



AGENDA

**Gainesville Planning and Appeals Board
Tuesday, October 9, 2018, 5:30 PM
Gainesville Justice Center**

1. CALL TO ORDER

2. MINUTES

A. September 11, 2018 PAB Meeting Minutes

3. OLD BUSINESS

4. NEW BUSINESS

A. Annexation Requests

- (1) Request from **David Gijon** to annex a 0.12± acre tract located southeast of the intersection of Ralston Street and Hazel Street (a/k/a **1509 Ralston Street**) and to establish zoning as Residential-I (R-I).
Ward Number: Four
Tax Parcel Number(s): 00-130-001-020
Request: Single-family home
- (2) Request from **Hydro Extruder, LLC** to annex a 10.98± acres tract located northeast of the intersection of Old Oakwood Road and Mountain View Road (a/k/a **2829 Mountain View Road**) and to establish zoning as Light Industrial (L-I).
Ward Number: Four
Tax Parcel Number(s): 08-012-008-002
Request: Future industrial expansion
- (3) Request from **Hydro Extruder, LLC** to annex a 11.29± acres tract located southeast of the intersection of Old Oakwood Road and Mountain View Road (a/k/a **2949 Old Oakwood Road**) and to establish zoning as Light Industrial (L-I).
Ward Number: Four
Tax Parcel Number(s): 08-012-008-004
Request: Future industrial expansion

B. Code Amendment Requests

- (1) Request from the **City of Gainesville** to amend Chapter 9-8-7 entitled "Midtown Overlay Zone" of the Unified Land Development Code for the City of Gainesville, Georgia to include additional prohibited and permitted uses and to provide for minimum front yard setback requirements within the Midtown Overlay Zone.

5. MISCELLANEOUS

6. ADJOURNMENT

CITY OF GAINESVILLE

AGENDA REQUEST

Date Submitted: 9/19/2018

Presenter: N/A

Item of Business: September 11, 2018 PAB Meeting Minutes

Meeting Date: 10/9/2018

Purpose of Request:

The purpose of this request is to allow the Planning and Appeals Board to approve the minutes from the referenced meeting.

History/Background:

Facts & Issues for Consideration:

The draft minutes were reviewed by the Planning Manager and Community Development Director.

Department Recommendation:

Approval of the minutes as presented.

Department Director:

Rusty Ligon

If funding is involved, are funds approved within the current budget?

N/A

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
 Draft Minutes	Minutes

GAINESVILLE PLANNING AND APPEALS BOARD
DRAFT MINUTES OF MEETING
SEPTEMBER 11, 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 Member George Wangemann and City Manager Bryan Lackey

MINUTES OF AUGUST 14, 2018

There was a motion to approve the minutes as presented.

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

NEW BUSINESS

A. Variance Request

- 1) Request from **St. Paul United Methodist Church** to vary the sign lighting and size requirements on a 5.24± acres tract located on the northwest side of the intersection of Washington Street and West Academy Street (a/k/a **404 Washington Street, NW**) having a zoning classification of Neighborhood Business (N-B) and General Business (G-B).
Ward Number: Four
Tax Parcel Number(s): 01-026-001-054
Request: Electronic message board sign

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

The applicant is proposing to vary the sign lighting and size requirements to allow for a monument sign with an electronic message board (EMB) insert. The subject property is 5.24± acres in size and is the site of the St. Paul United Methodist Church. The property is zoned both Neighborhood Business (N-B) and General Business (G-B); however, the proposed sign is to be located within the N-B zoned portion of property which limits the sign structure area to 96 square feet in size and does not allow for internally illuminated sign. Adjacent uses include professional office, bank, auto sales and residential uses. The proposed sign will replace the existing sign but will be a two sided sign and placed perpendicular to Washington Street. The applicant is proposing to vary the sign structure area to allow a 120 square foot sign (10' high x 12' wide) which is 24 square feet larger than permitted. The existing sign is 117 square feet in size (9' high by 13' wide) and is parallel to Washington Street. The proposed electronic message board portion of the sign is just under 20 square feet in size per side with amber or white in color display per code requirements.

The applicant states the proposed request would benefit the church by better communicating messages to its members and the community. As well, the sign's color, brightness and time of operation will be maintained to help minimize any potential disruption to the neighbors.

There have been no nearby variance requests approved for EMB signs within the immediate area. Other variance requests for similar EMB signs have been approved within the city limits over the past 10 years for various churches including the First Baptist Church on Green Street, First United Methodist Church on Thompson Bridge Road and the New Haven Church on White Sulphur Road.

The Planning Division staff is recommending conditional approval of this variance request given the proposed sign would maintain consistency with the existing structure, with one condition.

Applicant Presentation: Jack Bailey, 2419 Island Drive, stated he represented the applicant as their architect. The proposed sign is similar to the existing sign but will be turned 90 degrees, perpendicular to the street, be two-sided and constructed of brick and stucco materials. Mr. Bailey thought the church only needed a variance for the EMB sign but according to the Code, the dimensions are measured using the highest and widest part of the structure to determine square footage of the sign, otherwise it would be in compliance. He stated most of the major churches in town now have an EMB sign to communicate with its members and community.

FAVOR: Harriet Briscoe, 4810 Highland Circle, stated she and her husband Bob have been members of St. Paul UMC for 24 years, noting Bob Briscoe and Finance Chairman Shirley Whitaker were also present in support of the request. She felt the proposed sign was needed since the existing sign is neither visible nor versatile. They are unable to change the existing sign and would like to inform the community of the wonderful things going on at the church and encourage people to attend.

OPPOSE: None

Planning and Appeals Board Comments: None

There was a motion to conditionally approval of the request to vary the maximum sign size requirement from 96 square feet to 120 square feet and to allow internal illumination within Neighborhood Business (N-B) for an electronic message board sign with the following condition:

Condition

The subject property shall be limited to one electronic message board sign. The electronic message board sign may be two-sided not to exceed 20 square feet per side and shall meet the standards of the Unified Land Development Code.

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

B. Annexation Request

- 1) Request from **Limestone Greenway, LLC** to annex a 75.12± acres tract located on the southwest side of the intersection of Jesse Jewell Parkway and Limestone Parkway, having road frontage on Lakeview Drive, Highland Street, Spring Street and Victory Street (a/k/a **0 and 2065 Limestone Parkway**) and to establish zoning as Planned Unit Development (P-U-D).
Ward Number: Two
Tax Parcel Number(s): 00-082-003-001
Request: Mixed-use development

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. The original request was for a mixed-use development to include 189,400 square feet of office, retail, restaurant, hotel space, 252 multi-family residential units and 33 single-family homes. This same request was originally tabled by the applicant in May and an amended version was presented in June for only the commercial portion of the development.

The property is currently zoned Agricultural Residential-III (AR-III), Residential-II (R-II) and Highway Business (H-B) within unincorporated Hall County and is adjacent to the city limits to the north, east and west. In addition, the property is located within the Limestone Parkway Overlay Zone, is heavily wooded with numerous mature trees and consists of sloping terrain and a stream (Limestone Creek) that traverses the property. Adjacent and nearby uses include single-family homes, duplex homes, New Holland Village single-family and duplex homes, church, and Brenau University Sports Complex. Significant uses within the surrounding area include Gainesville Middle School, Frances Meadows Aquatic Center, Lakeview Academy, Northeast Georgia Medical Center and Atlanta Botanical Gardens.

Access is proposed from Limestone Parkway to serve the commercial and multi-family uses. The multi-family property will be gated and accessed from a proposed roundabout. A total of two driveways are proposed from Limestone Parkway and Jesse Jewell Parkway for the commercial out parcel lot. One access road is proposed off of Lakeview Drive for the single-family homes.

A Traffic Impact Study was completed for the proposed development. *The peak hour generation for this project was calculated at 580 A.M. / 859 P.M. two way trips and the 24-hour volume is 13,982 two-way trips.*

The Gainesville Future Development Map places the subject property within the *Low-Medium Density Residential* land use category, *Mixed Use General* land use category and the *Parks / Recreation / Conservation* land use category. The subject property is located within the *Historic Mill Villages* Character Area. The vision for this character area is to include historic preservation and incremental restoration as a priority for the mill village area. New development should be designed to incorporate green technologies and practices as well as architecture consistent with the forms and materials of the mill and housing. Greenfield sites should be carefully planned and controlled to protect Limestone Creek. New mixed-income development is acceptable as new construction on adequately sized lots or a reuse of the property. Opportunities may exist for future adaptive reuse for mixed-use development and neighborhood serving commercial. Land uses allowed within this

character area include medium density residential, mixed-use, commercial, public / institutional, and parks / recreation / conservation.

The Planning Division staff is recommending conditional approval of the proposed annexation request with Planned Unit Development (P-U-D) zoning, based on the Comprehensive Plan and the adjacent residential and non-residential land uses, with fifteen conditions.

Applicant Presentation: **Wendell Starke**, 1750 Riverside Drive, stated this project has always been intended to be a first class mixed-use development unlike anything Gainesville has ever had proposed to be developed. The expansive property is laid out to provide for recreational and green space for use by residents and retail customers alike with things such as gathering spaces, pedestrian friendly development, and high-end retail to attract more people to our City. He stated the mixed-use would allow buffers to the adjacent properties. He felt the proposed single-family homes were appropriate for the area and the multi-family development would not have access to Lakeview Drive which has been an issue all along, noting the design work has been completed in cooperation of some great firms which believe they have done the best they could do with only one access. Mr. Starke stated the annexation was essential as there was no available sewer for the property within Hall County and the City would not provide sewer to the County, otherwise the majority of the property would not be useable. He stated the proposed P-U-D zoning was appropriate for the property as there has been retail growth in this area of the City. He felt it was an attractive property for development, but acknowledged there were major drawbacks in developing the property with only one way out of the commercial and multi-family portions. However, he felt it could be completed appropriately and they will work with the public safety officials to meet their requirements. Mr. Starke stated they will comply with all environmental, setbacks, and buffer requirements, and he accepted the conditions as proposed by staff, even though he did not agree with them. He asked the Board to approve the request for the best development in the City.

FAVOR: None

OPPOSE: **Odis Sisk**, 31 Quarry Street, expressed concern about the applicant modifying the request at the last meeting by omitting the residential portions from the request because of issues, but now have resubmitted the request, including the residential portions, when there are still issues. Mr. Sisk submitted to Chairman Carter two copies of a petition with 28 signatures of residents/property owners in opposition to the request. He stated the single-family residential component was his main concern as it would be located behind the fence in his back yard. He displayed various aerial photos of the Mundy Mill development (developed by the applicant) from 1999 before construction began, to 2005 when construction began, to present and noted construction of the development is still underway 13-years later. He felt the proposal with the potential for 13 years of development could be a huge burden with traffic on Lakeview Drive / Quarry Street and an ecological catastrophe for the area if it is clear cut and sits for an extended period of time. Other points of concern were as follows: The proposed style and density of the single-family homes are not in character with homes in New Holland; The existing terrain is extremely steep and could cause environmental concerns; The entrance to the single-family portion of the development is proposed to be in a dangerous curve which is unsafe; Increased traffic on Lakeview Drive / Quarry Street would cause more problems for the City School System; The scope of the project does not fit the 2030 Comprehensive Plan for the area which should be used for economical and elderly housing, and luxury housing and high-end retail are not appropriate for Hall County where the median income is \$51,000, 15% of Hall County residents are 65

years old or older and 7.5% are on some form of disability; Potential for six-stories of commercial development when the Limestone Overlay only allows a maximum height of one-story; and environmental concerns with mass grading of the property at a 2% to 8% grade.

Chairman Carter asked for clarification from staff regarding the maximum height of buildings within the City. Planning Manager Matt Tate stated the maximum height of buildings varies by zoning districts and some allow from six to eight stories. While the Limestone Overlay does restrict buildings to one-story, it also provides an allowance for additional stories when the building is setback farther from arterial roads. Mr. Tate stated there are also allowances to vary standards for a true mixed-use development such as what is proposed. He stated the concept plan has a natural requirement to have the buildings setback farther off Limestone Parkway because of the stream, noting the closest building is approximately 300-feet from the road and the maximum height would depend on the additional setback.

Mark Vantassel, 530 Lakeview Drive, stated he had no qualms about the commercial component and felt it was an appropriate use. However, the single-family and multi-family uses were his concern. The surrounding areas of New Holland and north along Lakeview Drive has nice large lots with mature trees and the subject property has hundred year old oak trees and other hardwoods on it and once the property is cleared, you can't get it back. He felt if the subject property was developed similar to New Holland and Lakeview Drive homes, that environment could be kept. There are lovely homes in other parts of the City too, such as Riverside Drive and around City Park, with large lots and trees and he would like to see this project be developed the same way. Mr. Vantassel stated the developer said the subject property was unusable except for what he had proposed and he disagreed because it could be developed with single-family homes. He stated the intent of the Limestone Overlay was to create an identity for the area that will enhance its economic vitality and protect the value of the properties within the zone. Mr. Vantassel felt the commercial portion would enhance the economic vitality of the zone, but the proposed residential units would not protect property values. He felt it was not appropriate for apartments to be constructed adjacent to 4,000 square feet homes on acre lots. He stated the proposed single-family homes were subpar and were not comparable to the area. He questioned why the developer would want high-end retail but not high-end residential. He stated the reason the application was modified in June was to eliminate the burden on the City School System and wondered if there was something new with the proposal to relieve the stress on the school system. He felt the residential component should conform to the existing residential in the area in order to improve the City and help the City to grow and prosper and he felt this would not be accomplished with the proposed development. He stated once the property is developed, you can't get the same environment back and we only have one shot to do it right.

Planning and Appeals Board Comments: Board Member Simmons asked about the square footage for the 33 single-family homes and the lot sizes. Planning Manager Matt Tate stated the minimum square footage for the proposed single-family homes would be 1,100 square feet of heated floor space and the minimum lot size is 6,300 square feet.

Board Member Thompson asked about the time frame for the homes to be built and if the residential portion would be phased in over time or built all at once. Mr. Starke stated they anticipate the 33 single-family homes would be constructed first as they already have plans and an outline for how that will take place. He stated it is impossible to start the other portion of the development for the commercial and multi-family uses until a bridge is constructed for access from Limestone Parkway which would cost about \$700,000.

Chairman Carter asked for clarification of the condition which must be met before the apartments could be constructed. Planning Manager Matt Tate stated as a level of commitment, Condition 3 requires a minimum of 35,000 square feet of commercial space be completed prior to development of more than 100 apartments. In other words, they can construct up to 100 apartments, but could not construct any more than that until at least 35,000 square feet of commercial space has been constructed. Mr. Tate stated that equates to a building in size similar to that as shown as #1 on the concept plan.

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) for a mixed-use development with the following conditions:

Conditions

Development Standards

- 1. The development standards within the applicant's narrative, concept plan and architectural renderings shall be made part of the zoning ordinance, and shall be subject to the Community Development Director approval. Any zoning conditions adopted as part of this zoning ordinance that conflict with the applicant's narrative, concept plan and architectural renderings shall take precedence over the applicant's development standards.**
- 2. Prohibited uses for the subject property shall include extended stay hotels, motels/hotels with rooms accessed from the exterior of the building, adult novelty stores group homes, crisis centers, adult entertainment centers, pawn shops, dollar-type stores, massage parlors, tobacco or vaping stores, tire stores, auto parts stores, 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. A gas station shall be prohibited except for the proposed outparcel lot at the corner of Jesse Jewell Parkway and Limestone Parkway.**
- 3. Apartments, townhomes and condominiums are an approved use for the multi-family residential portion of the proposal. The applicant may receive an occupancy permit for no more than 100 apartment, townhome or condominium units prior to receiving an occupancy permit for the construction of at least 35,000 square feet of the proposed commercial space.**
- 4. In addition to the proposed buffers stated as part of this proposal, a minimum 25-foot wide buffer shall be required along Lakeview Drive for the entire development. The buffer shall contain a mixture of evergreen and deciduous trees. The Community Development Director shall have the final determination on the number, location and type of trees to be planted.**
- 5. The proposed erosion control and water quality measures for the development shall at minimum meet the Georgia Storm Water Management Manual requirements. The developer shall also construct additional bioretention facilities within the development strategically designed and located to minimize sedimentation and to filter runoff from yards, pavement, and buildings, with the goal of minimizing the amount of unfiltered runoff, fertilizer, and other contaminants entering Lake Lanier from the development. The City of Gainesville shall approve the final design of all water quality measures.**

6. All service areas, loading areas, ground or roof top HVAC equipment shall be screened from view from all adjacent residential uses, public and private roads.
7. All of the front yards of the proposed new single-family residential dwellings shall be sodded with grass. In addition, the rear of the proposed single-family homes fronting Lakeview Drive and Highland Street shall be designed with exterior architectural features to resemble a front facade.

Transportation / Traffic

8. All required access/traffic/sidewalk improvements associated with the proposed development shall be reviewed and approved by the Georgia Department of Transportation and the Gainesville Public Works Director and any additional improvements shall be at the full expense of the Developer.
9. The Developer shall meet all requirements of the Georgia Department of Transportation, but at a minimum shall construct the following roadway improvements identified in the Traffic Impact Study dated March 29, 2018:
 - a) Limestone Parkway at Beverly Road – Construction of a separate eastbound exclusive right turn lane on Beverly Road. A protected/permissive left turn phasing for the northbound left turn volume on Limestone Parkway will need to be evaluated and submitted for review and approval by the Georgia Department of Transportation.
 - b) Limestone Parkway at Kroger Access – An addition of the fourth approach for the Limestone Greenway site will need to be approved and permitted by the Georgia Department of Transportation. The existing northbound U-turn lane on Limestone Parkway will be restriped as a left turn lane. The signal at the intersection will need to be upgraded for the addition of the fourth approach. The existing southbound right turn lane and northbound left turn lane should be lengthened to satisfy Georgia Department of Transportation auxiliary lane length standards. A protected/permissive left turn phasing for the northbound left turn lane will need to be evaluated and submitted for review and approval by the Georgia Department of Transportation.
 - c) Limestone Parkway at Jesse Jewell Parkway – An addition of a southbound right turn lane on Limestone Parkway in order to accommodate a shared through/right plus a new exclusive right turn lane. Overlap phasing of the intersection will need to be evaluated and submitted for review and approval by the Georgia Department of Transportation.
10. In addition to the identified roadway improvements, the newly constructed Limestone Greenway roadway should include either a center turn lane or a raised median with left turn lanes into the retail access.
11. The roundabout shown on the proposed concept plan shall be required per the approval of the Gainesville Public Works Director.
12. Improvements at the signalized intersections should include video detection and fiber connection to the City's ITS facility.
13. All new streets, alleys, driveways and sidewalks shall meet the standards within Article 9-13-10 of the City's Unified Land Development Code, but shall be privately maintained. Pervious paving, not including gravel, may be allowed for the single-family homes per the approval of the Gainesville Public Works Director.

14. All new streets shall include a minimum 5' sidewalk along both sides of the street, in accordance with Section 9-13-9-26 of the City's Unified Land Development Code. In addition, a minimum 5' wide sidewalk shall be constructed along Lakeview Drive for the entire length of the subject property. A crosswalk shall be provided from the subject property across Lakeview Drive to the existing side/rear entrance to the Gainesville Middle School and Frances Meadows Aquatic Center. The Gainesville Public Works Director shall have the final determination on the exact design and location of the new sidewalk and crosswalk.
15. There shall be no access allowed from the subject property onto Lakeview Drive except for the road proposed for the single-family homes.

Motion made by Board Member White

Motion seconded by Board Member Martin

Vote – 7 favor

C. Special Use Request

- 1) Request from **KRM 2016, LLC** for a special use on a 0.82± acre tract located on the north side of Washington Street, west of West Academy Street (a/k/a **520 Washington Street, NW**), having a zoning classification of Neighborhood Business (N-B).
Ward Number: Four
Tax Parcel Number(s): 01-026-001-046
Request: Five duplex apartments

NOTE: *Board Member Martin recused himself from the meeting due to a conflict of interest with this request.*

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

The applicant is proposing a special use within Neighborhood Business (N-B) zoning to allow five duplex apartments for a total of ten residential units. The property is 0.82± acre in size and currently contains a four unit residential structure originally constructed in 1920 that is in disrepair. The nearby uses include St. Paul United Methodist Church, Rochester & Associates office, Gainesville Business Center office complex, retail strip center and a rental home. According to the applicant's concept plan, each apartment unit will be designed as a two-story residence and approximately 1,200 square feet in size. The exterior of the proposed structures will be four-sided brick with a desired Charleston architecture. Each unit will provide two parking spaces and access is proposed from Washington Street.

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 *Downtown/Midtown* subarea of the Central Core Character Area which supports office, neighborhood retail, and residential. The vision for this area includes additional office and housing to provide a more sustainable mix of uses.

The Planning Division staff is recommending conditional approval of this Special Use request based on the Comprehensive Plan and the adjacent mixture of uses, with four conditions.

Applicant Presentation: **Eddie Martin, Jr.**, stated this was a good project and could answer any questions for the Board.

FAVOR: **Eric Chini**, 2502 Venture Drive, stated he was with Rochester and Associates who are the civil engineers for the project. He stated the layout for the Charleston style development would include a small porch on each side of the buildings and a small privacy yard for each unit. He also stated the storm water would be handled in a downstream area and be managed as required for any project.

OPPOSE: None

Planning and Appeals Board Comments: None

There was a motion to recommend conditional approval the special use request to allow five duplex apartments on the subject property with the following conditions:

Conditions

1. The proposed duplex structures 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, cementitious siding materials and minimum 3:12 pitched roof.
2. Prior to a permit being issued, the developer/property owner shall exhaust all reasonable measures to provide for inter-parcel vehicular access with the adjacent property/access drive located to the west. Documentation shall be provided to the Gainesville Public Works Director in this regard.
3. All access point design for the subject property shall be submitted for review by the Gainesville Public Works Director, and 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.
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 Vice-Chair Fleming

Motion seconded by Board Member Simmons

Vote – 6 favor, 1 recusal (Martin)

ADJOURNMENT

There was a motion to adjourn the meeting at 6:20 p.m.

Motion made by Board Member White

Motion seconded by Board Member Delgado

Vote – 6 favor, 1 absent (Martin)

Respectfully submitted,

Doug Carter, Chairman

Judy Foster, Recording Secretary

CITY OF GAINESVILLE

AGENDA REQUEST

Date Submitted: 9/17/2018

Presenter: Matt Tate

Item of Business: Request from **David Gijon** to annex a 0.12± acre tract located southeast of the intersection of Ralston Street and Hazel Street (a/k/a **1509 Ralston Street**) and to establish zoning as Residential-I (R-I).
Ward Number: Four
Tax Parcel Number(s): 00-130-001-020
Request: Single-family home

Meeting Date: 10/9/2018

Purpose of Request:

The applicant is proposing to annex the subject property with a zoning of Residential-I (R-I) for the purpose of utilizing city sewer to construct a new single-family home. The property is currently zoned Residential-II (R-II) within unincorporated Hall County and is adjacent to the city limits to the north, east and west. The property is currently undeveloped but previously contained a single-family home that was demolished approximately 15 years ago. The proposed home is approximately 1,300 square feet (27' wide x 55' deep) with one access driveway from Ralston Street. Nearby uses include single-family homes, auto repair shop and small retail shopping center which various uses include the Atlanta Highway Seafood Market.

History/Background:

Facts & Issues for Consideration:

Department Recommendation:

Planning staff is recommending approval. See Staff Recommendation Report for details.

Department Director:

Rusty Ligon

If funding is involved, are funds approved within the current budget?

N/A

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
☐ Staff Recommendation Report	Report
☐ Location Maps	Backup Material
☐ Narrative	Backup Material
☐ Survey	Backup Material
☐ Architectural Rendering	Backup Material

**GAINESVILLE PLANNING and APPEALS BOARD
STAFF RECOMMENDATION**

Applicant and Property Owner..... David Gijon
Location..... 1509 Ralston Street
Request..... Annex, with R-I zoning
Total Acres 0.12[±] acre
Ward..... Four
Proposed Use..... Single-family home
Planning Division Staff Recommendation **Approval**
Date..... October 9, 2018

▪ **Applicant's Proposal and Background Information**

The applicant is proposing to annex the subject property into the City of Gainesville with Residential-I (R-I) zoning in order to utilize City sewer services to construct a single-family home. The subject property is zoned Residential-II (R-II) within Hall County and is part of a larger unincorporated County island. The adjacent city limits are located to the north, east and west. The property is currently undeveloped but previously contained a single-family home that was demolished approximately 15 years ago. The proposed home is approximately 1,300 square feet (27' wide x 55' deep) with one access driveway from Ralston Street.

▪ **Adjacent Land Use and Zoning**

Location	Use	Zoning
North	Single-family home	Residential-II (R-II) City
South	Single-family home	Residential-II (R-II) County
East	Single-family home	Residential-II (R-II) County
West	Auto repair shop, Retail shopping center, Atlanta Highway Seafood Market	General Business (G-B) City

▪ **Zoning History**

The following zoning actions have taken place in the immediate area during the last ten years:

2015 – A request by Armando Castaneda to annex a 0.20[±] acres tract located at 1321 Hazel Street with Residential-II (R-II) zoning for sewer for an existing single-family home was approved.

2014 – A request by Swann Drive Villas, LLC to annex a 1.63[±] acres tract located at 1297 Swann Drive with Residential-II (R-II) zoning and to rezone a 1.78[±] acres tract located at 620 Pearl Nix Parkway from Light Industrial (L-I) to Residential-II (R-II) for multi-family apartments was approved with conditions.

2014 – A request by Ben F. Castleberry to annex a 0.19[±] acre tract located at 1322 Hazel Street for sewer was approved with Residential-II (R-II) zoning.

2013 – A request by the City of Gainesville to annex 115 unincorporated island parcels and right-of-way totaling 197.07± acres in size was approved with conditions.

2012 – A request by Noe Bran to annex a 0.86± acre tract located at 1 Hall Street for a church was approved with conditional Light Industrial (L-I) zoning.

2009 – A request by Scott Wright to annex a 1.59± acres tract located at 114 and 116 McConnell Drive for City sewer for an existing home was approved with Residential-II (R-II) zoning.

2009 – A request by Pedro Caudillo to annex a 0.75± acre tract located at 118 McConnell Drive to connect to City sewer for an existing home was approved with Residential-I (R-I) zoning.

2008 – A request by Donald Westmoreland to annex a 1.36± acres tract located at 2, 4 and 6 Hilltop Street, and 152 and 154 Stringer Avenue to utilize City water and sewer services was approved with Residential-II (R-II) zoning.

2008 – A request by Jennings Bryan to annex a 0.64± acre tract located at 308 Atlanta Highway for City water and sewer services was approved with conditional General Business (G-B) zoning.

Analysis

(1) Is the proposed use suitable in view of the zoning and development of adjacent and nearby property?

The proposed use of the property is for a single-family residence which is appropriate given the adjacent residential properties located to the north, south and east. The surrounding properties include single-family residential uses zoned Residential-II (R-II) within jurisdictional Hall County, various restaurants (Atlanta Highway Seafood Market), auto service and retail uses zoned General Business (G-B) within the city limits of Gainesville and Highway Business (H-B) within jurisdictional Hall County.

(2) Will the proposed use adversely affect the existing use or usability of adjacent or nearby property?

The proposed single-family home should not affect the existing use or usability of the adjacent or nearby property. Reinvestment within the aging neighborhood should help improve the property and surrounding residential area which is located one block east of the Atlanta Highway corridor. Similar to the single-family properties located north of the subject tract, annexation for sewer services was required due to insufficient land area to provide for private septic system.

(3) Is the proposed use compatible with the purpose and intent of the Comprehensive Plan?

The proposal is consistent with the Comprehensive Plan. The Future Development Map for the City of Gainesville places the subject property within the *Medium-High Density Residential* land use category and includes areas containing or planned for single-family attached or multi-family housing at densities ranging from four to twelve dwelling units per acre. As well, the Character Area map for the City of Gainesville places the subject property within the *West Side* character area which is supportive of the request.

The vision for this embraces the cultural richness of Atlanta Highway and adjoining neighborhoods by upgrading and branding the road corridor to an “International District” with coordinated pedestrian and road improvements, new landscaping, and a community-based

public art program. Other considerations include better pedestrian connections to residential areas, a new central open space / community facility near the planned Flat Creek Greenway, improved access to the Central Hall Trail, a future CID for corridor businesses, and potential annexation to address blighted areas. Land uses allowed in the West Side are medium-density residential, multi-family residential, mixed-use, commercial, public / institutional, and parks / recreation / conservation.

(4) Are there substantial reasons why the property cannot or should not be used as currently zoned?

The applicant is proposing to annex the subject property with a zoning of Residential-I (R-I) for a single-family home. The subject property is currently zoned Residential-II (R-II) within unincorporated Hall County which is intended for single-family uses. The minimum lot size required for Residential-I (R-I) zoned property in the City is 10,000 square feet. The subject property is only 5,227 square feet in size which makes it nonconforming. However, given the fact that the property is part of an unincorporated island and is required to utilize sewer service to be developed, the proposal appears to be reasonable.

(5) Will the proposed use cause an excessive or burdensome use of public facilities or services, including but not limited to streets, schools, water or sewer utilities, and police or fire protection?

The change from County jurisdiction to City jurisdiction should not substantially affect public facilities or services at this time. The proposed residential use should have no additional impact on existing roads over and above what currently exists from surrounding residential properties. There is sufficient water and sewer capacity that can serve the property. The Gainesville Fire and Police Departments currently respond to adjacent and nearby properties and the nearest City of Gainesville Fire Station #1 is approximately 1.2 miles from the subject property. Given the scale of the request, minimal impacts to the City school system are anticipated as school bus service is currently provided within the immediate area.

(6) Is the proposed use supported by new or changing conditions not anticipated by the Comprehensive Plan or reflected in the existing zoning on the property or surrounding properties?

The surrounding area contains various commercial and residential properties both within the City and County. There are substantial opportunities for new infill development due to the number of older commercial properties, distressed housing and vacant parcels. It is staff's opinion that the proposed residential use appears to be consistent with existing and expected uses of the Comprehensive Plan.

(7) Does the proposed use reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to unrestricted use of property?

Based on the subject property's proximity to other residential properties, the proposal appears to promote a reasonable balance between the promotion of the public health, safety, morality, or general welfare, and the right to unrestricted use of property.

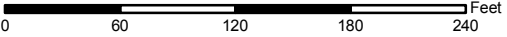
Recommendation

The Planning Division staff is recommending **approval** of this annexation request with **Residential-I (R-I)** zoning, based on the Comprehensive Land Use Plan and the adjacent residential land use.



Applicant: DAVID GIJON		Gainesville Community Development Department	
ANNEXATION REQUEST		Subject Property Right-of-Way to be Annexed N	
Request: Annex 0.12+/- acre and establish zoning as Residential-I (R-I) for sewer for a single-family home		1" = 100'	
Subject Area Address: 1509 Ralston Street		Tax Parcel: 01-115-001-002 & 061	
Meeting: 10/09/2018 Prepared: 09/05/2018		Page 16 of 52	



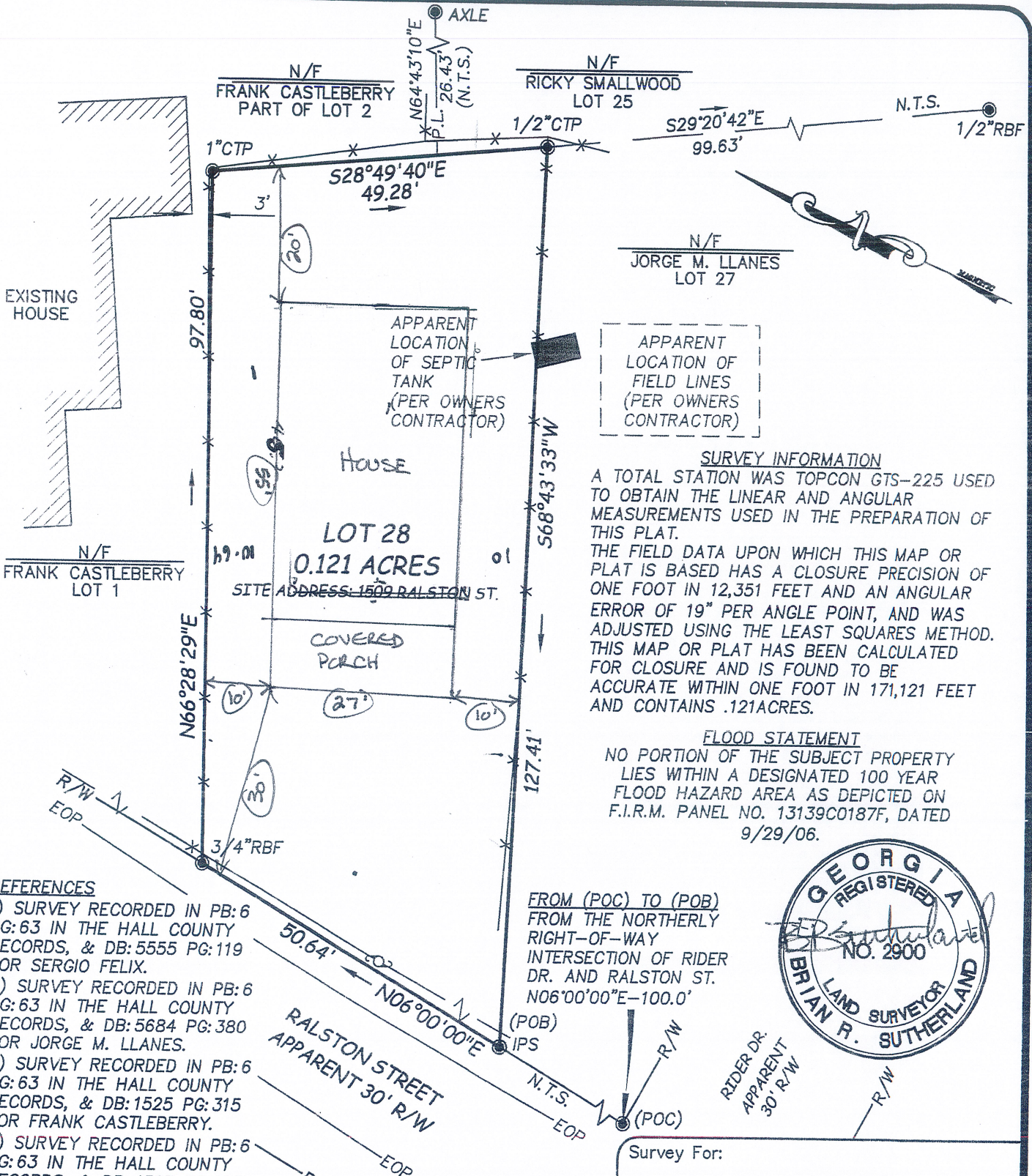
Applicant:		DAVID GIJON		Gainesville Community Development Department	
ANNEXATION REQUEST		 Subject Property and Right-of-Way to be Annexed		 N	
	Request:		Aerial from 2015		
	Annex 0.12+/- acre and establish zoning as Residential-I (R-I) for sewer for a single-family home		 Feet 1" = 100'		
	Subject Area Address:		Tax Parcel:		
1509 Ralston Street		01-115-001-002 & 061			Page 17 of 52
Meeting: 10/09/2018					
Prepared: 09/05/2018					

To whom it may concern,

My name is David Gijon and I am the current owner of the property located at 1509 Ralston St., Gainesville, GA, 30501. I am interested in building a new construction on the property. The square footage of the new construction will be around 1,300 sq. ft and will be a row house styled home since the frontage is only 50.64'. Materials will consist of hardiplank siding that will be painted, use of standard wood frames, sheetrock and other standard materials. This will be my own project which will include three bedrooms, two baths, living room, dining room, a small front porch, and back deck.

Best,

David Gijon



No.	By	Date	Revision
Cadd File No: \SERGIO FELIX\07069\07069.DWG			

Date: 7/23/07 Location: CITY OF GAINESVILLE
County: HALL, GA. Scale: 1"=20'
Project: 07069 Drawn By: BRS

Sheet No.
1 of 1



Plan Number 74001 | Order Code 01APP

FamilyHomePlans.com

U.S. customers call 1-800-482-0464 | Canadian customers call 1-800-361-7526

[Click Here to Mirror Reverse Plan](#)



Plan Number: 74001

- 1428 Total Living Area
- 1428 Main Level
- 3 Bedrooms
- 2 Full Bath(s)
- 2 Car Garage
- 34' Wide x 48' (78' with Garage) Deep

Available Foundation Types:

- Basement
- Crawlspace
- Slab

Order Code: 01APP

- **NEW** PDF Study Set: \$700.00
 - 1 Set: \$700.00
 - 3 Sets: \$750.00
 - 5 Sets: \$800.00
 - 8 Sets: \$900.00
 - Reproducible Set: \$1,000.00
 - PDF File: \$900.00
 - CAD File: \$1,600.00
 - Materials List: \$150.00
 - Mirror Reverse: \$50.00 per order
 - Right Reading (True) Reverse: \$100.00
- All sets will be Readable Reverse copies. Turn around time is usually 3 to 5 business days.

- Additional Sets: \$50.00



Plan Number 74001 | Order Code 01APP | Front Elevation

FamilyHomePlans.com

U.S. customers call 1-800-482-0464 | Canadian customers call 1-800-361-7526

[Click Here to Mirror Reverse](#)

CITY OF GAINESVILLE

AGENDA REQUEST

Date Submitted: 9/17/2018

Presenter: Matt Tate

Item of Business: Request from **Hydro Extruder, LLC** to annex a 10.98± acres tract located northeast of the intersection of Old Oakwood Road and Mountain View Road (a/k/a **2829 Mountain View Road**) and to establish zoning as Light Industrial (L-I).

Ward Number: Four

Tax Parcel Number(s): 08-012-008-002

Request: Future industrial expansion

Meeting Date: 10/9/2018

Purpose of Request:

The applicant is proposing to annex the subject property with a zoning of Light Industrial for the purpose of utilizing city sewer for future expansion. The applicant owns the adjacent industrial property to the south which operations include the further manufacturing, fabrication and finishing of aluminum products. The property is currently zoned Agricultural Residential-III (AR-III) within Hall County and is adjacent to the city limits to the south and west. The property is adjacent to Southern Railroad right-of-way to the east and contains a powerline easement. The applicant states there are no intentions to develop the property at this time and are willing to resubmit for a future public hearing process for site plan approval prior to development. Nearby uses include single-family homes, undeveloped land and other light industrial uses.

History/Background:

Facts & Issues for Consideration:

Department Recommendation:

Planning staff is recommending conditional approval with four conditions. See the Staff Recommendation Report for details.

Department Director:

Rusty Ligon

If funding is involved, are funds approved within the current budget?

N/A

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
☐ Staff Recommendation Report	Report
☐ Location Maps	Backup Material
☐ Narrative	Backup Material
☐ Survey	Backup Material
☐ Pictures	Backup Material

**GAINESVILLE PLANNING and APPEALS BOARD
STAFF RECOMMENDATION**

Applicant Hydro Extruder, LLC

Property Owner William A. Bryan and Sarah Elizabeth
Ennis n/k/a Sarah Deasy as Co-Trustees
of the Carolyn S. Bryan Trust

Locations 2829 Mountain View Road:
2949 Old Oakwood Road

Request Annex with L-I zoning

Size 10.98± acres
11.29± acres

Ward Four

Proposed Use Future industrial expansion

Planning Division Staff Recommendation **Approval, with conditions**

Date October 9, 2018

▪ **Applicant's Proposal and Background Information**

The applicant is proposing to annex two properties totaling 22.27± acres in size with a zoning of Light Industrial (L-I) for the purpose of utilizing City sewer services for the future expansion of the Hydro Extruder industrial use (previously Sapa). The current operations involve the further manufacturing, fabrication and finishing of aluminum products. The existing industrial use was constructed in 1986 and was later annexed into the city limits in 1990 for sewer with a zoning of L-I. The applicant states there are no intentions to develop the properties at this time and are willing to resubmit for a future public hearing process for site plan approval prior to development.

The subject properties are located on the northeast and southwest sides of the existing industrial use and are zoned Agricultural Residential-III (AR-III) within Hall County. The properties are heavily wooded except for an existing powerline easement located on the northern parcel. The existing city limits include the adjacent Hydro Extruder industrial tract, Mundy Mill subdivision, Industrial Park West and Chicopee Mill Industrial Park located across from the Southern Railroad right-of-way.

▪ **Adjacent Land Use and Zoning**

Location	Use	Zoning
North	Hydro Extruder, Mundy Mill subdivision Vacant land, Single-family homes, House moving contractor	L-I and P-U-D -City AR-III, R-I and I-I -County
South	Hydro Extruder, Industrial Park West, Undeveloped land, Railroad, Single-family home	L-I -City AR-III and R-I -County
East	Industrial Park West, Chicopee Industrial Park Railroad, Vacant land Trucking company	L-I -City AR-III -County M-1- Oakwood
West	Mundy Mill Subdivision, Undeveloped land, Single-family homes, church, Family Dollar store under construction	P-U-D -City AR-III, R-I, and H-B -County

▪ **Zoning History**

The following zoning actions have taken place in the immediate area during the last ten years:

2016 – A request by Butler Property, LLC to amend a 92.06± acres tract located within the Mundy Mill development at 3035 Old Oakwood Road SW and 3523 Mountain View Road SW zoned Planned Unit Development (P-U-D) was approved to change the location of some of the single-family homes, multi-family apartments, commercial and industrial uses.

2011 – A request by Butler Property, LLC to amend the zoning conditions for a 65.425± acres tract located within the Mundy Mill development at 2975 Mountain View Road SW; and 3755 Meeks Drive SW zoned Planned Unit Development (P-U-D) was approved to amend conditions 17 and 18 to reduce the minimum square footage for apartments.

2010 – A request by the City of Gainesville to amend the zoning conditions for a 605.0± acres tract known as the Mundy Mill development zoned Planned Unit Development (P-U-D) was approved to amend conditions 1, 2, 4, 5, 11, 16, 17, 22, 23, 25, 28 and 29 for better clarification.

▪ **Staff Analysis**

(1) Is the proposed use suitable in view of the zoning and development of adjacent and nearby property?

The zoning and development of the adjacent and nearby property includes a mixture of residential, commercial and industrial uses. The existing Hydro Extruder industrial operation is located on the adjacent property between the two subject parcels. Given the location of adjacent/nearby industrial uses and the railroad, the proposed annexation with Light Industrial (L-I) zoning appears suitable. Future planned development within the immediate area along Old Oakwood Road includes a mixture of multi-family, office, warehousing and commercial uses within the adjacent Mundy Mill mixed-use development.

(2) Will the proposed use adversely affect the existing use or usability of adjacent or nearby property?

A concept plan was not provided with the application. The applicant desires to annex the properties for sewer services in order to plan for future industrial expansion. It is expected that the future development of the subject properties will function similarly as the adjacent industrial property owned by the applicant. Access and buffers will need to be carefully considered to address any potential negative impacts to the nearby single-family homes. If approved, the Planning staff is recommending the applicant be required to resubmit for a future public hearing process for site plan approval prior to development.

(3) Is the proposed use compatible with the purpose and intent of the Comprehensive Plan?

The Gainesville 2030 Future Development Map for the City of Gainesville places the subject properties within the *Low-Medium Density Residential* land use category which includes areas containing or planned for single-family detached or semi-detached housing at densities ranging from two to four dwelling units per acre.

According to the Character Area map for the City of Gainesville, the subject properties are located within the Economic Development Gateways character area which appears to support the applicant's proposal. This character area represents the industrial, warehousing and other commercial enterprises that parallel the I-95 and Norfolk-Southern railroad corridor. The

primary vision for the area is to continue to support economic development while preserving and strengthening important natural and cultural resources. These areas include a wide range of office, business, light industrial, manufacturing, research, and development uses; and commercial uses that directly support or are otherwise linked to the dominant business use as well as mixed-use, residential (existing uses only), public / institutional, transportation / communications / utilities, and parks / recreation / conservation uses.

(4) Are there substantial reasons why the property cannot or should not be used as currently zoned?

The subject properties are undeveloped except for a power line easement that is located within the northern parcel. The properties are zoned Agricultural Residential-III (AR-III) within Hall County and could be developed for low density residential purposes. Although, this seems unlikely given the proximity to existing industrial uses, railroad and the power line easement. The proposal for future sewer services requires the properties to be annexed into the city limits.

(5) Will the proposed use cause an excessive or burdensome use of public facilities or services, including but not limited to streets, schools, water or sewer utilities, and police or fire protection?

City water, sewer, and public safety services are currently provided to the adjacent properties and capacity is sufficient. Gainesville Fire Station #4 is located approximately 1.5± miles away off of Memorial Park Drive which currently services adjacent and nearby properties.

Direct impacts to the school system should be limited as the proposed request is for future industrial purposes.

Impacts to roads cannot be fully determined at this time given there is no specific plan proposed for the properties. Old Oakwood Road and Mountain View Road are two lane collector roads that are experiencing increased truck traffic.

(6) Is the proposed use supported by new or changing conditions not anticipated by the Comprehensive Plan or reflected in the existing zoning on the property or surrounding properties?

The surrounding area has experienced industrial growth over the past 25 years. This has occurred in part due to the existing railroad, as well as, Old Oakwood Road and Mountain View Road which serve as collector roads to Mundy Mill Road, McEver Road and Atlanta Highway. That being said, there are a large number of established single-family homes located within the immediate area of unincorporated Hall County. As well, new single-family development has occurred within the nearby Mundy Mill mixed-use development which is located within the city limits.

(7) Does the proposed use reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to unrestricted use of property?

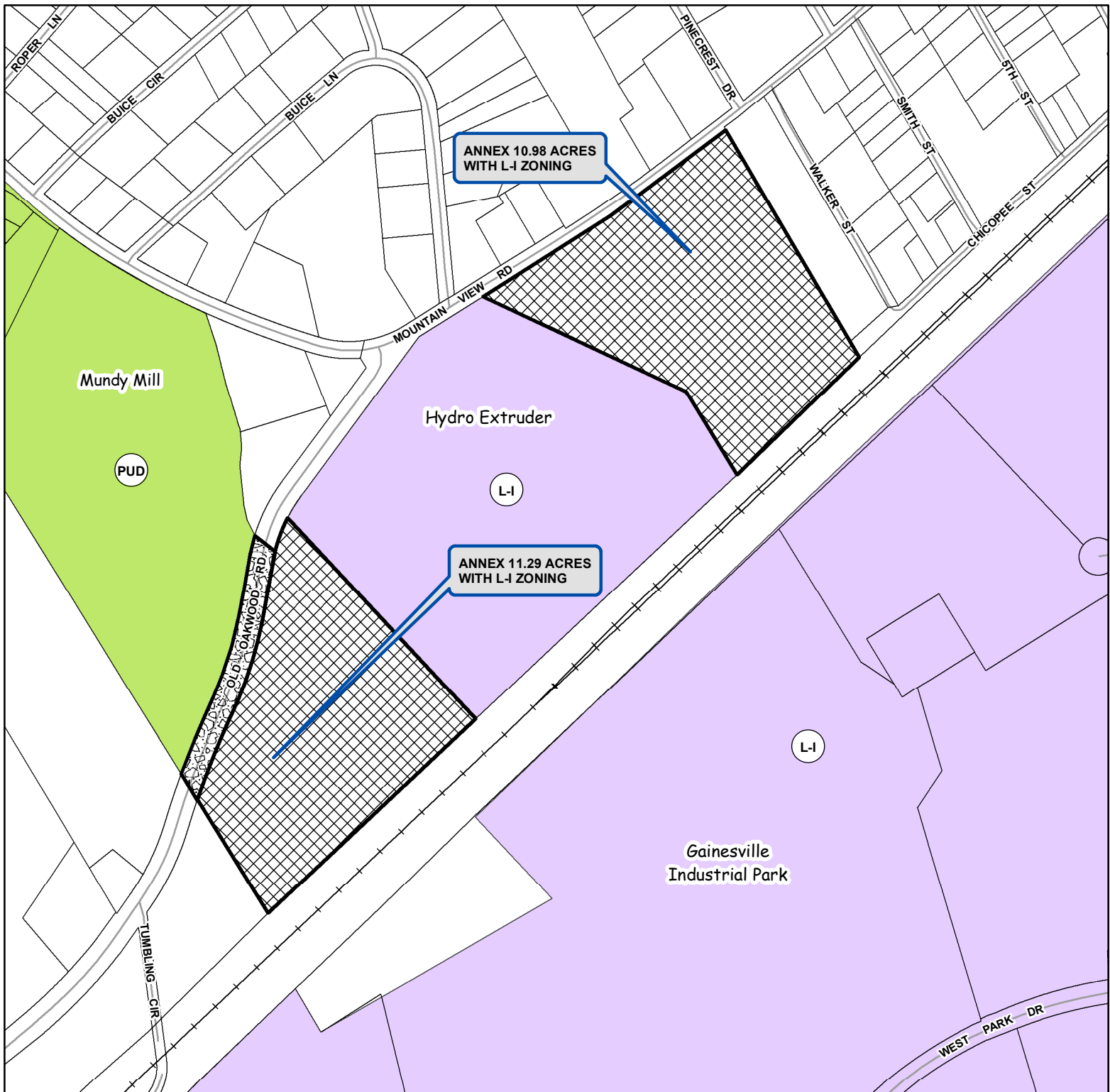
Based on the Character Area description of the Comprehensive Plan and the adjacent industrial uses, the proposal with the recommended conditions appears to reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to unrestricted use of property.

▪ **Staff Recommendation**

The Planning Division staff is recommending **conditional approval** of the annexation requests based on the Comprehensive Plan and the adjacent industrial uses.

Conditions

1. Prior to a land development permit application being submitted for the subject properties, the property owner shall be required to submit a site plan review application for a public hearing before the Planning and Appeals Board.
2. A minimum fifty foot (50') wide vegetated buffer consisting of existing vegetation and additional evergreens trees shall be required along the perimeter of the subject properties adjacent to any single-family use along Old Oakwood Road and Mountain View Road. Driveways and powerline easements are exempt from this requirement. The intent of the buffer is to supplement the existing vegetation with buffer trees to provide for an effective buffer. The location, spacing, size and type of trees planted shall be subject to Community Development Department Director approval.
3. A Traffic Impact Study shall be required with the submittal of the site plan review application if determined necessary by the Gainesville Public Works Department Director.
4. All access point design for the subject property shall require review and approval by Hall County and the Gainesville Public Works Department Director. All required access/traffic/sidewalk improvements associated with the proposal or any additional improvements identified within the Traffic Impact Study, if determined necessary, shall be at the full expense of the property owner.



Applicant:

HYDRO EXTRUDER, LLC

ANNEXATION REQUEST



Request:

Annex 10.98+/- and 11.29+/- acres tracts and establish zoning as Light Industrial (L-I) for future industrial

Subject Area Address:

2829 Mountain View Road & 2949 Old Oakwood Road

Meeting: 10/09/2018

Prepared: 09/05/2018

Gainesville Community Development Department



Subject Property



Right-of-Way to be Annexed

0 240 480 720 960 Feet



1" = 400'

Tax Parcel:

08-012-008-002 and 004



Applicant:

HYDRO EXTRUDER, LLC

Gainesville Community Development Department

ANNEXATION REQUEST



Subject Property and
Right-of-Way to be Annexed

Aerial from 2015

0 240 480 720 960 Feet



1" = 400'



Request:

Annex 10.98+/- and 11.29+/- acres
tracts and establish zoning as Light
Industrial (L-I) for future industrial

Subject Area Address:

2829 Mountain View Road & 2949 Old Oakwood Road

Meeting: 10/09/2018

Prepared: 09/05/2018

Tax Parcel:

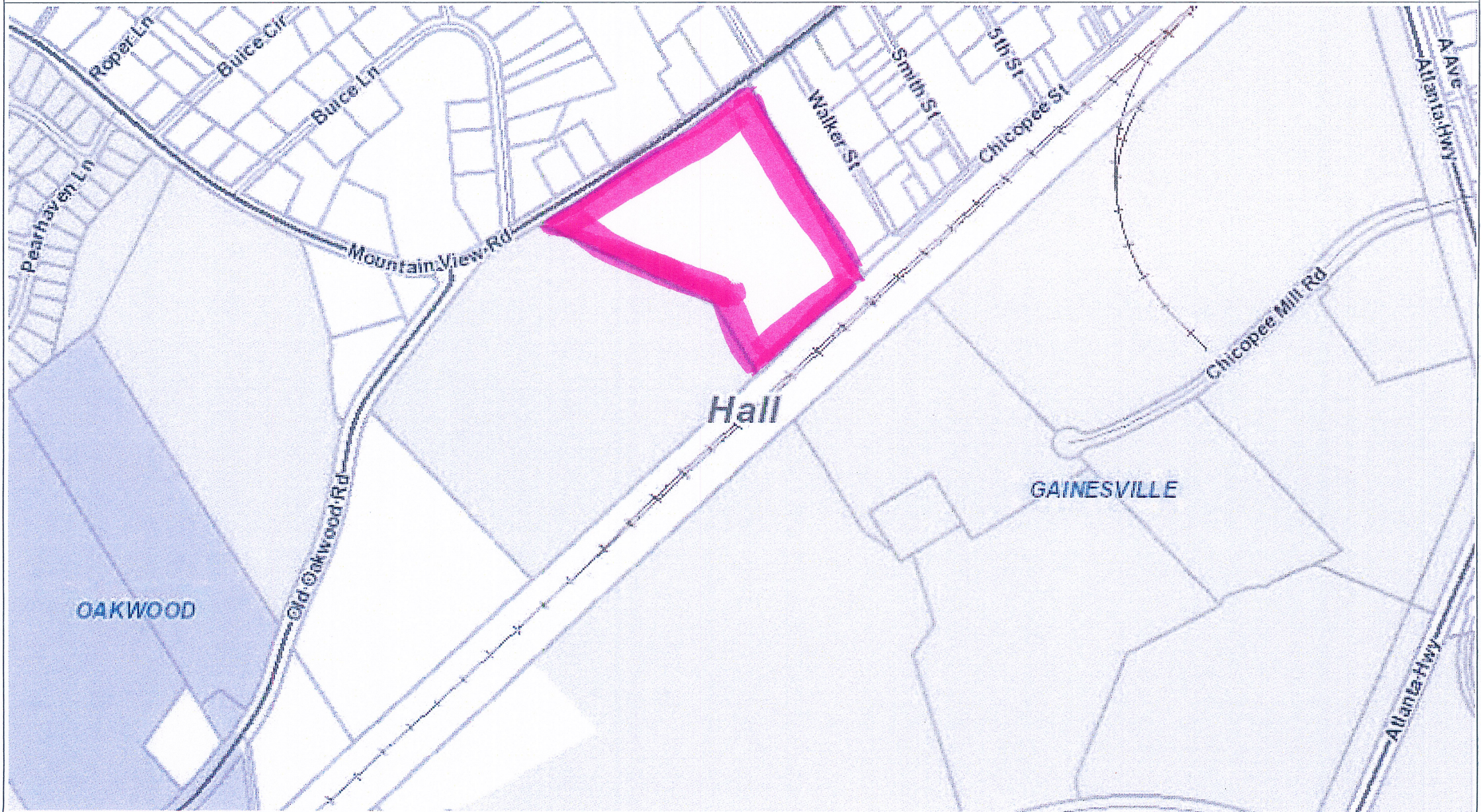
08-012-008-002 and 004

NARRATIVE

Hydro Extruder, LLC is a large manufacturer located in the City of Gainesville at the intersection of Old Oakwood Road and Mountain View Road. Their current facility is zoned Gainesville Light Industrial where they manufacture extruded aluminum products (SAPA). Hydro Extruder, LLC has entered into a Purchase and Sale Agreement with William A. Bryan and Sarah Elizabeth Ennis nka Sarah Deasy as Co-Trustees of the Carolyn S. Bryan Trust (hereinafter referred to as "Trust") to purchase two approximately 12 acre parcels adjacent to the current Hydro Extruder, LLC property and facility – one on each side. One parcel is located at 2949 Old Oakwood Road and the other is located at 2829 Mountain View Road. The property is being purchased for future expansion but there are no immediate plans to do so. Since both parcels became available, Hydro Extruder, LLC is seeking to purchase, annex and re-zone the properties to position the company for expansion if needed in the future. Both parcels being purchased are owned by the same Trust and are located in Hall County with an AR-III zoning. Hydro Extruder, LLC is seeking to annex and set the zoning as Gainesville Light Industrial to be consistent with the zoning classification of Hydro Extruder's current property and facility. The Trust has agreed to cooperate with the application of Hydro Extruder to annex and re-zone the property to Light Industrial as expressly set forth in the Purchase and Sale Agreement.

We are submitting the application with no use attached except that it would be for future expansion. We acknowledge the requirement of a zoning condition requiring Hydro Extruder, LLC to go through the hearing process for site plan approval for any future expansion. Accordingly, we are not submitting concept plans and ask that the City waive the concept plan requirement in light of the zoning condition for site plan approval for any future expansion. As for architectural renderings, please find attached photographs of the existing facility. Any future addition or expansion will be architecturally compatible with the existing facility. Any future addition, parking lot or access will comply with all development code provisions as for development standards including all buffering requirements.

Page 29 of 52



Map Printed On 2018-08-22 18:41

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CITY OF GAINESVILLE

AGENDA REQUEST

Date Submitted: 9/17/2018

Presenter: Matt Tate

Item of Business: Request from **Hydro Extruder, LLC** to annex a 11.29± acres tract located southeast of the intersection of Old Oakwood Road and Mountain View Road (a/k/a **2949 Old Oakwood Road**) and to establish zoning as Light Industrial (L-I).

Ward Number: Four

Tax Parcel Number(s): 08-012-008-004

Request: Future industrial expansion

Meeting Date: 10/9/2018

Purpose of Request:

The applicant is proposing to annex the subject property with a zoning of Light Industrial for the purpose of utilizing city sewer for future expansion. The applicant owns the adjacent industrial property to the north which operations include the further manufacturing, fabrication and finishing of aluminum products. The property is currently zoned Agricultural Residential-III (AR-III) within Hall County and is adjacent to the city limits to the north and west. The property is a heavily wooded undeveloped tract and is adjacent to Southern Railroad right-of-way to the east. The applicant states there are no intentions to develop the property at this time and are willing to resubmit for a future public hearing process for site plan approval prior to development. Nearby uses include single-family homes, undeveloped land and other light industrial uses.

History/Background:

Facts & Issues for Consideration:

Department Recommendation:

Planning staff is recommending conditional approval with four conditions. See the Staff Recommendation Report for details.

Department Director:

Rusty Ligon

If funding is involved, are funds approved within the current budget?

N/A

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
☐ Staff Recommendation Report	Report
☐ Location Maps	Backup Material
☐ Narrative	Backup Material
☐ Survey	Backup Material
☐ Pictures	Backup Material

**GAINESVILLE PLANNING and APPEALS BOARD
STAFF RECOMMENDATION**

Applicant Hydro Extruder, LLC

Property Owner William A. Bryan and Sarah Elizabeth
Ennis n/k/a Sarah Deasy as Co-Trustees
of the Carolyn S. Bryan Trust

Locations 2829 Mountain View Road:
2949 Old Oakwood Road

Request Annex with L-I zoning

Size 10.98± acres
11.29± acres

Ward Four

Proposed Use Future industrial expansion

Planning Division Staff Recommendation **Approval, with conditions**

Date October 9, 2018

▪ **Applicant's Proposal and Background Information**

The applicant is proposing to annex two properties totaling 22.27± acres in size with a zoning of Light Industrial (L-I) for the purpose of utilizing City sewer services for the future expansion of the Hydro Extruder industrial use (previously Sapa). The current operations involve the further manufacturing, fabrication and finishing of aluminum products. The existing industrial use was constructed in 1986 and was later annexed into the city limits in 1990 for sewer with a zoning of L-I. The applicant states there are no intentions to develop the properties at this time and are willing to resubmit for a future public hearing process for site plan approval prior to development.

The subject properties are located on the northeast and southwest sides of the existing industrial use and are zoned Agricultural Residential-III (AR-III) within Hall County. The properties are heavily wooded except for an existing powerline easement located on the northern parcel. The existing city limits include the adjacent Hydro Extruder industrial tract, Mundy Mill subdivision, Industrial Park West and Chicopee Mill Industrial Park located across from the Southern Railroad right-of-way.

▪ **Adjacent Land Use and Zoning**

Location	Use	Zoning
North	Hydro Extruder, Mundy Mill subdivision Vacant land, Single-family homes, House moving contractor	L-I and P-U-D -City AR-III, R-I and I-I -County
South	Hydro Extruder, Industrial Park West, Undeveloped land, Railroad, Single-family home	L-I -City AR-III and R-I -County
East	Industrial Park West, Chicopee Industrial Park Railroad, Vacant land Trucking company	L-I -City AR-III -County M-1- Oakwood
West	Mundy Mill Subdivision, Undeveloped land, Single-family homes, church, Family Dollar store under construction	P-U-D -City AR-III, R-I, and H-B -County

▪ **Zoning History**

The following zoning actions have taken place in the immediate area during the last ten years:

2016 – A request by Butler Property, LLC to amend a 92.06± acres tract located within the Mundy Mill development at 3035 Old Oakwood Road SW and 3523 Mountain View Road SW zoned Planned Unit Development (P-U-D) was approved to change the location of some of the single-family homes, multi-family apartments, commercial and industrial uses.

2011 – A request by Butler Property, LLC to amend the zoning conditions for a 65.425± acres tract located within the Mundy Mill development at 2975 Mountain View Road SW; and 3755 Meeks Drive SW zoned Planned Unit Development (P-U-D) was approved to amend conditions 17 and 18 to reduce the minimum square footage for apartments.

2010 – A request by the City of Gainesville to amend the zoning conditions for a 605.0± acres tract known as the Mundy Mill development zoned Planned Unit Development (P-U-D) was approved to amend conditions 1, 2, 4, 5, 11, 16, 17, 22, 23, 25, 28 and 29 for better clarification.

▪ **Staff Analysis**

(1) Is the proposed use suitable in view of the zoning and development of adjacent and nearby property?

The zoning and development of the adjacent and nearby property includes a mixture of residential, commercial and industrial uses. The existing Hydro Extruder industrial operation is located on the adjacent property between the two subject parcels. Given the location of adjacent/nearby industrial uses and the railroad, the proposed annexation with Light Industrial (L-I) zoning appears suitable. Future planned development within the immediate area along Old Oakwood Road includes a mixture of multi-family, office, warehousing and commercial uses within the adjacent Mundy Mill mixed-use development.

(2) Will the proposed use adversely affect the existing use or usability of adjacent or nearby property?

A concept plan was not provided with the application. The applicant desires to annex the properties for sewer services in order to plan for future industrial expansion. It is expected that the future development of the subject properties will function similarly as the adjacent industrial property owned by the applicant. Access and buffers will need to be carefully considered to address any potential negative impacts to the nearby single-family homes. If approved, the Planning staff is recommending the applicant be required to resubmit for a future public hearing process for site plan approval prior to development.

(3) Is the proposed use compatible with the purpose and intent of the Comprehensive Plan?

The Gainesville 2030 Future Development Map for the City of Gainesville places the subject properties within the *Low-Medium Density Residential* land use category which includes areas containing or planned for single-family detached or semi-detached housing at densities ranging from two to four dwelling units per acre.

According to the Character Area map for the City of Gainesville, the subject properties are located within the Economic Development Gateways character area which appears to support the applicant's proposal. This character area represents the industrial, warehousing and other commercial enterprises that parallel the I-95 and Norfolk-Southern railroad corridor. The

primary vision for the area is to continue to support economic development while preserving and strengthening important natural and cultural resources. These areas include a wide range of office, business, light industrial, manufacturing, research, and development uses; and commercial uses that directly support or are otherwise linked to the dominant business use as well as mixed-use, residential (existing uses only), public / institutional, transportation / communications / utilities, and parks / recreation / conservation uses.

(4) Are there substantial reasons why the property cannot or should not be used as currently zoned?

The subject properties are undeveloped except for a power line easement that is located within the northern parcel. The properties are zoned Agricultural Residential-III (AR-III) within Hall County and could be developed for low density residential purposes. Although, this seems unlikely given the proximity to existing industrial uses, railroad and the power line easement. The proposal for future sewer services requires the properties to be annexed into the city limits.

(5) Will the proposed use cause an excessive or burdensome use of public facilities or services, including but not limited to streets, schools, water or sewer utilities, and police or fire protection?

City water, sewer, and public safety services are currently provided to the adjacent properties and capacity is sufficient. Gainesville Fire Station #4 is located approximately 1.5± miles away off of Memorial Park Drive which currently services adjacent and nearby properties.

Direct impacts to the school system should be limited as the proposed request is for future industrial purposes.

Impacts to roads cannot be fully determined at this time given there is no specific plan proposed for the properties. Old Oakwood Road and Mountain View Road are two lane collector roads that are experiencing increased truck traffic.

(6) Is the proposed use supported by new or changing conditions not anticipated by the Comprehensive Plan or reflected in the existing zoning on the property or surrounding properties?

The surrounding area has experienced industrial growth over the past 25 years. This has occurred in part due to the existing railroad, as well as, Old Oakwood Road and Mountain View Road which serve as collector roads to Mundy Mill Road, McEver Road and Atlanta Highway. That being said, there are a large number of established single-family homes located within the immediate area of unincorporated Hall County. As well, new single-family development has occurred within the nearby Mundy Mill mixed-use development which is located within the city limits.

(7) Does the proposed use reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to unrestricted use of property?

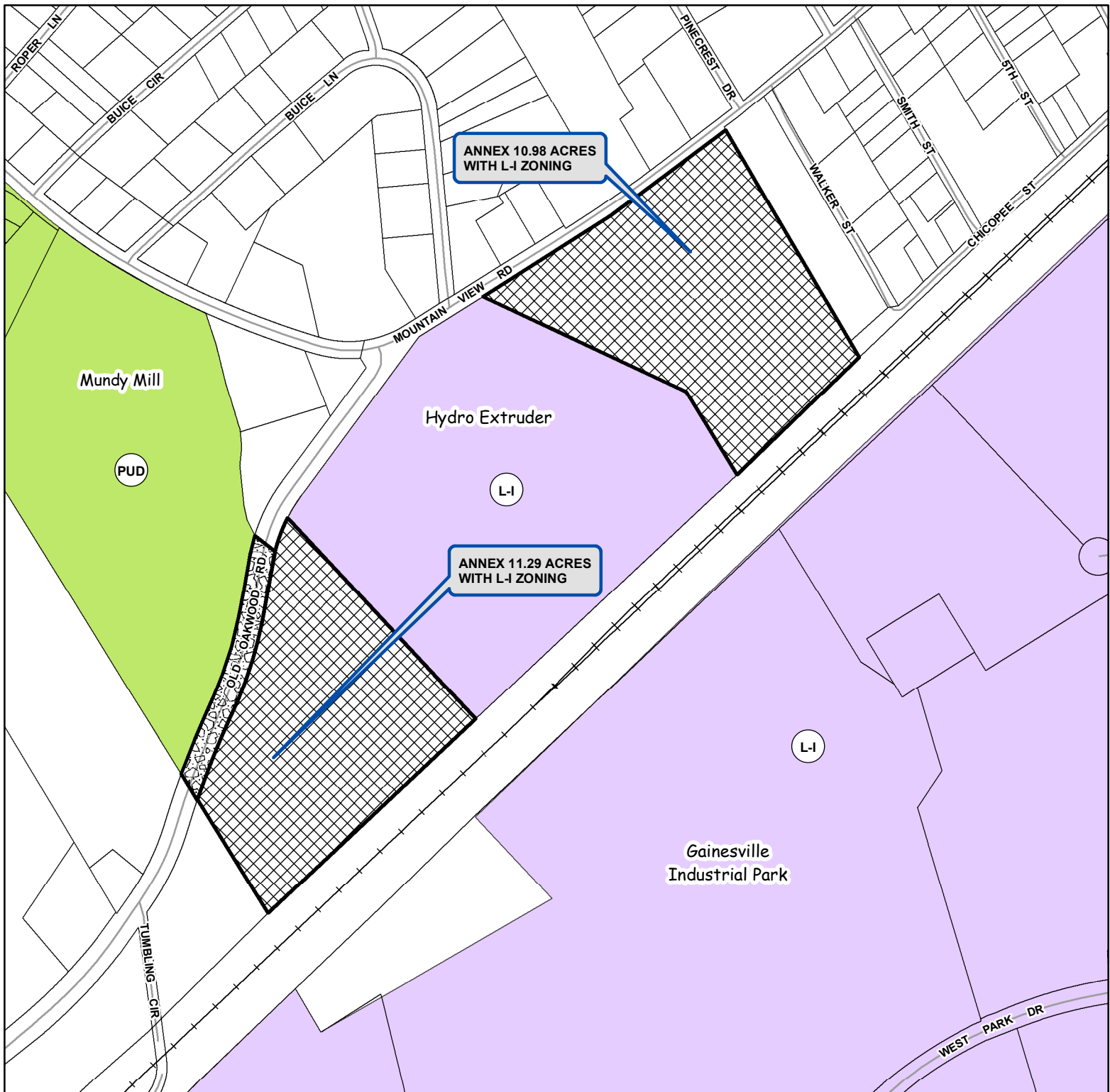
Based on the Character Area description of the Comprehensive Plan and the adjacent industrial uses, the proposal with the recommended conditions appears to reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to unrestricted use of property.

▪ **Staff Recommendation**

The Planning Division staff is recommending **conditional approval** of the annexation requests based on the Comprehensive Plan and the adjacent industrial uses.

Conditions

1. Prior to a land development permit application being submitted for the subject properties, the property owner shall be required to submit a site plan review application for a public hearing before the Planning and Appeals Board.
2. A minimum fifty foot (50') wide vegetated buffer consisting of existing vegetation and additional evergreens trees shall be required along the perimeter of the subject properties adjacent to any single-family use along Old Oakwood Road and Mountain View Road. Driveways and powerline easements are exempt from this requirement. The intent of the buffer is to supplement the existing vegetation with buffer trees to provide for an effective buffer. The location, spacing, size and type of trees planted shall be subject to Community Development Department Director approval.
3. A Traffic Impact Study shall be required with the submittal of the site plan review application if determined necessary by the Gainesville Public Works Department Director.
4. All access point design for the subject property shall require review and approval by Hall County and the Gainesville Public Works Department Director. All required access/traffic/sidewalk improvements associated with the proposal or any additional improvements identified within the Traffic Impact Study, if determined necessary, shall be at the full expense of the property owner.



Applicant:

HYDRO EXTRUDER, LLC

Gainesville Community Development Department

ANNEXATION REQUEST

 Subject Property

 Right-of-Way to be Annexed



0 240 480 720 960 Feet

1" = 400'



Request:

Annex 10.98+/- and 11.29+/- acres tracts and establish zoning as Light Industrial (L-I) for future industrial

Subject Area Address:

2829 Mountain View Road & 2949 Old Oakwood Road

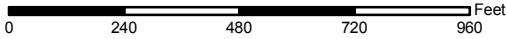
Meeting: 10/09/2018

Prepared: 09/05/2018

Tax Parcel:

08-012-008-002 and 004

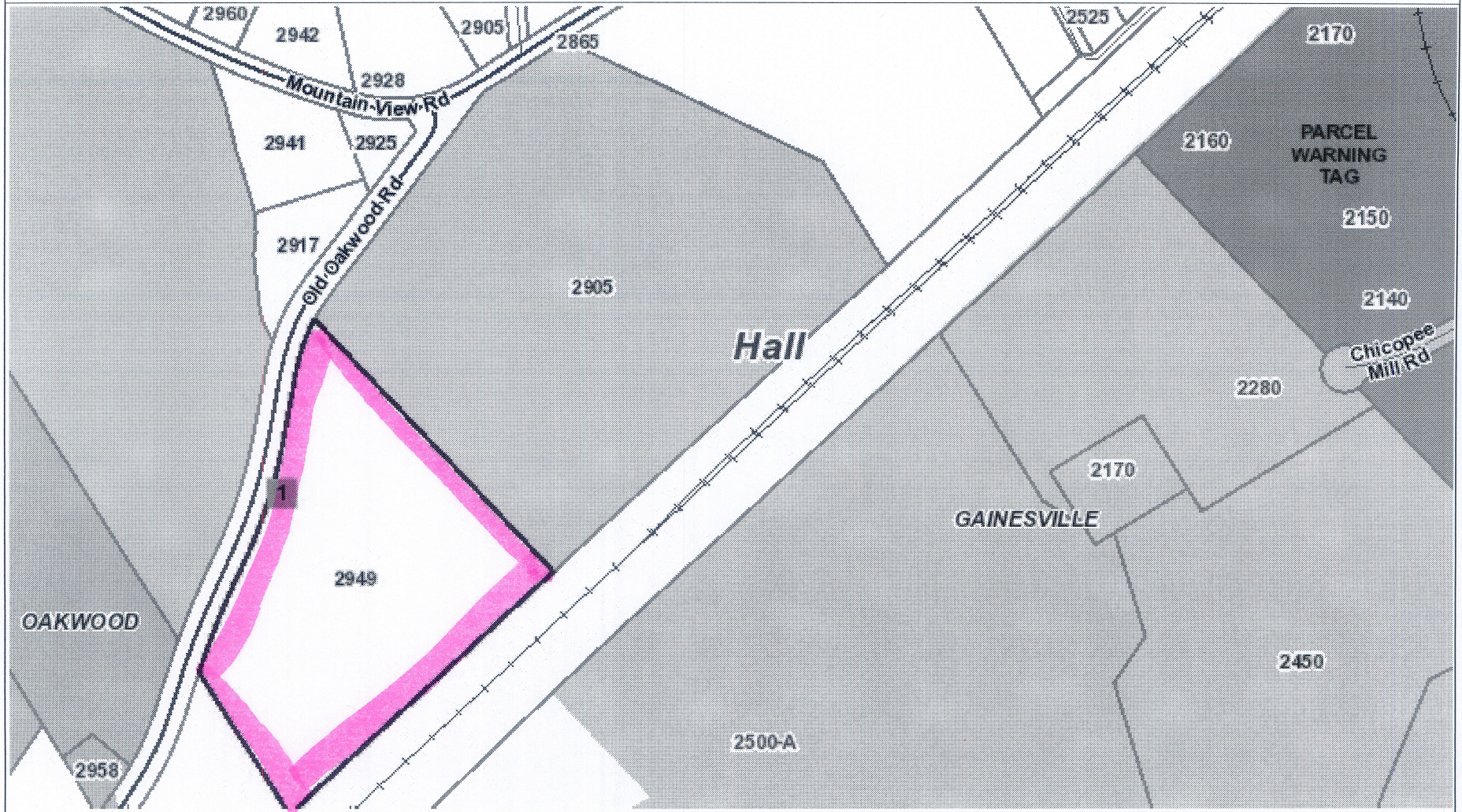
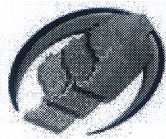


Applicant:		Gainesville Community Development Department	
HYDRO EXTRUDER, LLC			
ANNEXATION REQUEST		 Subject Property and Right-of-Way to be Annexed	
	Request:	Aerial from 2015	
	Annex 10.98+/- and 11.29+/- acres tracts and establish zoning as Light Industrial (L-I) for future industrial		
	Subject Area Address:	 0 240 480 720 960 Feet 1" = 400'	
	2829 Mountain View Road & 2949 Old Oakwood Road		
Meeting: 10/09/2018		Tax Parcel:	
Prepared: 09/05/2018		08-012-008-002 and 004	
		Page 41 of 52	

NARRATIVE

Hydro Extruder, LLC is a large manufacturer located in the City of Gainesville at the intersection of Old Oakwood Road and Mountain View Road. Their current facility is zoned Gainesville Light Industrial where they manufacture extruded aluminum products (SAPA). Hydro Extruder, LLC has entered into a Purchase and Sale Agreement with William A. Bryan and Sarah Elizabeth Ennis nka Sarah Deasy as Co-Trustees of the Carolyn S. Bryan Trust (hereinafter referred to as "Trust") to purchase two approximately 12 acre parcels adjacent to the current Hydro Extruder, LLC property and facility – one on each side. One parcel is located at 2949 Old Oakwood Road and the other is located at 2829 Mountain View Road. The property is being purchased for future expansion but there are no immediate plans to do so. Since both parcels became available, Hydro Extruder, LLC is seeking to purchase, annex and re-zone the properties to position the company for expansion if needed in the future. Both parcels being purchased are owned by the same Trust and are located in Hall County with an AR-III zoning. Hydro Extruder, LLC is seeking to annex and set the zoning as Gainesville Light Industrial to be consistent with the zoning classification of Hydro Extruder's current property and facility. The Trust has agreed to cooperate with the application of Hydro Extruder to annex and re-zone the property to Light Industrial as expressly set forth in the Purchase and Sale Agreement.

We are submitting the application with no use attached except that it would be for future expansion. We acknowledge the requirement of a zoning condition requiring Hydro Extruder, LLC to go through the hearing process for site plan approval for any future expansion. Accordingly, we are not submitting concept plans and ask that the City waive the concept plan requirement in light of the zoning condition for site plan approval for any future expansion. As for architectural renderings, please find attached photographs of the existing facility. Any future addition or expansion will be architecturally compatible with the existing facility. Any future addition, parking lot or access will comply with all development code provisions as for development standards including all buffering requirements.



1 21349

Map Printed On 2018-09-17 13:04

Gainesville / Hall County Disclaimer: Hall County Government and the City of Gainesville make no warranties, expressed or implied, including implied warranties of merchantability and fitness for purpose, concerning the accuracy, completeness, reliability, or suitability of this data. Furthermore, Hall County Government and the City Of Gainesville assume no liability whatsoever associated with the use or misuse of such data. Any interpretation or conclusions from the data are the responsibility of the users.

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CITY OF GAINESVILLE

AGENDA REQUEST

Date Submitted: 9/19/2018

Presenter: Matt Tate

Item of Business: Request from the **City of Gainesville** to amend Chapter 9-8-7 entitled "Midtown Overlay Zone" of the Unified Land Development Code for the City of Gainesville, Georgia to include additional prohibited and permitted uses and to provide for minimum front yard setback requirements within the Midtown Overlay Zone.

Meeting Date: 10/9/2018

Purpose of Request:

The Community Development Department is proposing to amend Section 9-8-7-6 entitled "Permitted Uses" to prohibit specific uses within the Midtown Overlay Zone. Some of the prohibited uses include gas stations, motor vehicle sales and service, group homes, rooming houses, homeless shelters, jails, pawn shops, kennels, salvage yards and industrial uses causing the emission of noise, vibration, smoke, dust, gas, fumes, odors and outdoor storage which conflict with the redevelopment efforts in Midtown. Also, single-family homes and condominiums are proposed to be included as additional residential uses permitted by right within the Overlay Zone. Lastly, Section 9-8-7-7 entitled "Property Design Standards" is proposed to be amended to add subsection (e) in order to provide for a minimum front yard setback of 15-feet within the Midtown Overlay Zone.

History/Background:

Facts & Issues for Consideration:

Department Recommendation:

Department Director:

Rusty Ligon

If funding is involved, are funds approved within the current budget?

N/A

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
☐ Proposed Code Amendment	Ordinance

Passed: _____

AN ORDINANCE

No. 2018-

AN ORDINANCE TO AMEND ARTICLE 9-8 OF THE UNIFIED LAND DEVELOPMENT CODE OF THE CITY OF GAINESVILLE, GEORGIA, ENTITLED "OVERLAY ZONES" BY RETITLING SECTION 9-8-7-6 FROM "PERMITTED USES" TO "PROHIBITED AND PERMITTED USES;" BY AMENDING SECTION 9-8-7-6 TO PROHIBIT AND PERMIT SPECIFIC USES; BY AMENDING SECTION 9-8-7-7 ENTITLED "PROPERTY DESIGN STANDARDS" TO ADD SUBSECTION (e); TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

BE IT HEREBY ORDAINED BY THE GOVERNING BODY OF THE CITY OF GAINESVILLE, GEORGIA, AS FOLLOWS:

SECTION I.

Section 9-8-7-6 of the Unified Land Development Code of the City of Gainesville, Georgia is hereby retitled "Prohibited and Permitted Uses."

SECTION II.

Section 9-8-7-6 of the Unified Land Development Code of the City of Gainesville, Georgia is hereby amended to read as follows:

Section 9-8-7-6. Prohibited and Permitted Uses.

All uses permitted by right or as Special Uses by within the underlying zoning district shall be similarly permitted under within the Midtown overlay zone, except ~~sexually oriented adult uses, mini warehouses, auto sales and service, and motor vehicle sales and service~~ the following uses shall not be permitted on any property within the Midtown overlay zone:

Automated or non-automated car washes.

Coin-laundry facilities.

Dollar-type stores or thrift stores.

Community donation boxes.

Gas stations.

Group homes, homeless shelters, rooming house or crisis centers.

Industrial uses causing the emission of noise, vibration, smoke, dust, gas, fumes and odors.

Industrial uses with outdoor storage.

Jail/correctional facility.

Kennels.

Liquor stores.

Marine sales or repair stores.

Massage parlors.

Mini-warehouses including climate controlled self-service storage facilities.

Motels or extended stay lodging.

Motor vehicle sales or service.
Pawn shops.
Psychics, fortune tellers, clairvoyants and the like.
Salvage yard.
Sanitation uses including the storage of trash cans, dumpsters and porta potties.
Sawmill.
Sexually-oriented adult uses.
Tattoo parlors.
Taxi-cab or limousine services.
Tobacco or vaping stores.
Truck stops.
Vehicle emission testing facility.
Veterinarian or animal hospitals with outdoor kennels.
Wireless telecommunication facility or cell towers excluding co-location.
Wrecked motor vehicle compound.

In addition, loft dwellings, apartments, single-family homes, condominiums and townhouses shall be permitted by right in any non-residential district in the overlay zone.

~~Supportive Commercial Uses: The following uses may be permitted on the ground floor of buildings in a mixed-use development where the upper floors are occupied by residential or office uses, provided that the development site consists of at least 2 acres and the supportive commercial uses comprise no more than 30 percent of the total gross floor area of the mixed-use development:~~

- ~~1. Apparel Stores.~~
- ~~2. Art Studios and Art Supplies.~~
- ~~3. Barber Shops and Beauty Salons.~~
- ~~4. Book Stores.~~
- ~~5. Clothing Accessories Stores.~~
- ~~6. Convenience Stores (no gasoline sales).~~
- ~~7. Day Care, Child.~~
- ~~8. Day Care, Adult (Non-residential).~~
- ~~9. Drug Stores and Pharmacies.~~
- ~~10. Drinking Places.~~
- ~~11. Fitness and Recreational Sport Centers.~~
- ~~12. Florists.~~
- ~~13. Food and Beverage Stores.~~
- ~~14. Custom Service Restaurants.~~
- ~~15. Gift, Novelty and Souvenir Stores.~~
- ~~16. Hardware Stores.~~
- ~~17. Health and Personal Care Stores.~~
- ~~18. Ice Cream Parlors.~~
- ~~19. Jewelry Stores.~~
- ~~20. Laundromats.~~
- ~~21. News Dealers and Newsstands.~~
- ~~22. Recreation Center and Club, Private.~~
- ~~23. Video /Electronics Rentals.~~
- ~~24. Other similar uses approved by the Director~~

SECTION III.

Section 9-8-7-7 of the Unified Land Development Code of the City of Gainesville, Georgia is hereby amended to read as follows:

Section 9-8-7-7. Property Design Standards.

- (a) Minimum Open Space: 15 percent of gross acreage of tract that is 2 acres or larger before subdivision. Buffers can be included in the open space up to the discretion of the Director.
- (b) Maximum Impervious Cover: 75 percent of parcel; not including portions of the parcel that are in floodplain or wetlands.
- (c) Maximum Building Height: 75 feet.
- (d) Maximum Front Yard Setback: 50 feet.
- (e) Minimum Front Yard Setback: 15 feet.

SECTION IV.

All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

SECTION V.

If any portion of this Ordinance shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair the remaining portions unless it clearly appears that such other parts are wholly and necessarily dependent upon the part held to be invalid and unconstitutional.

SECTION VI.

The effective date of this Ordinance shall be upon final approval by the governing body of the City of Gainesville, Georgia.

C. Danny Dunagan, Jr., Mayor

This is to certify that I am City Clerk of the City of Gainesville. As such, I keep its official records, including its minutes. In that capacity, my signature below certifies this ordinance was adopted as stated and will be recorded in the official minutes.

ATTEST:

Denise O. Jordan, City Clerk