



AGENDA

**Gainesville Planning and Appeals Board
Tuesday, June 11, 2019, 5:30 PM
Gainesville Justice Center**

1. CALL TO ORDER

2. MINUTES

A. April 9, 2019 PAB Meeting Minutes

3. OLD BUSINESS

4. NEW BUSINESS

A. Variance Request

- (1) Request from **Joe Biddy** to vary the side yard setback requirement on a 0.257± acre tract located on the northeast side of the intersection of North Avenue and Bradford Street (a/k/a **0 and 428 North Avenue, NW**), having a zoning classification of Planned Unit Development (P-U-D).

Ward Number: Two

Tax Parcel Number(s): 01-040-001-012

Request: Uncovered deck addition

B. Rezoning Request

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

Ward Number: Two

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

Request: HVAC contractor office warehouse

5. MISCELLANEOUS

6. ADJOURNMENT

CITY OF GAINESVILLE

AGENDA REQUEST

Date Submitted: 5/9/2019
Presenter: N/A
Item of Business: April 9, 2019 PAB Meeting Minutes
Meeting Date: 6/11/2019

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
APRIL 9, 2019

CALL TO ORDER Chairman Carter at 5:32 p.m.

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

Members Absent: Board Member Carmen Delgado

Staff Present: Community & Economic Development Deputy Director Matt Tate and Recording Secretary Brandy Palmero

Others Present: Council Member George Wangemann

MINUTES OF FEBRUARY 12, 2019

Motion made by Board Member Thompson

Motion seconded by Board Member White

Vote – 6 favor, 1 absent (Delgado)

NEW BUSINESS

A. Annexation Request

- 1) Request from **Cindy Ford** to annex a 0.62± acres tract located on the north side of Meadowlark Lane, east of Cleveland Highway (a/k/a **1659 Meadowlark Lane**) and to establish zoning as Residential-I (R-I).

Ward Number: Two

Tax Parcel Number(s): 00-084-001-014

Request: Sewer for existing single-family home

Staff Presentation: Community & Economic Development Deputy Director Matt Tate gave the following staff presentation:

The applicant is proposing to annex the subject 0.62± acre property with a zoning of Residential-I (R-I) for sewer. The general location of the property is situated south of Clarks Bridge Road, between Cleveland Highway and Limestone Parkway. The property has a zoning classification of Agricultural Residential-III (AR-III) within unincorporated Hall County and is contiguous to the city limits to the east. Surrounding uses include single-family homes, Clarks Bridge Corners Condominiums and Oaks at Limestone Nursing Home located to the east/south-east in the city and a mini-warehouse facility to the west in the county. The property contains a single-family rental home that is currently utilizing municipal sewer services but was never annexed into the city limits. There are no proposed changes to the property. Upon annexation, the property will be located within the Limestone Corridor Overlay Zone. The Comprehensive Land Use Plan places the property is located within the *Low-Medium Residential future land use category* and the *Limestone Medical Corridor Character Area*, which allows for single-family residences.

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 Presentation: **Cindy Ford**, 5711 Fir Lane, Flowery Branch, stated she recently inherited the property after her mother's passing and needed to annex into the city for sewer purposes since it was not previously done.

FAVOR: None

OPPOSE: None

Planning and Appeals Board Comments: None

There was a motion to recommend approval of the annexation request with a zoning of Residential-I (R-I) for utilizing the sewer for existing single-family home.

Motion made by Vice-Chair Fleming
Motion seconded by Board Member Simmons
Vote – 6 favor, 1 absent (Delgado)

B. Rezoning Requests

- 1) Request from **Gainesville Housing Authority** to rezone a 6.822± acres tract located on the northeast side of the intersection of Pearl Nix Parkway and Jones Street, having road frontage on the east and west sides of Tower Height Road (a/k/a **320 Tower Heights Road**) from Residential-II (R-II) to Planned Unit Development (P-U-D).

Ward Number: Five

Tax Parcel Number(s): 01-119-003-032 and 01-119-006-010

Request: Multi-family apartments

Staff Presentation: Community & Economic Development Deputy Director Matt Tate gave the following staff presentation:

The applicant is proposing to rezone the subject 6.822± acres property from R-II to P-U-D for a maximum of 180 multi-family apartments and amenity space. The subject property is located within the Gateway Corridor Overlay Zone and is surrounded by Alta Vista Cemetery on two sides, Tower Heights Commons Condos, Single-Family Homes, Real-estate office, Walgreens, Lakeshore Point and Lakeshore Village Shopping Centers. Presently, the property contains the Tower Heights Apartments which consist of 32-units within 16 structures including one community center which will be demolished for the project. The proposed apartment development is to be called "Walton Harbor" and will be built in two phases which will include apartments for families and for seniors. Similar to the exiting Walton Summit development located off of E. E. Butler Parkway, the project will use public and private financing, relying heavily on the Low Income Housing Tax Credit Program through the Department of Community Affairs (DCA). Phase 1 will include 90 family units within three apartment buildings and a clubhouse on a 3.94± acres tract located on the southwest side of Tower Heights Road. Phase 2 will include one apartment building consisting of 90 senior living units on 2.882± acres located on the northwest side of Tower Heights Road. All total, the project will have a density of 26.39 du/ac. Approximately 227 residential parking spaces will be provided and access is proposed from Tower Heights

Road. Tower Heights Road will remain an open public road but will be improved and widened to provide for on-street parallel parking.

The Comprehensive Land Use Plan places the property is located within the *Medium-High Density Residential land use category* and the *Longwood Cove Character Area* which supports multi-family residential uses.

The Planning Division staff is recommending **conditional approval** of this rezoning request with **P-U-D zoning**, based on the Comprehensive Plan and the adjacent residential, nonresidential uses.

Applicant Presentation: **Matthew Teague**, 1857 Bolder Street, Atlanta, from Walton Communities stated he is excited for the opportunity to add Walton Harbor Apartments and collaborate once again with the Gainesville Housing Authority. He referenced the success that their similar property Walton Summit apartments added to Gainesville. Walton Harbor will face Tower Heights Road providing access to the main entrance and to the public. All of the main facilities will face Tower Heights Road. In addition, it will provide more parking, sidewalks and trees along the street. The 1st phase will be a family community with three separate three-story buildings; they also plan to add a playground. The 2nd phase will be a senior community with four-stories with an accessible elevator for the residents.

FAVOR: **Beth Brown**, 750 Pearl Nix Parkway, stated the reason why this project is so important is that they have over 1400 people on the waiting list and the list has been closed for two years. She expressed the overwhelming need for affordable housing in the community would help so many families and seniors. She stated they have an aging housing stock that was considered obsolete when evaluated for physical needs assessment. She stated that the success from Walton Summit has really pushed them forward to improve living standards for the area.

OPPOSE: **Jack Waldrip**, 1520 Berkeley Court, stated he would like the board to either deny the request or table it until two conditions are met. The first condition he would like addressed is for no traffic to be allowed on Jones Street and Pearl Nix Parkway. He then provided several photographs showing traffic and lack of stoplights deeming these unsafe conditions. His second condition is for the safety of the pedestrians. He provided several photographs of pedestrians waiting to cross the intersection and walking on the side of the road. He stated there were no crosswalks for them to use or a stop light to control the traffic. Mr. Waldrip stated adding the extra development of Walton Harbor would become a death trap for pedestrians. He is also concerned with the amount of foot traffic he receives in his office parking lot trying to walk to Wal-Mart and Burger King. Pedestrians try to avoid the intersection because no sidewalks for them to use. He expressed concern for his employees and himself that they could easily hit someone by accident.

Bruce Cash, 1545 Park Hill Drive, stated his reasons are different from Mr. Waldrip's. He described Gainesville, as the City of destruction. He does not want any more of the trees and vegetation in the area to be removed. He also added that traffic is already a problem and that approving the project will only make things worse.

Open Discussion: Chairman Carter invited Mr. Teague back up to answer any questions. Mr. Teague stated he would certainly follow all of the Boards guidelines and an independent traffic engineer will be hired to conduct the study.

Planning and Appeals Board Comments:

Board Member Kelvin Simmons asked Community & Economic Development Deputy Director Matt Tate how long an independent study would take. Board Member Simmons added that he does not have a problem with the proposed plan but he does have a problem with the traffic in the area and that we need an Independent traffic study not a traffic study done by the City. Matt Tate stated that an independent traffic engineer would provide the traffic study. He explained they would study the Pearl Nix and Jones Street intersection. He believes there will be significant time to conduct the impact traffic study before the plan is put into play. Board Member Ryan Thompson asked what would happen if the traffic study shows a problem with the intersection. Mr. Tate replied that they would have to fully evaluate it, concluding this is why the conditions were recommended. Mr. Tate asked Mr. Teague what his timeline on building and planning would be. Mr. Teague stated fall of next year. He explained that a normal traffic study usually takes between 60-90 days. Mr. Tate stated they needed to take the school calendar schedule into effect for the accuracy of the traffic study.

There was a motion to recommend conditional approval to rezone the subject property from Residential-I (R-I) to Planned Unit Development (P-U-D) for multi-family apartments with the following conditions:

- 1. The development standards within the narrative, site plan and architectural rendering submitted with the applicant's rezoning application shall be made part of the zoning ordinance, and shall be subject to the approval of the Director of the Community and Economic Development Department.**
- 2. The owner/developer shall plant an evergreen buffer along the northerly property lines adjacent to the single-family homes and Tower Heights Commons condominiums. The location, spacing, size and type of trees planted shall be subject to the approval of the Director of the Community and Economic Development Department.**
- 3. The owner/developer shall construct a minimum 5-foot wide sidewalk on both sides of Tower Heights Road adjacent to the development. In addition, a 5-foot wide sidewalk shall be constructed on one side of Jones Street and Pearl Nix Parkway adjacent to the development in order to provide connection to the neighboring Lakeshore Village Shopping Center.**
- 4. Prior to a permit being issued for the proposed use, a Traffic Impact Study (TIS) shall be required by the developer/property. The scope of the study shall be determined by the Gainesville Public Works Department Director.**
- 5. All access point design for the subject property shall require review and approval by the Gainesville Public Works Department Director. All required access/traffic/sidewalk improvements associated with the proposed development or any additional improvements identified within the Traffic Impact Study shall be at the full expense of the developer/property owner.**
- 6. An updated as-built survey/plat of the subject property, indicating all improvements shall be recorded prior to obtaining a Certificate of Occupancy for the future use.**

Motion made by Board Member Martin

Motion seconded by Board Member Thompson

Vote – 6 favor, 1 absent (Delgado)

- 2) Request from **Christopher Wimberly** to rezone a 0.31± acre tract located on the west side of Summit Street, between E. E. Butler Parkway and Chestnut Street (a/k/a **315 Summit Street SE**) from Residential-II (R-II) to General Business (G-B).

Ward Number: Three

Tax Parcel Number(s): 01-020-004-006

Request: Expansion of neighboring funeral home

Staff Presentation: Community & Economic Development Deputy Director Matt Tate gave the following staff presentation:

The applicant is proposing to rezone the subject 0.31± acre property from Residential-II (R-II) to General Business (G-B) for the purpose of expanding the neighboring Wimberly and Jackson Funeral Home. The surrounding uses include the Wimberly & Jackson Funeral Home, vacant homes, City Plumbing & Electric and the Walton Summit Apartments. The property is located within the Midtown Overlay Zone and contains a 2,100 square foot single-family home built in 1940, which is unoccupied. The applicant intends to demolish the home in order to provide for additional chapel space and parking to expand. The addition will connect to the existing funeral home and will include approximately 3,200 square feet of new building space and seating for approximately 160± seats within the new chapel. A one-way circular drive is proposed from Summit Street. The Comprehensive Land Use Plan places the property is located within the *Mixed-Use Midtown land use category* and the *Central Core Character Area specifically within the Downtown/Midtown subarea* which allows for a mixture of residential, office and commercial uses.

The Planning Division staff is recommending **conditional approval** of this rezoning request with **G-B zoning**, based on the Comprehensive Plan and the surrounding mixture of uses.

Applicant Presentation: **Felicia Wimberly**, 325 Summit Street, stated the purpose of their request is to build a new chapel and provide appropriate parking for the community they serve. She added the property is in need of beautification and expanding would add so much for those families during their time of need. She provided letters from local churches to help support the need for an expansion to the facility.

FAVOR: **Belinda Dickey**, 2165 Sunrise Drive, agrees the property needs more space to accommodate several family viewings at one time and to help provide safe adequate parking.

Quinn Sean, 5046 Daylily Drive, also agrees that the property needs more parking to help better serve the families and expansion would help serve the community better.

Rev. Charles Dickey, 2165 Sunrise Drive, agrees with the improvements to help better serve the community with expanding the property and providing additional parking for families.

OPPOSE: None

Planning and Appeals Board Comments: **Board Member Simmons**, questioned how many additional parking places the enhancement to the property would provide. Felicia Wimberly stated 30 extra parking places. Mr. Tate clarified that it would provide 40 additional spaces.

There was a motion to recommend conditional approval to rezone the subject property from Residential-II (R-II) to General Business (G-B) for expansion of neighboring funeral home with the following conditions:

- 1. The development standards within the narrative, site plan and architectural rendering submitted with the applicant's rezoning application shall be made part of the zoning ordinance, and shall be subject to the approval of the Director of the Community and Economic Development Department.**
- 2. The owner/developer shall provide for an evergreen buffer along southerly and westerly property lines adjacent to the single-family home and the Walton Summit Apartments which may include a solid row of hedges or trees. The location, spacing, size and type of vegetation planted shall be subject to the approval of the Director of the Community and Economic Development Department.**
- 3. All access point design for the subject property shall require review and approval by the Gainesville Public Works Department Director. All required access / traffic / sidewalk improvements associated with the proposed development or any additional improvements identified within the Traffic Impact Study shall be at the full expense of the developer/property owner.**
- 4. An updated as-built survey/plat of the subject property, indicating existing conditions and all improvements shall be recorded prior to obtaining a Certificate of Occupancy for the future use.**

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

ADJOURNMENT

There was a motion to adjourn the meeting at 6:23 p.m.

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

Respectfully submitted,

Doug Carter, Chairman

Brandy Palmero, Recording Secretary

CITY OF GAINESVILLE

AGENDA REQUEST

Date Submitted: 5/9/2019

Presenter: Matt Tate

Item of Business: Request from **Joe Biddy** to vary the side yard setback requirement on a 0.257± acre tract located on the northeast side of the intersection of North Avenue and Bradford Street (a/k/a **0 and 428 North Avenue, NW**), having a zoning classification of Planned Unit Development (P-U-D).

Ward Number: Two

Tax Parcel Number(s): 01-040-001-012

Request: Uncovered deck addition

Meeting Date: 6/11/2019

Purpose of Request:

The applicant is requesting to vary the right side yard setback requirement from 10-feet to 0-feet for the purpose of constructing a 13' wide x 22' deep deck addition. The addition is to be located on the right side of the existing townhouse above the existing private parking area. Access will be from inside the dwelling and will be similar in appearance as the existing front porch facing North Avenue. The structure is part of a two unit townhome development originally constructed in 2006. The applicant is basing the hardship on the configuration of the townhome as there is no other suitable space available for the addition. The adjacent properties include single-family homes and a duplex townhome.

History/Background:

Facts & Issues for Consideration:

Department Recommendation:

Planning staff is recommending approval with one condition. 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
☐ Survey	Backup Material
☐ Floor Plan	Backup Material
☐ Photos	Backup Material

**GAINESVILLE PLANNING AND APPEALS BOARD
STAFF RECOMMENDATION**

Applicant and Property Owner: Joe Biddy
428 North Avenue, NW
Gainesville, GA 30501

Request:..... Vary the right side yard setback

Zoning:.....Planned Unit Development (P-U-D)

Location:..... 0 and 428 North Avenue, NW

Staff Recommendation:.....**Approval, with condition**

Meeting Date:.....June 11, 2019

▪ **Request**

The applicant is requesting to vary the right side yard setback requirement from 10-feet to 0-feet for the purpose of constructing a 13' wide x 22' deep uncovered deck addition. The addition is to be located on the right side of the existing townhouse above the existing driveway/ parking area. The proposed deck will extend to the existing brick retaining wall along the common property line. Access to the deck will be from the main level of the dwelling and will be similar in appearance as the existing front porch facing North Avenue.

▪ **Background Information and Existing Conditions**

The subject property is 0.257± acre in size and is part of a two unit townhome development. According to tax records the townhome was originally constructed in 2006. The adjacent properties include single-family homes and duplex townhomes.

▪ **Significant Factors**

The Ordinance requires that the applicant's claim for hardship must be based on the size or shape of the lot, its topography, or other physical characteristics inherent in the lot itself and not on the desired aesthetics. Further, the Code states that a variance shall not be granted as a convenience to the applicant or as a way to gain any advantage or interest over similarly zoned properties.

The applicant is basing the hardship on the location of the townhome as there is no other suitable space available for the deck addition.

In 2018, a request to vary the front yard setback from 30-feet to 15-feet for the neighboring townhome located at 430 North Avenue, NW was conditionally approved for a covered porch addition.

In 2016, a request to vary the front yard setback variance from 30-feet to 22-feet and side yard setback from 10-feet to 1-foot for a property located at 330 North Avenue was approved for a porch and garage addition to a single-family home.

- **Other Departmental Comments**

There are no other departmental comments for this request.

- **Supporting Documents**

Statement of Hardship, Plat, Concept Plan, Architectural Rendering

- **Analysis**

(1) Are there extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography?

The existing development contains two townhomes located at the northeast side of the intersection of Bradford Street and North Avenue. However, the subject townhome and driveway only fronts North Avenue. The property is small in size and slopes downward towards the rear of the townhome unit. The orientation of the townhome and location of the driveway appear to limit the area for a deck.

(2) Would the application of the Unified Land Development Code to this particular piece of property create an unnecessary hardship?

The purpose of the building setback requirement is to provide for uniformity of building placement, sufficient access, as well as to provide for adequate separation from neighboring properties for fire safety.

The zoning of the property is Planned Unit Development (P-U-D) which is a site specific zoning. The development standards imposed at the time of the rezoning required the existing setback which is comparable with other residential zonings within the city limits. The existing zoning of the property requires a 10-foot side yard setback. The existing driveway and retaining wall are currently located within inches of the shared property line.

(3) Are there conditions that are peculiar to the property which adversely affect its reasonable uses or usability as currently zoned?

The property is zoned Planned Unit Development (P-U-D) which is a planned zoning that was approved specifically for the existing townhomes which have existed for approximately 13 years. The P-U-D zoning did not account for the future expansion of the townhomes given the small size of the lot.

(4) Would relief, if granted, cause substantial detriment to the public good or impair the purposes and intent of this ordinance?

The proposal would not appear to cause substantial detriment to the public good or impair the purposes and intent of this ordinance. The deck addition will extend to the edge of the existing brick retaining wall and driveway which is very close to the shared property line. The adjacent residential home will have a clear view of the deck as it will be elevated and in close proximity to the neighboring driveway. However, there are similar properties nearby that have structures located closer to the side yard property line than the current setback requirements.

(5) There must be a proved hardship by showing beyond a doubt the inability to make a reasonable use of the land if the zoning ordinance were applied literally.

Given the orientation of the townhome unit and the size of the property, there is no room for the proposed deck addition without a setback variance being granted. The proposed deck will be required to extend the width of the driveway to be safe and functional. Otherwise, a smaller deck would have to be cantilevered from the existing townhome which is not feasible.

(6) The hardship cannot be self-created; e.g., as in a case where the lot was purchased with the knowledge of an existing restriction.

The applicant was aware of the setback requirement but did not originally plan for the addition of a deck when the townhome was constructed.

▪ **Staff Recommendation**

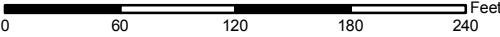
The Planning Division staff is recommending **conditional approval** of this variance request based on the orientation of the townhome and size of the property.

Condition

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



Applicant:	
JOE BIDDY	
VARIANCE REQUEST	
	Request: Vary side yard setback requirement on 0.257+/- acre tract for an uncovered deck addition within P-U-D zoning
	Subject Area Address: 0 and 428 North Avenue, NW
	Meeting: 6/11/2019
	Prepared: 5/10/2019

Community & Economic Development Department	
 Subject Property	 N  0 60 120 180 240 Feet 1" = 100'
Tax Parcel: 01-040-001-012	
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Applicant:

JOE BIDDY

Community & Economic Development Department

VARIANCE REQUEST



Subject Property

N



0 60 120 180 240 Feet

1" = 100'



Request:

Vary side yard setback requirement on 0.257+/- acre tract for an uncovered deck addition within P-U-D zoning

Subject Area Address:

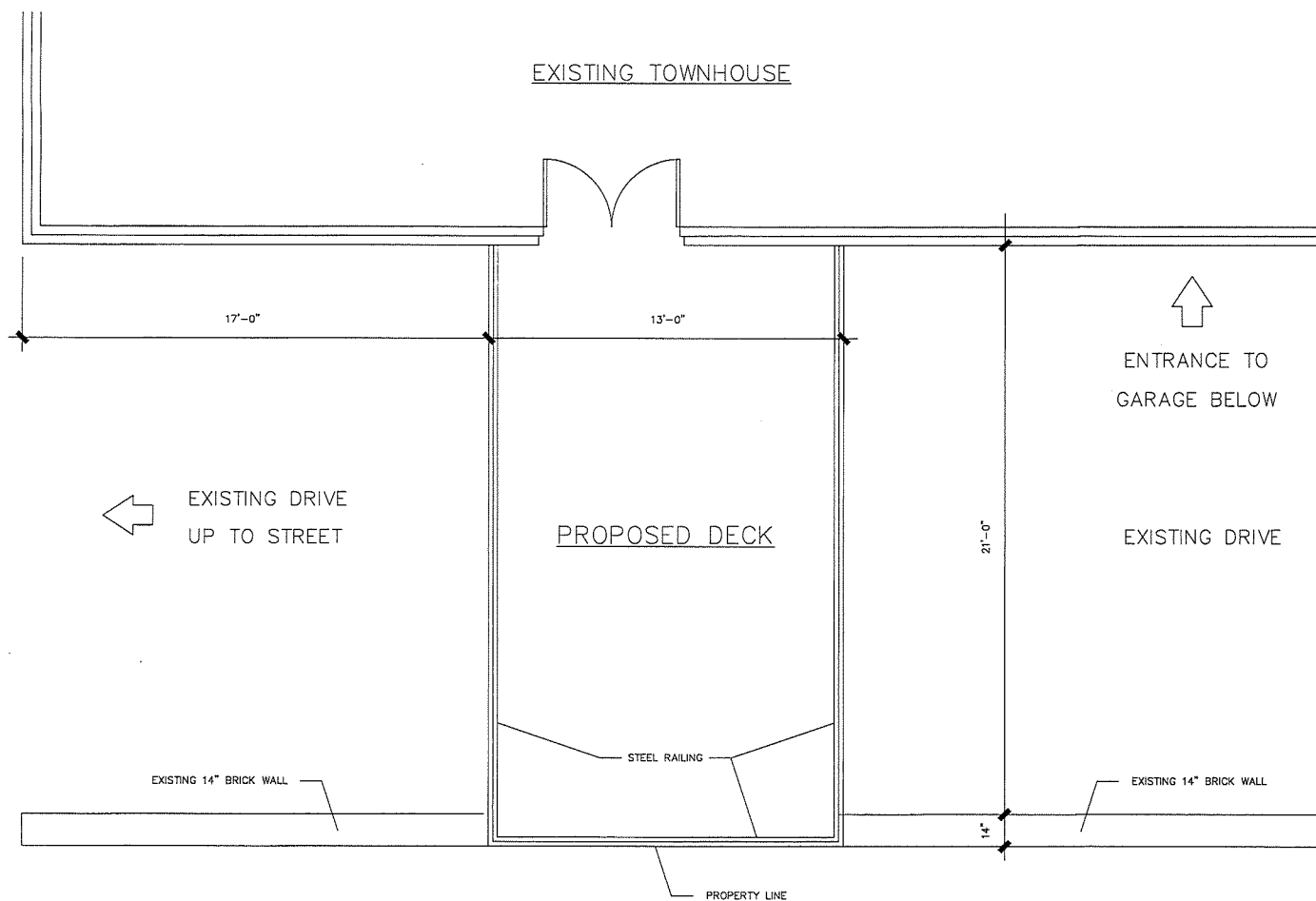
0 and 428 North Avenue, NW

Meeting: 6/11/2019

Prepared: 5/10/2019

Tax Parcel:

01-040-001-012



PROPOSED FLOOR PLAN
1/2" = 1'-0"



Architects
Bailey Associates
Georgia 30501
770.534.0612

Bailey Associates

DECK ADDITION TO
THE BIDDY RESIDENCE
428 NORTH AVENUE, GAINESVILLE, GEORGIA 30501

Project No 19011
Drawn By JKB
Checked By
Date APR. 26, 2019
Revisions

A1
OF 2



VIEW FROM NORTH AVENUE



Architects
Georgia
Georgia 30501
770 534 0612

Bailey Associates

DECK ADDITION TO
THE BIDDY RESIDENCE

428 NORTH AVENUE, GAINESVILLE, GEORGIA 30501

Project No 19011
Drawn By JKB
Checked By
Date APR, 26, 2019
Revisions

A2

OF 2

CITY OF GAINESVILLE

AGENDA REQUEST

Date Submitted: 5/9/2019

Presenter: Matt Tate

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

Ward Number: Two

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

Request: HVAC contractor office warehouse

Meeting Date: 6/11/2019

Purpose of Request:

The applicant is proposing to rezone the subject property from Residential-I (R-I) to Light Industrial (L-I) for an HVAC contractor office warehouse. The warehouse will involve the assemblage of metal ductwork for HVAC systems. According to the applicant, there will be 3 to 5 employees and business hours will be from 7:00 AM to 5:00 PM Monday thru Friday. The property contains an existing 5,000 square foot metal building currently owned by the adjacent Faith Baptist Church which will be converted to the proposed use with associated parking. Access is to remain from Crow Road. As well, a 5,000 square foot addition with parking is depicted on the concept plan for future growth, but there is no immediate plan to expand the building. The subject property is located within the Limestone Parkway Overlay Zone. The adjacent property is zoned Agricultural Residential-III (AR-III) in the county and Residential-I (R-I) and General Business (G-B) in the city consisting of single-family homes, Faith Baptist Church and New Horizons Lanier Park long term care facility.

History/Background:

Facts & Issues for Consideration:

Department Recommendation:

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

Department Director:

Rusty Ligon

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

No

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
☐ Staff Recommendation Report	Report
☐ Location Maps	Backup Material
☐ Narrative	Backup Material
☐ Concept Plan	Backup Material
☐ Plat	Backup Material

**GAINESVILLE PLANNING and APPEALS BOARD
STAFF RECOMMENDATION**

Applicant and Property Owner..... Matthew Magnus and Ryan Chambers
Location..... 2092 Crow Road &
 2005 White Sulphur Road
Request..... Rezone from R-I to L-I
Total Acres 1.3± acres
Ward..... Two
Proposed Use..... HVAC Contractor office/warehouse
Planning Division Staff Recommendation **Approval with conditions**
Date..... June 11, 2019

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

The applicant is proposing to rezone the subject property from Residential-I (R-I) to Light Industrial (L-I) for an HVAC contractor's office warehouse. The warehouse will involve the assemblage of metal ductwork for HVAC systems. According to the applicant, there will be 3 to 5 employees and business hours will be from 7:00 AM to 5:00 PM Monday thru Friday. The property contains an existing 5,000 square foot metal building currently owned by the adjacent Faith Baptist Church which will be converted to the proposed use with associated parking. Access is to remain from Crow Road. As well, a 5,000 square foot addition with parking is depicted on the concept plan for future growth, but there is no immediate plan to expand the building.

▪ **Adjacent Land Use and Zoning**

Location	Use	Zoning
North	Church, Single-family homes	Residential-I (R-I) City Agricultural Residential-III (AR-III) County
South	New Horizons Lanier Park long term care facility	General Business (G-B) City
East	Vacant home	Residential-II (R-II) City
West	Single-family homes	Agricultural Residential-III (AR-III) County

The property is located within the Limestone Parkway Overlay Zone.

▪ **Other Departmental Comments**

There were no departmental comments for this request.

▪ **Zoning History**

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

2018 – A request by Limestone Greenway, LLC to annex a 75.12± acres tract with a zoning of Planned Unit Development (P-U-D) located at 0 and 2065 Limestone Parkway was conditionally approved for a mixed-use development.

2014 – A request by Waffle House Inc. to amend a condition of zoning on a 3.21± acres tract located at 2551 Limestone Parkway zoned General Business, with conditions (G-B-c) was approved for a Waffle House restaurant.

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.

Analysis

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

The subject property is currently being used for non-residential purposes and is located along Crow Road which is considered a residential street. The surrounding area includes a mixture of residential, office, medical services, public uses and limited retail uses. The surrounding properties are zoned Agricultural Residential-III (AR-III), Residential-I (R-I), General Business (G-B) and Light Industrial (L-I). The proposal could be considered suitable given the property has been used for non-residential purposes for many years. The property contains an older warehouse building owned and used for non-residential purposes by the adjacent Faith Baptist Church.

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

It is important to protect the adjacent and nearby residential uses. The interior and exterior of the existing warehouse building will be improved and all office and HVAC fabrication work will be housed inside the building. According to the applicant there will be no noise, vibrations or odors from the proposed use. Approximately 3 to 5 employees are anticipated with normal business hours Monday thru Friday. The existing driveway and parking will be improved with additional evergreen vegetation to enhance the dense buffer that currently exists. Parking and any future expansion will be required to meet storm water detention and water quality standards.

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

It is staff's opinion that the proposal is consistent with the Comprehensive Plan. The Future Development Map for the City of Gainesville places the subject property within the *Mixed Use General* land use category. This category includes areas containing or planned for a mixture of land uses including office, neighborhood retail, and residential.

According to the Character Area map for the City of Gainesville, the subject property is located within the *Limestone Medical Corridor* Character Area. The Limestone Parkway corridor area is an employment corridor that is envisioned as one of the priority growth areas and is not anticipated to expand Gainesville's traditional neighborhood fabric. Land uses allowed within this area include public / institutional, low-density residential, medium-density residential, multi-family residential, mixed-use, commercial, and parks / recreation / conservation.

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

The proposed use requires the property to be rezoned for non-residential purposes. The property could continue to be used by the adjacent church under its current zoning of Residential-I (R-I) as churches are permitted by right within all zoning districts. Given the property's proximity to the neighboring church and Beverly Road, it appears reasonable that the property could be rezoned. However, staff would recommend a zoning of General Business (G-B) rather than Light Industrial (L-I) based on the adjacent zonings.

(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 proposed use will have minimal impacts to public facilities. Water and sewer capacity is adequate to serve the proposed use. The Gainesville Fire and Police Departments currently respond to the property and nearest City of Gainesville Fire Station #2 is approximately 9 miles from the subject property. Hall County Fire Station #7 is approximately 3 miles from the property off of East Crescent Drive. There will be no impacts to the City school system.

According to the "Trip Generation Manual" as published by the Institute of Transportation Engineers, the proposed use at build out could generate approximately 17± new trips per weekday. The trip generation is based on a total of 5 employees for the use.

(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 a mixture of residential and non-residential growth due to nearby Exit 24 /I-985, Jesse Jewell Parkway, Limestone Parkway and White Sulphur Road. Nearby Northeast Georgia Medical Center has also impacted the area greatly by attracting numerous new residential, office and commercial uses. It is staff's opinion that the proposed 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?

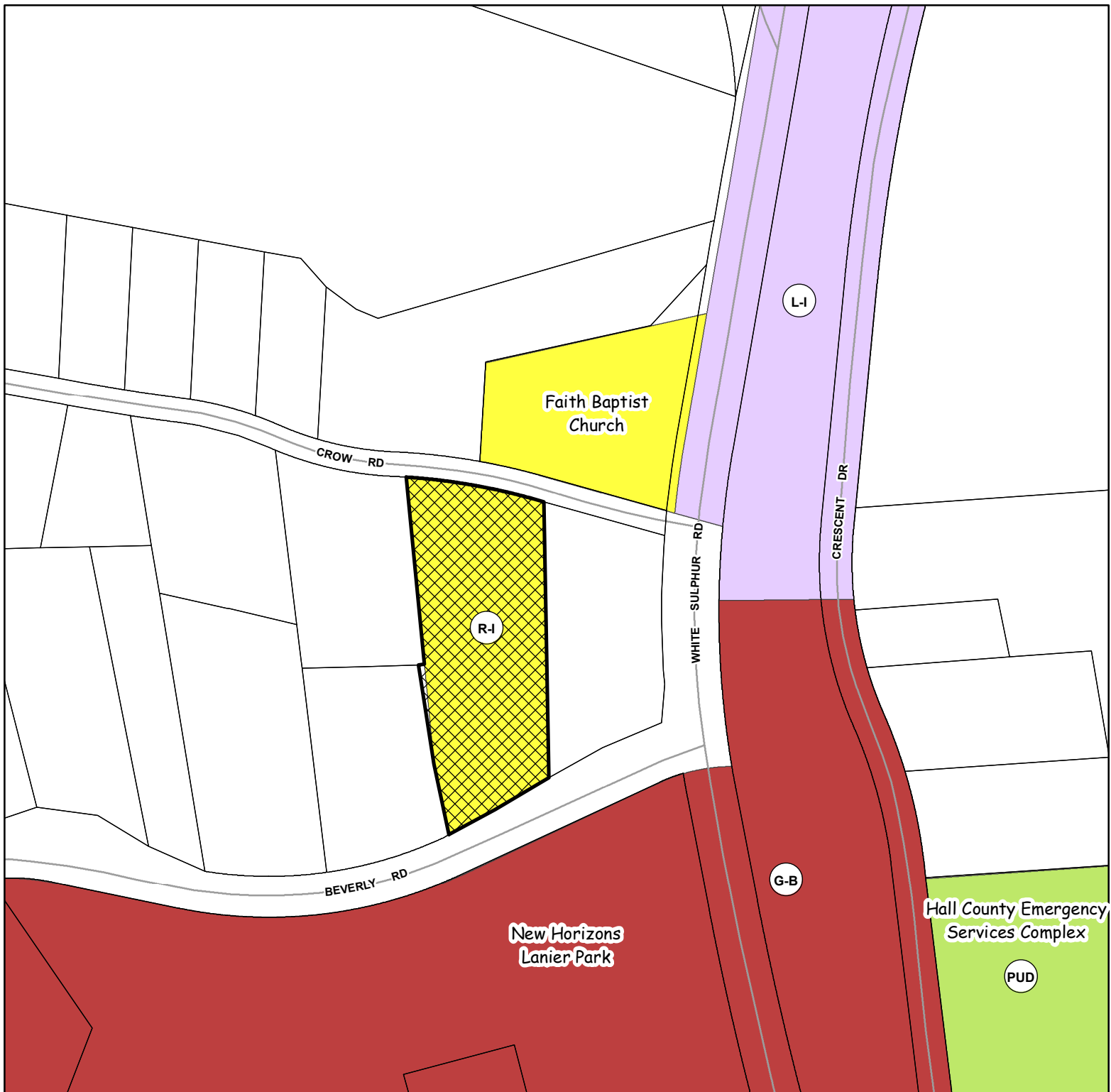
Based on the subject property's proximity to city limits and other residential properties, the proposal with the zoning conditions recommended by staff appears to promote a reasonable balance between the promotion of the public health, safety, morality, or general welfare, and the right to unrestricted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

▪ **Staff Recommendation**

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

Conditions

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



Applicant:

MATTHEW MAGNUS & RYAN CHAMBERS

Community & Economic Development Department

REZONING REQUEST

 Subject Property



Request:

Rezone 1.30+/- acres from R-I to L-I for HVAC Contractor Office Warehouse

Subject Area Address: 2092 Crow Road & 2005 White Sulphur Road

Meeting: 06/11/2019

Prepared: 05/14/2019

Tax Parcel:

09-124-000-038 (Part)

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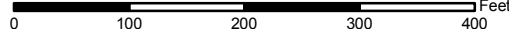
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Community & Economic Development Department

 **Subject Property**

Aerial from 2015

 **Feet**



1" = 167'

Tax Parcel:

09-124-000-038 (Part)

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Narrative

Background

The purpose of this rezoning request is to rezone 1.30+/- acres on the southwest side of Crow Road from Residential-I (R-I) to Light Industrial (L-I) for Lanier HVAC Services LLC. The subject property is owned by Faith Baptist Church and was most recently used as a fellowship hall for the church located across the street. Currently, Faith Baptist Church does not use the existing 5,000+/- SF building.

The surrounding area includes properties zoned AR-III within jurisdictional Hall County; General Business (G-B), Office and Institutional (O-I), General Business (G-B), and Light Industrial (L-I) within the city limits of Gainesville. Businesses include doctors' offices, churches and a chicken processing plant.

Proposed Use

Lanier HVAC Services is a full service residential and commercial HVAC contractor headquartered in Gainesville, Georgia. It is Lanier HVAC Services intent to occupy the existing 5,000+/- SF metal building on the subject property for additional office and warehouse space. In addition to office and warehouse space, employees will be assembling metal ductwork for HVAC systems installed by Lanier HVAC. It is anticipated roughly 3-5 employees will be at the facility during business hours. Business hours are expected to be from 7:00 AM to 5:00 PM, Monday thru Friday. Lanier HVAC provides services in Northeast Georgia, but also in the Metropolitan Atlanta area, making the subject property appealing for its proximity to I-985.

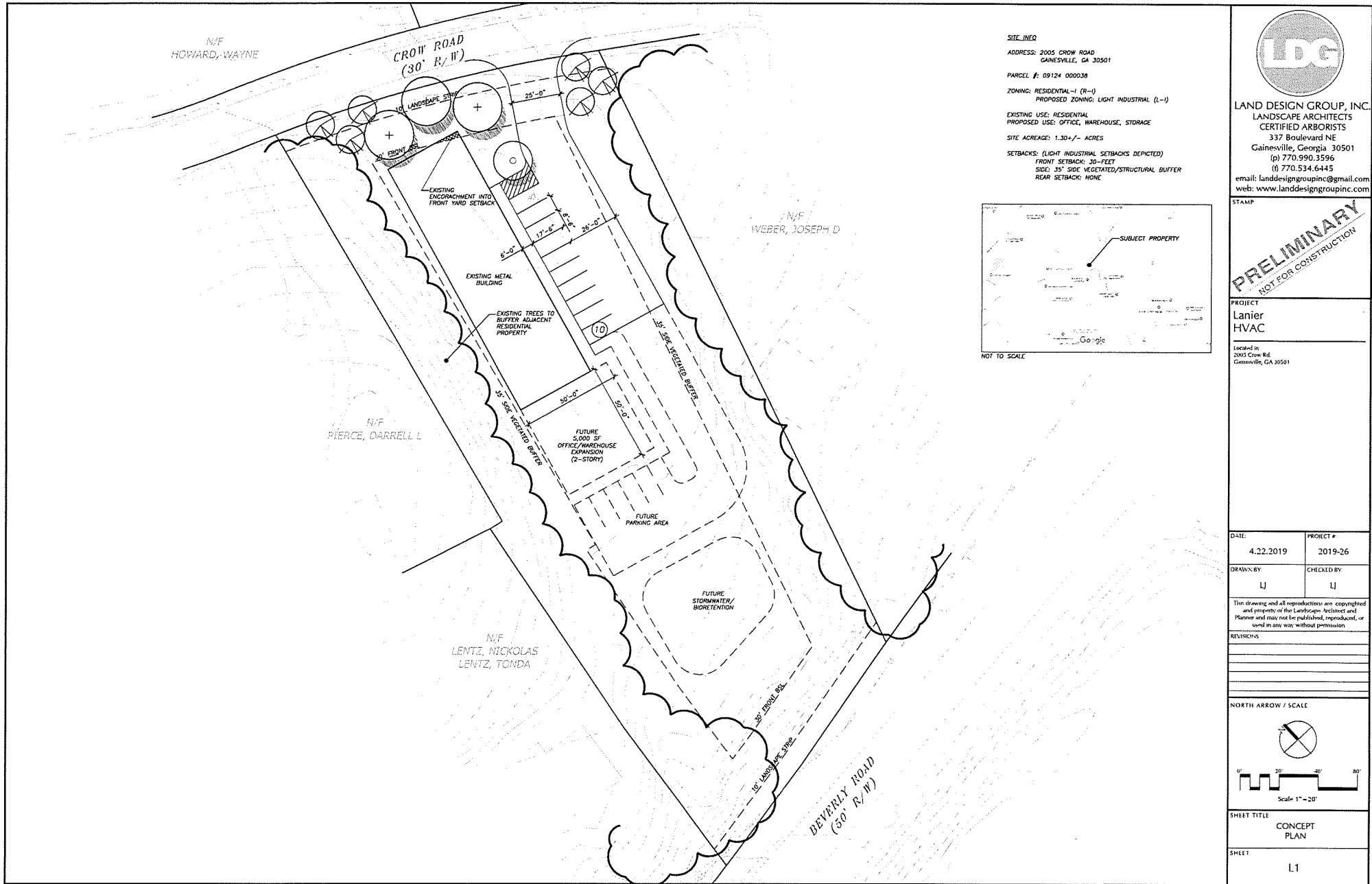
Site Improvements

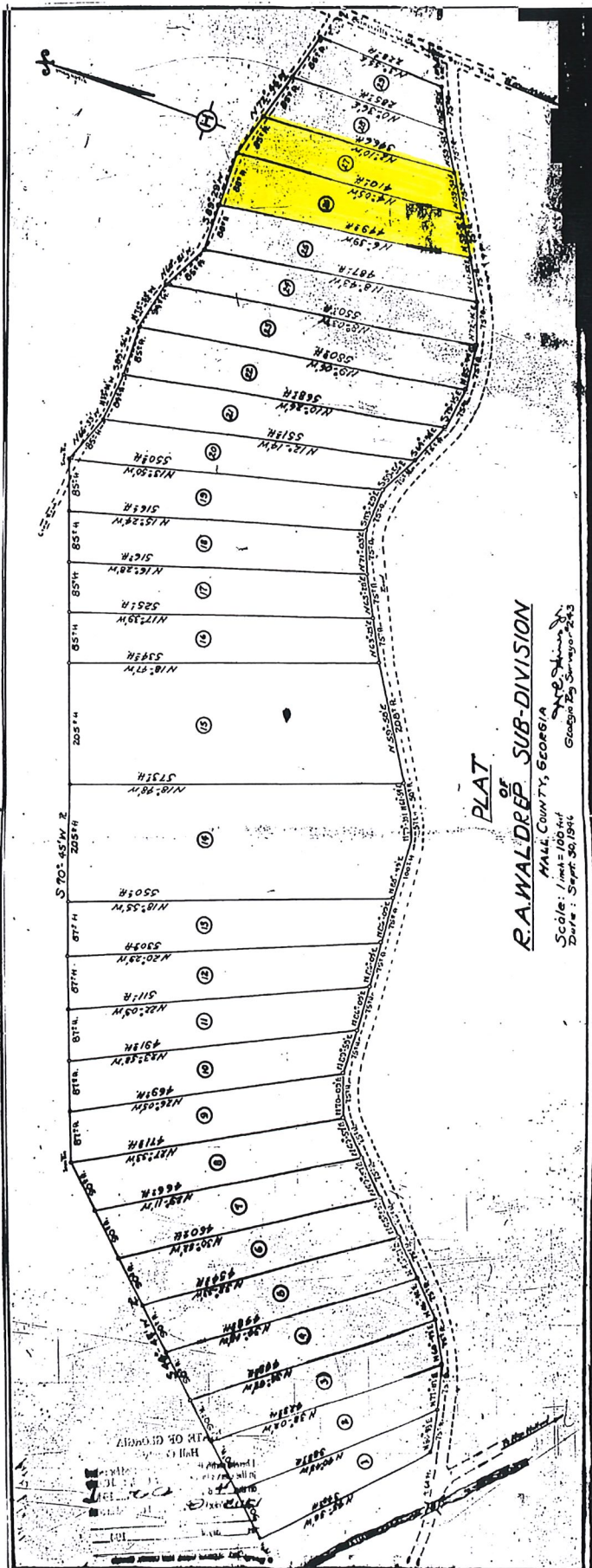
Currently, the existing metal building is vacant and is in need of much repair and has been a victim of graffiti. Lanier HVAC plans to renovate the existing building to make it suitable for office and warehouse space. Additionally, a new parking area will be constructed to accommodate employees and visitors to the property. Landscaping improvements will also be used for beautification as well as meeting any land development code requirements. Any storage of heating and air equipment or materials will be within the existing building. Should

outside storage be needed, all materials will be screened so as to not be visible from adjacent properties or the right-of-way along Beverly Drive or Crow Road. The property contains a septic system, however, sewer is available along Beverly Road. Public water is provided by the City of Gainesville along Crow Road. The proposed use will not increase demand on either of these services above what was being required by the church.

Future Expansion

Currently, Lanier HVAC only has a need to occupy the existing 5,000 SF building. However, the subject property is large enough (1.30+/- acres) in size to accommodate a building expansion should the need arise. While an exact size is not known at this time, an additional 5,000+/- SF (2-story) office/warehouse space is depicted on the concept plan for future use.





Recorded Oct 30, 1944. 7111 2074 1-5-5



