



AGENDA

**Gainesville Planning and Appeals Board
Tuesday, January 15, 2019, 5:30 PM
Gainesville Justice Center**

1. CALL TO ORDER

2. MINUTES

A. December 11, 2018 PAB Meeting Minutes

3. OLD BUSINESS

4. NEW BUSINESS

A. Annexation Requests

- (1) Request from **Russell Fuller** to annex a 0.34± acre tract located on the southeast side of the intersection of Dawsonville Highway and Washington Avenue (a/k/a **457 Dawsonville Highway**), and to establish zoning as General Business (G-B).

Ward Number: Five

Tax Parcel Number(s): 00-118-004-012

Request: Existing commercial retail

5. MISCELLANEOUS

6. ADJOURNMENT

CITY OF GAINESVILLE

AGENDA REQUEST

Date Submitted: 12/17/2018
Presenter: N/A
Item of Business: December 11, 2018 PAB Meeting Minutes
Meeting Date: 1/15/2019

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
DECEMBER 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., Carmen Delgado, Ryan Thompson, Rich White and Kelvin Simmons

Members Absent: None

Staff Present: Community Development Planning Manager Matt Tate and Recording Secretary Brandy Palmero

Others Present: Council Member George Wangemann

MINUTES OF NOVEMBER 13, 2018

There was a motion to approve the minutes as presented.

Motion made by Board Member Thompson
Motion seconded by Vice-Chair Fleming
Vote – 7 favor

NEW BUSINESS

A. Variance Request

- 1) Request from **KRM 2016, LLC** to vary the front yard setback requirement from Athens Street and Mill Street on a 0.855± acre tract located on the northeast and northwest side of the intersection of Athens Street and Mill Street (a/k/a **827, 831 and 851 Athens Street**) having a zoning classification of Residential-II (R-II).
Ward Number: Three
Tax Parcel Number(s): 01-034-006-009 and 010; 01-034-001-013
Request: Five residential duplexes

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 requesting to vary the front yard setback requirement from 30-feet to 7-feet along Athens Street and Mill Street for the purpose of constructing five residential duplexes. On December 4, 2018, the applicant rezoned the property from Heavy Industrial (H-I) to Residential-II (R-II) with conditions to allow for five duplex homes as opposed to heavy industrial uses. Adjacent and nearby uses include single-family homes, Harper-Smith historic house, Newell Recycling Scrap Iron & Metal, Fockele Garden Company and Burger King restaurant. The subject property consists 0.855± acre in size and there are currently three lots. The applicant desires to reconfigure and subdivide the subject parcels for five lots. The applicant states that under the current setback requirements, the narrow shape and small size of the lots create a hardship which would not allow for homes with similar character and setbacks as the existing homes along Mill Street.

The Planning Division staff is recommending **approval** of this variance request with four conditions based on the property size, shape and multiple road frontages.

Applicant Presentation: **Eddie Martin, Jr.**, 946 Lanier Avenue, stated that he would like to reconfigure his original plan to have a front yard setback from 30-feet to now 7-feet. His reason for the change is so that the new duplexes would match the existing homes on Mill Street.

FAVOR: None

OPPOSE: None

Planning and Appeals Board Comments: None

There was a motion for conditional approval of the variance request to vary the front yard setback requirement from 30-feet to 7-feet along Athens Street and Mill Street within Residential-II (R-II) zoning district with the following conditions:

Conditions

1. The proposed duplex structures shall be generally consistent with the standards depicted on the pictures provided with this application not to exceed a maximum of 1.5 stories in height with a minimum 3:12 pitched roof. The exterior walls shall consist of cementitious siding materials with a minimum 3-foot high brick water table on the front and side exterior walls of the structure. In addition, each unit shall include a covered front porch.
2. The developer shall provide for a frontage landscape area along Athens Street which may include trees/shrubs and a decorative fence consisting of brick, wrought iron, aluminum or vinyl materials not to exceed 4-feet in height. The location, spacing, size and type of trees/shrubs planted and fence shall be subject to Community Development Department Director approval.
3. All driveway locations 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. Any required access/traffic/sidewalk improvements associated with the proposed development shall be at the full expense of the developer/property owner.
4. An updated survey/plat of the subject properties shall be recorded prior to obtaining a Certificate of Occupancy.

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

ADJOURNMENT

There was a motion to adjourn the meeting at 5:38 p.m.

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

Respectfully submitted,

Doug Carter, Chairman

Brandy Palmero, Recording Secretary

CITY OF GAINESVILLE

AGENDA REQUEST

Date Submitted: 12/17/2018

Presenter: Matt Tate

Item of Business: Request from **Russell Fuller** to annex a 0.34± acre tract located on the southeast side of the intersection of Dawsonville Highway and Washington Avenue (a/k/a **457 Dawsonville Highway**), and to establish zoning as General Business (G-B).
Ward Number: Five
Tax Parcel Number(s): 00-118-004-012
Request: Existing commercial retail

Meeting Date: 1/15/2019

Purpose of Request:

The applicant is proposing to annex the subject property with a zoning of General Business (G-B) for the purpose of utilizing city sewer due to a failed septic system. The property is zoned Highway Business (H-B) and is part of an unincorporated island in Hall County. The current use of the property is an antique and gift store named "Vintage Envy" and no changes are proposed. Access to the property is from Washington Avenue and Dorothy Drive. Nearby uses include three separate retail strip centers, Dairy Queen restaurant, used auto sales business and single-family homes.

History/Background:

Facts & Issues for Consideration:

Department Recommendation:

Planning staff recommended approval with two 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 Report	Report
☐ Location Maps	Backup Material
☐ Narrative	Backup Material
☐ Survey	Backup Material
☐ Photos	Backup Material

**GAINESVILLE PLANNING and APPEALS BOARD
STAFF RECOMMENDATION**

Applicant and Property Owner..... Russell Fuller
Location..... 457 Dawsonville Highway
Request..... Annex, with G-B zoning
Total Acres 0.34± acre
Ward..... Five
Proposed Use..... Existing commercial retail
Planning Division Staff Recommendation **Approval, with conditions**
Date..... January 15, 2019

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

The applicant is proposing to annex the subject property with a zoning of General Business (G-B) for the purpose of utilizing city sewer due to a failed septic system. The property is zoned Highway Business (H-B), is part of an unincorporated island in Hall County and is located within the Gateway Corridor Overlay Zone. The current use of the property is an antique and gift store named "Vintage Envy" and no changes are proposed. According to Hall County records the property was rezoned for commercial purposes in 1984. Access to the property is from Washington Avenue and Dorothy Drive and will remain unchanged. Nearby uses include three separate retail strip centers, Dairy Queen restaurant, Kendrick & Sons used auto sales business, single-family homes, Little & Davenport Funeral Home, Walmart, Lowe's and Lakeshore Mall.

▪ **Adjacent Land Use and Zoning**

Location	Use	Zoning
North	Lakeshore Heights single-family subdivision	Residential-I (R-I) City
South	Retail uses	Planned Unit Development (PUD) City
East	Single-family home; Used auto sales	Highway Business (H-B) County
West	Retail, bank and restaurant uses	General Business (G-B) City

▪ **Zoning History**

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

2018 – A request by LLJ Development, LLC to rezone a 6.854± acres tract located at 0 and 1010 Dawsonville Highway from Office and Institutional (O-I) and General Business (G-B) to General Business (G-B) zoning for a fitness center, retail and restaurant was approved with conditions.

2018 – A request by REB Land Development, LLC to rezone a 2.744± acres tract located at 621 Lakeshore Drive NW from Residential-I (R-I) to General Business (G-B) zoning for a multi-tenant retail, office and restaurant was withdrawn prior to the City Council meeting.

2018 – A request by John Harris to rezone a 5.73± acres tract located at 1331 Lanier Valley Drive from Residential-II (R-II) and General Business (G-B) to General Business (G-B) zoning for a non-profit residential facility was approved with conditions.

2018 – A request by Lake 53, LLC to rezone a 6.227± acres tract located at 1995 Dawsonville Highway from General Business (G-B) to Planned Unit Development (P-U-D) zoning for 79 residential condominiums and office space was conditionally approved.

2017 – A request by Masy Seng to annex a 0.19 ± acres tract with a zoning of General Business (G-B) located at 593 and 597 Shallowford Road was conditionally approved for a donut shop.

2017 – A request by Oak Hall Companies, LLC to rezone a 157.98± acres tract located at 0, 1264 and 1817 Ahaluna Drive; 1876 Dawsonville Highway; 2208 Karen Lane; 0 and 2029 Strickland Drive; 0 and 1489 West Lake Drive from Residential-I-A (R-I-A), Residential-I (R-I), Planned Unit Development (P-U-D) and Regional Business (R-B) to Planned Unit Development (P-U-D) and General Business (G-B) zoning for a mixed-use, age restricted community was approved with conditions.

2017 – A request by Oak Hall Companies, LLC to annex a 50.81± acres tract with a zoning of Planned Unit Development (P-U-D) and General Business (G-B) located at 0 and 1758 Ahaluna Drive; 1508, 1550, 1740, 1746, 1758, 1760, 1934 and 1982 Dawsonville Highway; 300 and 301 Skyview Drive; 0, 2008 and 2016 Strickland Drive was conditionally approved for a mixed-use, age restricted community.

2017 – A request by Oak Hall Companies, LLC to annex a 26.16 ± acres tract with a zoning of Planned Unit Development (P-U-D) located at 0 and 2209 Karen Lane; 2106, 2234 and 2242 Sportsman Club Road; 2049 Strickland Drive was conditionally approved for an age restricted, active adult community.

2013 – A request by America's Home Place, Inc. to rezone a 25.11± acres tract located at 0 and 1198 Dawsonville Highway; 1232 Ahaluna Drive and 1162 Lakeshore Circle from Residential-I (R-I), Residential-II (R-II) and Office and Institutional (O-I) to General Business (G-B) zoning for a commercial shopping center was approved with conditions.

2012 – A request by America's Home Place, Inc. to rezone a 4.711± acres tract located at 0, 1122, 1138, 1162 and 1198 Dawsonville Highway from Residential-II (R-II), Office and Institutional (O-I) and General Business (G-B) to General Business (G-B) zoning for retail, restaurant and vehicle service uses was approved with conditions.

2010 – A request by Bill Dupree to annex a 7.11± acres tract with General Business (G-B) zoning and rezone a 2.44± acres tract from Residential-II (R-II) to General Business (G-B) located at 0, 1293, 1297 and 1139 Dawsonville Highway was approved with conditions for a business center with retail, office and restaurant uses.

Analysis

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

The existing use of the property is for a retail gift and antique store which will remain the same. The purpose of the request is to utilize City sewer services due to a failed septic system. The property is located at the corner of a commercial intersection and is surrounded by a mixture of residential, office and commercial uses. Therefore, the existing use is suitable with the zoning and development of adjacent and nearby properties.

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

The applicant does not propose to change the use of the property. There should be no adverse impacts to the adjacent properties at this time. If the use were to change or the property were to be redeveloped in the future, the existing Gateway Overlay Zone standards and zoning conditions recommended by staff should address any potential adverse effects.

(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 *Retail/Commercial* land use category which includes commercial service activities such as grocery stores, banks, restaurants, theatres, hotels, and automotive related businesses. Commercial uses may be located as a single use in one building or grouped together in a shopping center.

In addition, the subject property is located within the *Longwood Cove* Character Area. Future development or redevelopment of Longwood Cove must consider the presence of the lake and extend its character further inland. Redeveloping underutilized land and buildings may enable commercial / residential growth. *Land uses allowed in Longwood Cove 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 General Business (G-B) which is similar to its current zoning of Highway Business (H-B) in Hall County. Given the fact that the property is part of an unincorporated island and is required to utilize sewer service due to a failed septic system, the proposal appears to be acceptable.

(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 affect public facilities or services at this time. Unless the use were to later change to a more aggressive commercial use in the future, no additional impacts are expected on existing roads over and above what currently exists. 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. City of Gainesville Fire Station #1 off of Queen City Parkway is located approximately 1.8 miles from the subject property. Given the commercial use of the property, no impacts to the City school system are anticipated.

(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 properties contain various commercial and residential uses both within the City and County. The properties located east of the intersection of Dawsonville Highway and Shallowford Road have experienced commercial growth which has created new infill development opportunities for some of the vacant land and residential properties that remain in this area. It is staff's opinion that the proposal is consistent with existing and expected uses for the area.

(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?

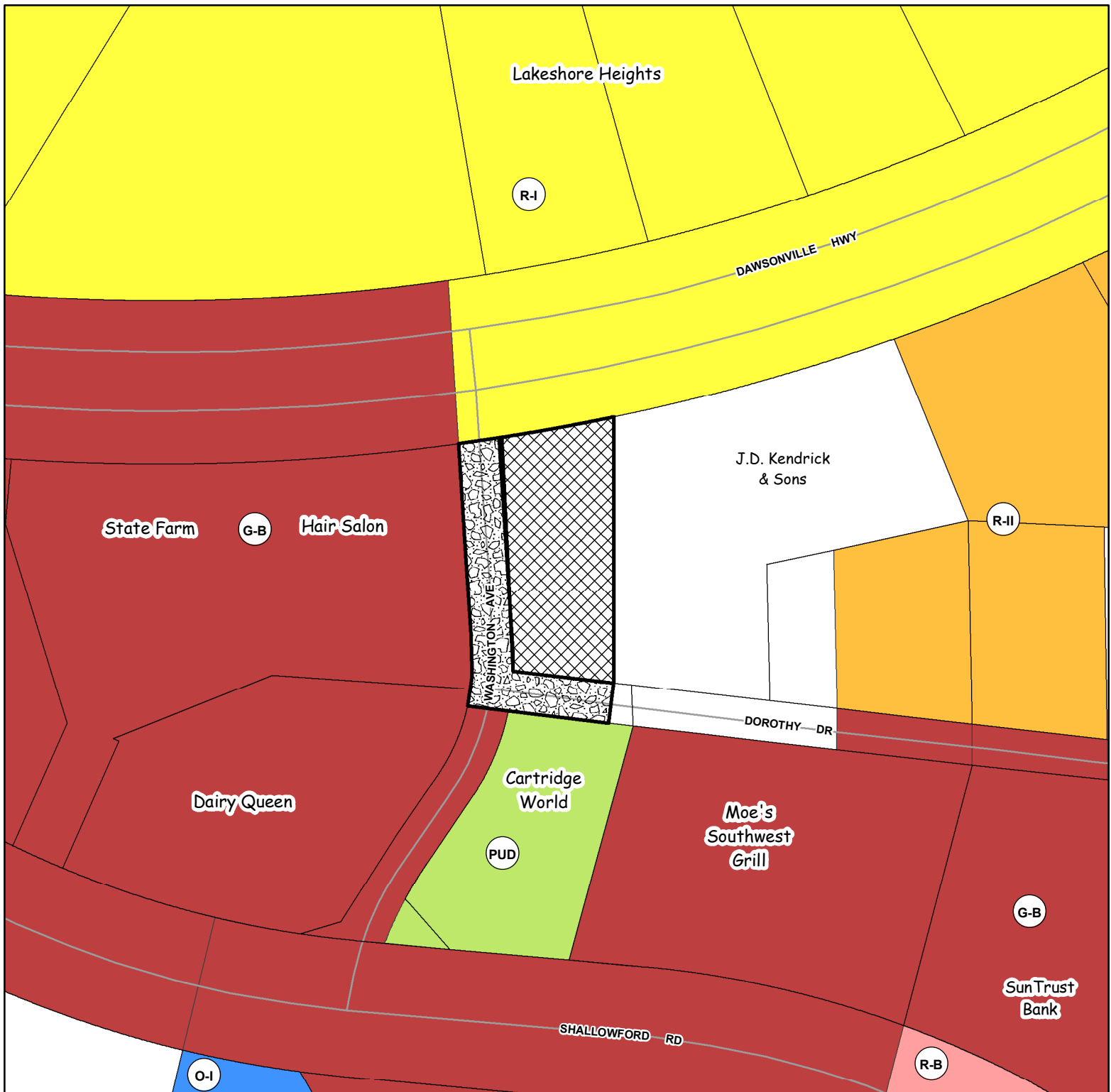
Based on the subject property's proximity to other commercial properties and the need for sewer services, the proposal appears to promote a reasonable balance between the promotion of the public health, safety, morality, or general welfare, and the right to unrestricted use of property.

Recommendation

The Planning Division staff is recommending **conditional approval** of this annexation request with **General Business (G-B)** zoning, based on the Comprehensive Land Use Plan and the adjacent mixture of uses.

Conditions

- 1. 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, gas station/convenience 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.**
- 2. All required access/traffic/sidewalk improvements associated with any development of the property shall be reviewed and approved by the Georgia Department of Transportation and the Gainesville Public Works Director and shall be at the full expense of the Developer.**



Applicant:

RUSSELL FULLER

Gainesville Community Development Department

ANNEXATION REQUEST

-  Subject Property
-  Right-of-Way to be Annexed



0 60 120 180 240 Feet

1" = 100'



Request:

Annex and Establish Zoning as
General Business (G-B) for
Existing Commercial Retail

Subject Area Address:

457 Dawsonville Highway

Meeting: 01/15/2019

Prepared: 12/04/2018

Tax Parcel:

00-118-004-012



Applicant:

RUSSELL FULLER

Gainesville Community Development Department

ANNEXATION REQUEST

 Subject Property and
Right-of-Way to be Annexed

Aerial from 2015

0 60 120 180 240 Feet



1" = 100'



Request:

Annex and Establish Zoning as
General Business (G-B) for
Existing Commercial Retail

Subject Area Address:

457 Dawsonville Highway

Meeting: 01/15/2019

Prepared: 12/04/2018

Tax Parcel:

00-118-004-012

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Castleberry Property, L.P 2012
221 Shallowford Drive
Gainesville, Georgia 30504

To: Planning and Appeals Board
City of Gainesville

Date:11/19/2018

Subject: Narrative Report for annexation to city.

Dear Board Members,

I own a commercial property at 457 Dawsonville Highway, Gainesville, GA. It has always been on a septic system. The current field lines have reached their capacity and I would like to connect to the sewer line installed in front of the property on Dawsonville Highway. This property is located in Hall County but runs contiguous to the city limits of Gainesville. I understand that in order to connect to the city sewer system I must first get the property annexed into the city limits. Therefore, I am requesting annexation into city limits of Gainesville.

Ben F. Castleberry
General Partner

MAP 00118 PARCEL 004012
REF: DEED BOOK 7115 PAGE 475
PLAT BOOK 6 PAGE 147

**** LEGEND ****

IPF = IRON PIN FOUND
IPS = IRON PIN SET
CMF = CONCRETE MONUMENT FOUND
R/W = RIGHT OF WAY
BL = BUILDING LINE
LL = LAND LOT LINE
LL = LAND LOT
N/F = NOW OR FORMERLY
NTS = NOT TO SCALE
CL = CENTER LINE
BM = BENCH MARK
TBM = TEMPORARY BENCH MARK
PC = POINT OF CURVATURE
PI = POINT OF INTERSECTION
PT = POINT OF TANGENCY
R = RADIUS
CH = CHORD
IE = INVERT ELEVATION
-T- = TELEPHONE LINE
-W- = WATER LINE
-G- = GAS LINE
-S- = SEWER LINE
-P- = POWER LINE
MH = MAN HOLE
SSE = SANITARY SEWER EASEMENT
DE = DRAINAGE EASEMENT
CE = CONSTRUCTION EASEMENT
CB = CATCH BASIN
JB = JUNCTION BOX
DI = DROP INLET
HW = HEAD WALL
FH = FIRE HYDRANT
RCP = REINFORCED CONCRETE PIPE

This plot is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated hereon. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

BARRY D. LORD GA RLS #2641

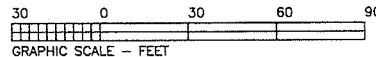
11-29-19
DATE



DAWSONVILLE HIGHWAY
GA. HWY. NO. 53

WASHINGTON AVENUE

DOROTHY DRIVE



GENERAL NOTES

- 1) The field data upon which this plat is based has a precision of one foot in feet and an angular error of per angle point and was adjusted using least squares.
- 2) This plat has been calculated for closure and has an accuracy of one foot in feet.
- 3) Field equipment used for this survey was a Topcon GPT2005.
- 4) All easements, restrictions, or exceptions to title are shown based on information supplied to INGRAM, LORD AND ASSOCIATES. No Certification as to the completeness or accuracy of any matters of title is made by INGRAM, LORD AND ASSOCIATES.
- 5) Underground utilities shown on this plat were taken from field observation and from plats by others, the exact location of all utilities should be verified by the respective utility company. INGRAM, LORD AND ASSOCIATES assumes no liability as to the exact location of any underground utility. For verification contact the utilities Protection Center Inc. 1-800-282-7411.
- 6) This survey is a correct representation of the land plotted and has been plotted in conformity with the minimum standards of Georgia Law. It does not intend to indicate ownership of any parcel or easement, this information should be verified by an attorney licensed by the state of Georgia.

MAGNETIC NORTH

RETRACEMENT SURVEY FOR:

CASTLEBERRY PROPERTIES, LP. 2012

0.340 ACRES

L.L. 164 9TH DISTRICT

HALL COUNTY, GEORGIA

SCALE: 1"=30'

DATE: FIELD 11-28-2018

DRAWING 11-29-2018

INGRAM, LORD & ASSOCIATES
LAND SURVEYING AND PLANNING

437 SAM BROWN BLVD.
COMMERCE, GEORGIA 30529
706-335-9069

457D



