Gainesville. They have training in place for security measures and is very important to protect guest's personal information. That is a priority. It is very important before passing the amendment, and it would be beneficial that we all sit down as a board and find the best way to execute this plan.

Chairman Carter - Public portion of the meeting closed and asked Deputy Director Tate to respond to some of the comments raised.

Planning and Appeals Board Comments:

Deputy Director Tate – It does not impact existing extended stay/hotels. It is for primarily new/proposed hotels and extended stays. The length of time of 15 days in a hotel and no more than 30 days in an extended stay is currently on the books. This is a complaint driven ordinance in terms of this particular section. It's a difficult thing to monitor and we are not proposing to force anyone out into a homeless situation and they can continue to live where they are now. There is a balance and we understand the human side of this. The staff talked about this and desire to find a happy median between the length of stay verses life safety standards such as fire or mold issues. We want to make sure people are safe. If there are life safety issues code enforcement needs to be able to respond. It is not our intent to force people out on the street that are currently residing in the hotels and extended stay hotels.

Board Member Martin – concerned if new people come in from out of town will they be able to stay here. We are not changing the rules of the people living there now.

Deputy Director Tate – Yes, as long as they operate and have a valid Certificate of Occupancy and a business license as a hotel or extended stay hotel, they'll be able to continue to do that. It doesn't change with occupancy with people coming and going but there is the code enforcement aspect. We want to make sure everything is safe, not just hotels and motels and extended stays but all businesses. This just puts in place a better foundation for our code enforcement.

Chairman Carter – asked Deputy Director Tate to respond to the comment if a work crew comes in from out of town to stay for a month or two for a work situation, how will that be addressed.

Deputy Director Tate – We are all taking notes on all these great points and before going to Council there will be an amended version of the ordinance to address these concerns. As far as the extended amount of time, it is really a complaint driven code.

Vice-Chair Fleming – commented on what will be changing if it is already in place.

Deputy Director Tate – If new extended stay or hotel were to be built, from the date of this passage or ordinance if adopted, then these standards would provide for a better foundation of standards for hotels and extended stay hotels. It provides for the ability for code enforcement to better respond to a complaint. It's primarily for new facilities.

Board Member Simmons – We don't want anyone to walk out of here thinking this board wants to put people on the street. It's not our intention. Law is being grandfathered in. He wants to challenge the homeless organization, local ministries and Habitat to work with some of the community people with homeless people on their credit. They don't want to be there and we have some work to do. We are not here to put anybody out on the street. Help fix it.

Board Member Martin – was concerned if a new hotel is built will people coming in from out of town get to stay or not.

Deputy Director Tate – Yes, which will not change. Hearing from the public there is some concern about the length of stay so staff will propose an amendment to this portion of the code prior to city council.

Chairman Carter – This is a recommendation body and we wanted to get the public input on this. If we make a decision to move forward, the purpose is to spend the next thirty days before it makes it to our City Council members and for staff to work with some of these individuals here to tweak it because there have been some very good points made tonight.

There was a motion to recommend approval of the request with changes being made to the proposed Lodging Services and Extended Stay Lodging Services ordinance within next thirty days before going to City Council.

Motion made by Board Member Thompson

Motion seconded by Board Member Martin

Vote – 5 favor, 2 oppose (Fleming, Delgado)

ADJOURNMENT

There was a motion to adjourn the meeting at 6:33 p.m.

Motion made by Board Member Simmons

Motion seconded by Board Member Delgado

Vote – 7 favor

Respectfully submitted,

Doug Carter, Chairman

Gwen Fleming, Recording Secretary