

**GAINESVILLE PLANNING AND APPEALS BOARD  
MINUTES OF MEETING  
JUNE 9, 2020**

**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 and Carmen Delgado

**Members Absent:** Board Member Ryan Thompson

**Staff Present:** Community & Economic Development Deputy Director Matt Tate and Recording Secretary Gwen Fleming

**Others Present:** Council Members George Wangemann and Barbara Brooks and City Manager Bryan Lackey

**MINUTES OF MARCH 10, 2020**

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

**NOTE: Board Member Delgado arrived at the meeting at 5:35 p.m.**

**NEW BUSINESS**

**A. Variance Request**

- 1) Request from **John and JoAnn Hinshaw** to vary the front yard setback requirement on a 0.377± acre tract located on the southwest side of Inglewood Drive (a/k/a **2714 Inglewood Drive, SW**), having a zoning classification of Residential-I (R-I).  
Ward Number: Four  
Tax Parcel Number(s): 08-005-000-170  
Request: Deck addition

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

The applicant is requesting to vary the front yard setback requirement from 30 feet to 1.25 feet for the purpose of constructing a deck addition. The adjacent properties include single-family homes zoned R-I within the Water's Edge subdivision. The proposed deck addition is 30' wide x 10' deep and will be located on the left side of the existing home over the basement driveway, garage and side entrance area and will be accessed from the master bedroom. The deck will be architecturally compatible with the existing home consisting of brick support columns, decorative railing and weather proof decking.

At the time the home was permitted, the front property line in question was considered a side property line which allowed the home to be located as close as 10 feet from Inglewood Drive. The applicant is basing the hardship on the two road frontages as the left side of the home was originally constructed 11.25 feet from the front yard property line.

Staff is recommending **conditional approval** of this variance request based on the corner lot configuration and the location and size of the existing home.

**Applicant Presentation:** **John Hinshaw**, 2714 Inglewood Drive, stated the house was built in 1998 and they reside in it. The master bedroom window area faces the lake and since the lot across the street has been cleared it created an excellent view of the lake and is the reason for the variance request. He stated before they started the process went to their HOA, spoke with the president and he presented the plans and the type of deck they wanted to build. The HOA were in favor, voted, approved it and issued a letter of approval. Then he applied for variance with the city. Because of the setbacks it creates the hardship and couldn't build the deck without the variance.

**FAVOR:** None

**OPPOSE:** None

**Planning and Appeals Board Comments:** None

**There was a motion to recommend conditional approval of the variance request as presented with the following condition:**

**Condition**

**The proposed deck addition shall be generally consistent with the standards depicted on the photograph and rendering submitted with the application.**

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

***NOTE: The annexation and rezoning requests by the City of Gainesville were presented together although the motions were made separately.***

**B. Annexation Request**

- 1) Request from the **City of Gainesville** to annex a 4.4± acres tract located at the west side of Athens Highway and Smallwood Road to include property located on the north, south and west side of Smallwood Road (**a/k/a 0 and 2221 Smallwood Road; 2306 and 2312 Athens Highway**) and to establish zoning as Planned Unit Development (P-U-D).  
Ward Number: Three  
Tax Parcel Number(s): 15-032-000-002 (Part); 15-032-000-113; 15-032-000-125  
Request: Business Park

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

The City of Gainesville is proposing to annex and rezone the subject property for a 1,324.4± acres planned development known as the Gainesville 85 Business Park. The subject property is located east of Interstate 985 between Exits 20 & 22. Most of the surrounding properties include industrial uses within the city and county but there are some residential uses located along Smallwood Road within the County. Other adjacent uses include the Allen Creek Soccer Complex; Gainesville Police Gun Range; Hall County Sherriff Gun Range and the Hall County Fire Training Facility.

The annexation portion of the request includes a 4.4± acres tract currently zoned (AR-IV) and (R-II) within unincorporated Hall County. The property has two residential structures that will be removed and will serve as the 85-Business Park access from Athens Highway (US 129).

The rezoning portion of the request includes a 1,320± acres tract currently zoned (R-I-A) and (H-I). Much of this property was originally annexed and zoned in 1991 for a land application farm for wastewater which was never constructed and currently consists the Gainesville Public Lands and Buildings maintenance facility and the Kubota ATV / RTV test track, which will all be removed. Access to the property is currently from Allen Creek Road, Fulenwider Road and Monroe Drive.

The proposed business park will include 5,000,000 square feet of light and heavy industrial uses as well as ancillary uses developed over a period of 15 to 20 years. The development will consist of a network of existing and new roads that will serve approximately 19-lots varying in size from 2 acres to over 100 acres. The overall concept plan anticipates three phases to provide necessary infrastructure for the development sites. A full description of the overall development standards is described within the narrative provided with the application.

A traffic impact study was completed for this development which studied 8 surrounding intersections. The study estimated there will be 8,425 inbound trips and 8,425 outbound trips which include 2,000 AM and 2,000 PM trips peak hour trips. The study revealed that the addition of turn lanes at the studied intersections will help traffic movements but that a GDOT Intersection Control Evaluation (ICE) procedure and a traffic signal warrant study will be required for the intersections at SR 60 and US 129 and Monroe Drive to help determine the mitigation needed such as improved signalization and other offsite improvements.

The Georgia Mountains Regional Commission Development of Regional Impact Study (DRI) found that the project does *not* present any potential adverse inter-jurisdictional impacts. Additional measures for environmental and transportation management would be ideal but could limit the scope of the development. Consideration should also be given to examine any potential adverse impacts on the neighboring residential properties.

The Hall County Environmental Health Department commented that any abandoned well shall be properly closed as per Water Well Standards Act. Any abandoned septic tank shall be pumped by a State certified pumper/hauler and crushed/filled.

The Future Development Map for the City of Gainesville places most of the 1,320± acres property to be rezoned within the *Industrial* land use category and the 4.4 acres property is located within the *Retail Commercial* and *Low-Medium Density Residential* land use categories. According to the Character Area map for the City of Gainesville, the subject properties are located within the *Economic Development Gateways* character area which includes a wide range of office, business, light industrial, manufacturing, research, and development use which is consistent with the proposal.

Staff is recommending **conditional approval** of this annexation and rezoning request with a zoning of Planned Unit Development (P-U-D), based on the Comprehensive Plan and the adjacent and nearby industrial uses.

**Applicant Presentation:** None

**FAVOR:** None

**OPPOSE:** None

**Planning and Appeals Board Comments:** Chairman Carter reminded the Board to vote on the requests separately and in order it was presented.

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

**Conditions**

- 1. The development standards within the narrative, site plan and architectural renderings submitted with the applicant's annexation and rezoning application shall be made part of the zoning ordinances, and shall be subject to the approval of the Director of the Community and Economic Development Department.**
- 2. The proposed landscape buffer adjacent to the residential properties located off of Smallwood Road and Smallwood Springs Drive shall be planted with evergreen trees where determined necessary to provide for an effective buffer. The number, location, spacing, size and type of trees planted shall be subject to the approval of the Director of the Community and Economic Development Department.**

Motion made by Board Member Martin

Motion seconded by Board Member Fleming

**Vote – 6 favor, 1 absent (Thompson)**

**C. Rezoning Requests**

- 1) Request from the **City of Gainesville** to rezone a 1,320± acres tract located between Athens Highway and Candler Highway, having road frontage on Monroe Drive, Allen Creek Road, Fulenwider Road and May Drive (a/k/a **1701 Fulenwider Road, SW**) from Residential-I-A (R-I-A) and Heavy Industrial (H-I) to Planned Unit Development (P-U-D).  
Ward Number: Three  
Tax Parcel Number(s): 15-023-000-167 (Part)  
Request: Business Park

**There was a motion to recommend conditional approval to rezone the subject property from Residential-I-A (R-I-A) and Heavy Industrial (H-I) as Planned Unit Development (P-U-D) with the following conditions:**

**Conditions**

- 1. The development standards within the narrative, site plan and architectural renderings submitted with the applicant's annexation and rezoning application shall be made part of the zoning ordinances, and shall be subject to the approval of the Director of the Community and Economic Development Department.**
- 2. The proposed landscape buffer adjacent to the residential properties located off of Smallwood Road and Smallwood Springs Drive shall be planted with evergreen trees where determined necessary to provide for an effective buffer. The number,**

**location, spacing, size and type of trees planted shall be subject to the approval of the Director of the Community and Economic Development Department.**

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

- 2) Request from **Kevin Pethel** to rezone a 1.30± acres tract located southwest of the intersection of Crow Road and White Sulphur Road, having road frontage on the north side of Beverly Road (a/k/a **2092 Crow Road and 2005 White Sulphur Road**) from Residential-I (R-I) to Light Industrial (L-I).

Ward Number: Two

Tax Parcel Number(s): 09-124-000-038 (Part)

Request: Plumbing and electrical contractor office/warehouse

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

There was a similar rezoning request last year from a different applicant to rezone the subject property to L-I for an HVAC contractor office/warehouse that was withdrawn before City Council. This applicant is proposing to rezone the subject property as well to Light Industrial (L-I) but for a plumbing and electrical contractor office/warehouse. The property has road frontage off of Crow Road and Beverly Road and is west of White Sulphur Road and is located within the Limestone Parkway Overlay Zone. The surrounding uses include single-family homes, church and the New Horizons Lanier Park long term care facility.

The subject property contains an existing 5,000 square foot metal building currently owned by the adjacent Faith Baptist Church which will be converted to the proposed use with associated parking. Access will remain from Crow Road which is maintained by Hall County and onsite parking will be provided. The applicant intends to fence and gate the property and two roll up doors will be added to the building for warehousing of materials. According to the applicant there will be 7 full time employees and a part time office assistant working normally Monday through Friday between 7:30 AM and 6:30 PM.

The Comprehensive Plan places the subject property within the *Mixed-Use General* land use category and within the *Limestone Medical Corridor* Character Area. Land uses allowed within this area include public / institutional, low-density residential, medium-density residential, multi-family residential, mixed-use, commercial, and parks / recreation / conservation.

Staff is recommending **conditional approval** of this rezoning request but with a zoning of General Business (G-B) zoning, based on the Comprehensive Plan and the surrounding mixture of uses.

**Applicant Presentation:** **Kevin Pethel**, 4031 Wiley Road, stated he agrees with the conditions of planning staff and will make the building presentable with the improvements.

**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-I (R-I) to General Business (G-B) as presented with the following conditions:**

**Conditions**

- 1. The subject property shall be limited to the proposed plumbing and electrical contractor office/warehouse use and the permitted uses within the Neighborhood Business (N-B) zoning district excluding a convenience store, dollar-type store, coin laundry facility, convenience store, tobacco or vaping store, massage parlor or tattoo parlor.**
- 2. The exterior walls of the existing metal building or any future building shall be painted similarly to the existing color or an earth tone color. In addition, a minimum 3-foot high brick or stone water table shall be required on the exterior walls facing north, east and south.**
- 3. The existing trees located within the subject property shall remain except for what is only necessary to be removed for the development. If deemed necessary, the required tree/landscape plan shall provide for additional evergreen trees and deciduous trees to be planted to help screen the building, parking area and detention pond from Beverly Road, Crow Road and the adjacent properties. The number, location, spacing, size and type of trees planted shall be subject to the approval of the Director of Community and Economic Development Department.**
- 4. There shall be no freestanding signs permitted fronting Crow Road.**
- 5. All access point design for the subject property shall require review and approval by the Hall County Public Works Department and the Gainesville Public Works Department Director. All required access/traffic/sidewalk improvements associated with the proposed development shall be constructed at the full expense of the property owner/developer.**
- 6. An updated as-built survey/plat of the subject property, indicating existing conditions and all improvements shall be recorded prior to obtaining a Certificate of Occupancy for the future use.**

Motion made by Board Member Martin  
Motion seconded by Board Member Fleming  
**Vote – 6 favor, 1 absent (Thompson)**

**D. Special Use Request**

- 1) Request from **Juan Luna** for a special use on a 1.66± acres tract located on the southwest side of the intersection of Washington Street and West Avenue, east of John Morrow Jr. Parkway (a/k/a **0, 903, 915, 919, 921, 925 and 927 Washington Street, SW**), having a zoning of Neighborhood Business (N-B).  
Ward Number: Four  
Tax Parcel Number(s): 01-046-001-024A, 025, 026, 027, 028, 029 and 037  
Request: 20 multi-family apartments

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

The applicant is requesting special use approval to develop 20 townhome style apartments within Neighborhood Business (N-B) zoning at a residential density of 12 du per acre. Adjacent uses include single-family homes, office, bank and various retail uses. The property is comprised of an assemblage of seven lots totaling 1.66± acres that will be combined and the two existing rental homes will be demolished. The proposal includes a total of two, 2-story buildings to include a 16-unit building and a 4-unit building. Each apartment unit will be approximately 1,137 square feet in size, consisting of two bedrooms and two baths. The exterior of the proposed structures will include a mixture of brick, stone and cementitious siding. Other details include 6:12 pitched roofs with architectural shingles and the open stairwells will provide decorative gated entrances. Surface level parking will be provided and two driveways are proposed from Washington Street. Stormwater detention will be provided behind the larger apartment building adjacent to the existing stream buffer.

The Comprehensive Plan places the property within the *Mixed-Use General* land use category and within the *Longwood Cove* Character Area which supports medium-density residential, multi-family residential, mixed-use, commercial, public / institutional, and parks / recreation / conservation.

Staff is recommending **conditional approval** of this Special Use request based on the Comprehensive Plan and the adjacent mixture of uses.

**Applicant Presentation:** Jack Bailey, 2419 Island Drive, stated he is representing the owner Juan Luna as his architect and also at the meeting is Attorney Jim Walters representing the owner. He stated both of these gentlemen are available for any questions. Mr. Bailey stated the facts and project has been carefully presented. Also stated the owner wants to do something other than just another apartment project but with the look of townhomes. He said it would be done with varying the materials, large areas for landscaping and thinks it will be a project everyone can be proud of. Mr. Bailey stated he will answer any questions and the owner is agreeable to the conditions presented.

**FAVOR:** None

**OPPOSE:** None

**Planning and Appeals Board Comments:** None

**There was a motion to recommend conditional approval of the special use request to allow 20 multi-family apartments within Neighborhood Business (N-B) zoning as presented with the following conditions:**

**Conditions**

- 1. All of the existing structures shall be demolished and removed from the subject property.**
- 2. The proposed townhome style apartments shall be generally consistent with the standards depicted on the architectural elevations and pictures provided with this special use application to include a mixture of exterior brick, stone cementitious siding materials, decorative gated entrances and minimum 6:12 pitched roof.**
- 3. The owner/developer shall screen the proposed stormwater detention pond, dumpster pad and the rear and sides of the 4-unit apartment building with a mixture of evergreen trees. The location, spacing, size and type of trees planted**

**shall be subject to the approval of the Director of the Community and Economic Development Department.**

- 4. All access point design for the subject property shall be submitted for review by the Gainesville Public Works Director. The approval of said design shall be required prior to issuance of a building permit. All required access/traffic/sidewalk improvements associated with the proposed development shall be at the full expense of the developer/property owner. As determined by the Public Works Director, the existing curb and sidewalk shall be repaired or replaced along Washington Street and West Avenue in front of the development.**
- 5. An updated as-built boundary survey/plat of the subject property, indicating the existing stormwater easement and 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 absent (Thompson)**

#### **ADJOURNMENT**

**There was a motion to adjourn the meeting at 6:02 p.m.**

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

Respectfully submitted,

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Doug Carter, Chairman

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Gwen Fleming, Recording Secretary