

**GAINESVILLE PLANNING AND APPEALS BOARD
MINUTES OF MEETING
DECEMBER 10, 2019**

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

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

Members Absent: None

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

Others Present: Council Members George Wangemann & Barbara Brooks

MINUTES OF NOVEMBER 12, 2019

Motion made by Board Member Thompson
Motion seconded by Board Member Simmons
Vote – 7 favor

NEW BUSINESS

A. Variance Request

- 1) Request from **Smile Doctors** to vary the sign lighting requirements on a 1.16± acres tract located on the southwest side of the intersection of South Enota Drive and Park Hill Drive (a/k/a **1071 South Enota Drive, NE**), having a zoning classification of Office and Institutional (O-I).
Ward Number: Two
Tax Parcel Number(s): 01-077-001-027
Request: Internally illuminated monument sign and wall signs

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

The applicant is proposing to vary the lighting standards to permit internal illumination for wall signs and a free-standing monument sign. The subject property is zoned Office and Institutional (O-I) which only allows for external/indirect illumination of signs such as ground lighting. The subject property is located at southwest corner of South Enota Drive and Park Hill Drive, within the Gateway and Limestone Parkway Overlay Zones. The property was recently redeveloped for an 8,167 square foot medical office building occupied by “Smile Doctors Braces” orthodontist office and there is one unoccupied suite. Currently there are two, 39.0± square foot wall signs on the building and one, 106.0± square foot multi-tenant monument sign located at the corner of South Enota Drive and Park Hill Drive. These signs recently received a permit and are considered legal conforming. Adjacent uses include single-family homes, BeeHive Homes Assisted Living facility, undeveloped property and the CVS Pharmacy. The applicant states the proposed internal illumination will provide for better visibility of the signs and will require less maintenance. The applicant believes the internal illumination will be more aesthetically pleasing.

The Planning Division staff is recommending **conditional approval** of this variance request with two conditions.

Applicant Presentation: **Dr. Ron Wilson**, 1071 South Enota Drive, stated he is the owner and started the business 14 years ago and has increased jobs seven-fold since then. Therefore, with the growth they have provided over 500 jobs. The office located in Sherwood Park was limited due to its size and parking and now there is a nice clean facility at its new location. He would like an internally lit sign and his goal is to provide a sign that will complement their new building. He agrees with the conditions suggested by the planning staff.

FAVOR: None

OPPOSE: None

Planning and Appeals Board Comments: None

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

Conditions

- 1. An electronic message board/changeable copy sign shall not be allowed.**
- 2. The applicant/property owner shall provide a minimum five foot (5') wide landscape border around the entire base of the existing monument sign which shall include brown mulch or pine straw with dwarf shrubs and plants.**

Motion made by Board Member White

Motion seconded by Board Member Delgado

Vote – 7 favor

B. Annexation Request

- 1) Request from **Capstone Acquisitions, LLC** to annex a 6.148± acres tract located on the southeast side of the intersection of Jesse Jewell Parkway and Old Cornelia Highway (a/k/a **0 Jesse Jewell Parkway**) and to establish zoning as Light Industrial (L-I).

Ward Number: Three

Tax Parcel Number(s): 00-144-000-023

Request: Climate controlled storage and office/warehouse

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

The applicant is proposing to annex the subject property with a zoning of Light Industrial (L-I). The property is contiguous to the city limits to the northwest across Jesse Jewell Parkway and is currently zoned Heavy Industrial (I-II) within unincorporated Hall County. As well, the property is located within the Gainesville and Hall County Gateway Corridor Overlay District and contains a water line easement, sanitary sewer easement, stream, powerline easement and is located within a future flood zone. Adjacent uses include single-family homes, power substation, Brenau University softball field and the railroad. The purpose of the request is to access sewer for the development of a 3-story, 65,100 square foot climate-controlled storage facility and a freestanding, 5,400 square foot office/warehouse building. One access driveway is proposed from Old Cornelia Highway

which is maintained by the county. The exterior of each building will consist of a mixture of brick and EIFS materials with accent metal and aluminum materials consistent with the Gateway Corridor Overlay Zone requirements. In addition, the applicant has obtained a permit from Hall County and GDOT for a digital billboard on the property facing Jesse Jewell Parkway. The permit from Hall County was approved on August 15, 2019 for a two-sided, 300 square foot per side digital billboard.

The Future Development Map for the City of Gainesville places the subject property within the *Industrial* land use category and within the *Historic Mill Villages* Character Area which are consistent with the proposal. According to the Georgia Department of Transportation (GDOT), the developer will need to coordinate with GDOT since this development will impact the State Route System. According to the Department of Water Resources, all development within the future flood zone will be required to meet the floodplain ordinance requirements.

The Planning Division staff is recommending **conditional approval** of the proposed annexation request with **Light Industrial (L-I) zoning**, based on the Comprehensive Plan and the adjacent residential and non-residential land uses with seven conditions.

Applicant Presentation: Jonathan Collins, 1761 Valley Road, stated he is the owner/developer the property. He states there are access challenges with no access being off of Jesse Jewell and the back portion creates a visibility issue. He also stated the climate-controlled storage units will sit on the very back of the property and is the best use for the property along with a warehouse/office. He agrees with the seven conditions and will work with the Environmental Protection Division and Corps of Engineers regarding the challenges with the site and will abide with all requirements.

FAVOR: None

OPPOSE: None

Planning and Appeals Board Comments: None

There was a motion to recommend conditional approval of the request with the following conditions:

Conditions

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 & Economic 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, hookah lounge, 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.

3. The final design of all water quality measures is subject to the review and approval of the Department of Water Resources Director.
4. The frontage landscape areas shall be sodded with grass and contain minimum 3-inch caliper size hardwood trees subject to the Community & Economic Development Director approval.
5. The subject property shall be limited to two (2) monument signs, each not to exceed 10-feet in height, 50 square feet of sign face area, 96 square feet of total sign structure area with internal or external lighting. Wall/building signs shall also be permitted upon meeting the standards of the Unified Land Development Code.
6. All access point design for the subject property shall require review and approval by the Hall County Public Works Department, Gainesville Public Works Director and the Georgia Department of Transportation. All required access/traffic/sidewalk improvements associated with the proposed development shall be constructed at the full expense of the property owner/developer.
7. 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 Board Member Martin
Motion seconded by Board Member Thompson
Vote – 7 favor

C. Rezoning Requests

- 1) Request from **City of Gainesville** to rezone a 6.84± acres tract located on the southeast corner of the intersection of Jesse Jewell Parkway and Bradford Street, having road frontage on the north side of College Avenue (a/k/a **110 and 120 Jesse Jewell Parkway, SE; 525 Bradford Street, SE; 111 College Avenue, SE**) from Planned Unit Development (P-U-D) and General Business (G-B) to Planned Unit Development (P-U-D).
Ward Number: Three
Tax Parcel Number(s): 01-010-001-001
Request: Mixed-use development
- 2) Request from **City of Gainesville** to rezone a 4.1± acres tract located on the southwest corner of the intersection of Main Street and Parker Street, having road frontage on the north side of Banks Street and the east side of Grove Street (a/k/a **610 and 622 Main Street, SW; 605 Grove Street, SW**) from Light Industrial (L-I) to Planned Unit Development (P-U-D).
Ward Number: Three
Tax Parcel Number(s): 01-011-004-001
Request: Mixed-use development

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

The City of Gainesville desires to rezone two tracts of land for a site specific, mixed-use development to be developed in two phases. The properties are approximately 300 feet apart and separated by one city block. Tract/Phase 1 is 6.84± acres in size and is located on the south end of the pedestrian bridge within property known as the "City View Lot". Tract/Phase 2 is 4.1± acres in size and is located on the property known as the previous

“Jail Lot”. The City has selected Terwilliger Pappas to develop the property as part of a previously approved Request for Proposal (RFP) which requires the property to be rezoned.

Tract/Phase 1 - 6.84± acres (City View Lot)

Includes 220-multi-family residential units within three, 4-story buildings, 8,000 square feet of leasing/club/fitness space and two, 2-story, retail/restaurant buildings totaling 10,000 square feet. Vehicular access is proposed from Jesse Jewell Parkway, Bradford Street and College Avenue to include a total of four driveways. Pedestrian walkability will include access to the pedestrian bridge and sidewalks throughout to allow connectivity to the Highlands to Islands Trail network. Approximately 350 surface level parking spaces and additional street parking on Bradford Street and College Avenue are to be provided. The proposed amenities include a resort style saltwater pool with sundeck, roof top clubroom, Wi-Fi thought the community, connection to the Highland to Island Trail, business center with reservable suites & conference room, cyber café and coffee bar, 24-hour fitness center, yoga room with group fitness, outdoor terrace with patio seating and bar area, outdoor pavilion, indoor pet spa with washing and drying stations, bike storage/repair stations, electric car charging stations, landscaped courtyard with amenities, mail and packing room.

Tract/Phase 2 - 4.1± acres (Jail Lot)

Includes 180-multi-family residential units within three, 4-story buildings, 6,000 square feet of leasing/club/fitness space and 5,000 square feet retail/restaurant space located on the ground floor of one of the multi-family buildings. Vehicular access is proposed from Main Street and Banks Street to include a total of two driveways. Pedestrian walkability will include sidewalks throughout to allow connectivity to the Highlands to Islands Trail network. Approximately 240 surface level parking spaces and additional street parking on Main Street, Banks Street and Grove Street are to be provided. The proposed amenities are the same as Tract 1 except for a game room with recreational table games and vintage arcade is proposed instead of a resort-style pool with sundeck.

According to the Georgia Department of Transportation (GDOT), the developer will need to coordinate with GDOT since this development will impact the State Route System. The Gainesville Future Development Map for the City of Gainesville places both properties within the *Mixed-Use Midtown* land use category and within the *Central Core* Character Area specifically within the *Downtown/Midtown* subarea which are consistent with the proposal.

The Planning Division staff is recommending **conditional approval** of this rezoning request with a zoning of Planned Unit Development (P-U-D) for both Tract 1 and Tract 2, based on the Comprehensive Land Use Plan and the mixture of residential and non-residential uses with five conditions.

Applicant Presentation: **Greg Power**, 2472 Fernleaf Court, stated he is one of the partners at Terwilliger Pappas selected to develop the property. He is very excited about the proposed project that will bring quality housing, retail and restaurant space to the City of Gainesville. The development will be constructed over two phases of which both phases will have connectivity to the Highlands to Islands multi-use trail. He mentioned the leases will be between \$1,500 and \$1,600 per month and will be staffed 24/7 along with security. They plan to break ground in May and will be a two-year project.

FAVOR: None

OPPOSE: **Gene Cobb** stated he does not oppose the request but would like more information about the project such as access, the size of rooms and stories of the buildings. He also asked what the board actually does and what comes next in the process.

Planning and Appeals Board Comments: Mr. Power stated the apartments are market rate and not subsidized apartments.

Chairman Carter and Mr. Power answered questions from Mr. Cobb and stated the average size of the phase 1 apartments are between 800 and 1500 square feet and the phase 2 apartments are expected to be between 970 and 1,600 square feet. Chairman Carter also advised Mr. Cobb the Planning and Appeals Board is a recommending body and then will go to the City Council for their vote on January 7th. Mr. Powers stated the contractors are planning to submit for a land disturbance permit in February and break ground in the late spring or early summer. He also advised Mr. Cobb that the city view site would be developed first and was unsure the exact timeline of the jail lot.

There was a motion to recommend conditional approval to rezone the 6.84± acres tract (City View Lot) from Planned Unit Development (P-U-D) and General Business (G-B) to Planned Unit Development (P-U-D) with the following conditions:

Conditions

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 & Economic 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, hookah lounge, 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.
3. The proposed number, location, type and size of all signage for the development shall be subject to the Community & Economic Development Director approval.
4. All access point design for the subject property shall require review and approval by the Gainesville Public Works Director and the Georgia Department of Transportation. All required access/traffic/sidewalk improvements associated with the proposed development shall be constructed at the full expense of the property owner/developer.
5. 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 Board Member Martin
Motion seconded by Board Member White
Vote – 7 favor

There was a motion to recommend conditional approval to rezone the 4.1± acres tract (Jail Lot) from Light Industrial (L-I) to Planned Unit Development (P-U-D) with the following conditions:

Conditions

- 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 & Economic 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, hookah lounge, 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.**
- 3. The proposed number, location, type and size of all signage for the development shall be subject to the Community & Economic Development Director approval.**
- 4. All access point design for the subject property shall require review and approval by the Gainesville Public Works Director and the Georgia Department of Transportation. All required access/traffic/sidewalk improvements associated with the proposed development shall be constructed at the full expense of the property owner/developer.**
- 5. 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 Board Member Thompson
Motion seconded by Board Member White
Vote – 7 favor

ADJOURNMENT

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

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

Respectfully submitted,

Doug Carter, Chairman

Gwen Fleming, Recording Secretary