

1. CALL TO ORDER

2. MINUTES

A. October 13, 2020 PAB Meeting Minutes

3. OLD BUSINESS

4. NEW BUSINESS

A. Variance Request

- (1) Request from **Matthew Collins** to vary the front yard setback requirement on a 1.49± acres tract located on the southeast side of East Lake Drive across from its intersection with Chattahoochee Trace (a/k/a **825 East Lake Drive, NW**), having a zoning classification of Residential-I-A (R-I-A).

Ward Number: One

Tax Parcel Number(s): 01-107-001-123

Request: Two single-family homes

B. Rezoning Request

- (1) Request from the **Clipper Petroleum, Inc.** to rezone a 0.41± acre tract located on the north side of Christopher Drive, west of its intersection with Thompson Bridge Road (a/k/a **150 Christopher Drive**) from Residential-I (R-I) to Neighborhood Business (N-B), with a special use.

Ward Number: Two

Tax Parcel Number(s): 01-074-004-018

Request: Convenience store with fuel pumps

C. Special Use Request

- (1) Request from the **Clipper Petroleum, Inc.** for a special use on a 0.704± acre tract located on the northwest side of the intersection of Christopher Drive and Thompson Bridge Road (a/k/a **1261 and 1265 Thompson Bridge Road**), having a zoning of Neighborhood Business (N-B).

Ward Number: Two

Tax Parcel Number(s): 01-074-004-019

Request: Convenience store with fuel pumps

5. MISCELLANEOUS

6. ADJOURNMENT

Date Submitted: 10/19/2020
Presenter: N/A
Item of Business: October 13, 2020 PAB Meeting Minutes
Meeting Date: 11/10/2020

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
OCTOBER 13, 2020**

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

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

Members Absent: None

Staff Present: Community & Economic Development Deputy Director Matt Tate, Department of Water Resources Director Linda MacGregor and Recording Secretary Gwen Fleming

Others Present: Council Member George Wangemann

MINUTES OF SEPTEMBER 8, 2020

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

NEW BUSINESS

A. Variance Request

- 1) Request from **Rochester & Associates, Inc.** to vary the lot width and front yard setback requirements on a 231.53± acres tract located north of the intersection of Gaines Mill Road and Heritage Glen Drive, having road frontage on Eberhart Cemetery Road (a/k/a **0 and 2901 Gaines Mill Road; 3490 Eberhart Cemetery Road**), having a zoning classification of Residential-I (R-I).
Ward Number: Three
Tax Parcel Number(s): 15-022-000-001, 001A and 009
Request: Single-family subdivision

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

The applicant is proposing to vary the width requirements from 75-feet to 60-feet and front yard setbacks from 30-feet to 15-feet for all of the lots within the proposed subdivision. The property consists of 231.53± acres and was originally annexed and zoned R-I in 2006 for a 300-lot single-family subdivision.

The property is currently undeveloped and is heavily wooded with streams and is located within the North Oconee Water Supply Watershed Protection Overlay Zone which its intent is to minimize the transport of pollutants and sediment to the water supply to meet state drinking water standards. The surrounding uses include single-family homes and undeveloped land within the city and county.

The applicant is basing the hardship on the steep topography and existing streams which significantly limits the area that can be developed. The amended plan proposes a total of

286 homes with an amenity area and access on Gaines Mill Road directly across from the entrance to Heritage Pointe subdivision. Each lot will be a minimum of 10,000 square feet in size as originally proposed which is the minimum lot size required within R-I zoning.

The Planning Division staff is recommending **conditional approval** of this variance request based on the topography and streams located within the subject property with the conditions from the original Zoning Ordinance 2006-27.

Applicant Presentation: **Brian Rochester**, 425 Oak Street, stated he represents the contract purchaser and property owner. He stated the property is topographically challenged along with some environmental concerns. He mentioned the lots will stay the same size but deeper so there would be less grading for homes and the back of lots left undisturbed. The reduction of the front setback also stipulates there will be a minimum of 20-feet between the edge of the garage and the sidewalk so there will be room for parking.

OPPOSE: **Kenneth Brown**, 3049 Gaines Mill Road, stated concerns with safety and asking for a delay in the rezoning until a traffic light can be installed at the intersection of Highway 129 and Gaines Mill Road. He mentioned with a heavier volume of traffic and the condition of the road which needs to be resurfaced, it is very dangerous and wants to help save lives. Mr. Brown stated once the resurfacing is complete which is schedule in two years and a traffic light is installed, he would welcome the new subdivision.

REBUTTAL: Brian Rochester said it is already zoned for 300 lots but are lowering the number of lots to be built and create something that meets more market demand and more environmentally friendly to develop. Also, he was not sure of the timeline but could be the first quarter of 2022 before any houses are occupied. He explained the Department of Transportation has certain criteria for traffic light to be warranted and justified. He stated a warrant study was done but it did not qualify for it be installed.

Mr. Brown stated he failed to mention the traffic light has already been paid for and is to meet with the Georgia DOT district engineer and has questions about the traffic light even though the study says it's not needed. He again asked for a delay until this is settled.

Planning and Appeals Board Comments: Chairman Carter stated the property was rezoned in 2006 and is a variance request. Vice-Chair Fleming asked Mr. Rochester to explain about the request for a traffic light and it being a DOT matter. Chairman Carter also mentioned from personal experience that city and county commissioners have tried to get a traffic light at that location but was not successful since it is DOT controlled. Chairman Carter asked Mr. Rochester to get with Mr. Brown about the numbers for the new houses before he meets with the DOT in regards to the traffic light.

FAVOR: None

There was a motion to recommend conditional approval of the variance request to vary the lot width and front yard setback requirements for a single-family subdivision having a zoning of Residential-I (R-I) with the following conditions:

Conditions

1. The proposed development shall be limited to a maximum of 300 building lots as generally shown on the concept plan.

2. **The proposed homes shall be consistent with the architectural renderings submitted with the application and shall have a minimum of 1,800 square feet of heated floor space.**
3. **There shall be a 100-foot wide natural buffer maintained along the Gaines Mill Road frontage, except as required for the entrance.**
4. **A minimum of 50% of the subject property will be preserved as open green space.**
5. **All access point designs shall be approved by the Gainesville Public Works Director and the Hall County Traffic Engineer.**
6. **Any road or access improvements deemed necessary by the Gainesville Public Works Director and the Hall County Traffic Engineer for the scope of the project shall be the expense of the applicant/developer. The scope of the project shall be defined as the area in which the subject property fronts along Gaines Mill Road.**

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

B. Annexation Request

- 1) Request from **Smith, Gambrell & Russell, LLP** to annex a 4.011± acres tract located west of the intersection of Atlanta Highway and West Park Drive, adjacent to and southeast of the Norfolk Southern Railroad right-of-way (a/k/a **2500 West Park Drive**) and to establish zoning as Light Industrial (L-I).
Ward Number: Four
Tax Parcel Number(s): 08-011-000-009 (Part)
Request: Existing warehouse

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

The applicant is proposing to annex the subject 4.011± acres property with a zoning of Light Industrial (L-I). The subject property is zoned Agricultural Residential-III (AR-III) and the adjacent uses include mostly industrial uses and railroad right-of-way.

The property is partially wooded with a creek, and contains a small portion of the adjacent Continental General Tire warehouse/distribution facility which is mostly located within the adjacent 49.04± acres parent tract zoned Light Industrial (L-I) that was originally annexed 30 years ago as part of the Industrial Park West. The intent is to bring the entire parcel under one jurisdiction and zoning and there are no proposed changes at this time.

The Future Development Map for the City of Gainesville places the subject property within the Industrial land use category. As well, the property is located within the Economic Development Gateways character area which includes areas containing or planned for a wide range of office, business, light industrial, manufacturing, research and development uses.

The Planning Division staff is recommending **approval** of this annexation request with a zoning of **Light Industrial (L-I)** based on the Comprehensive Plan and the adjacent industrial uses.

Applicant Presentation: Alex Brock, 1230 Peachtree Street, Atlanta, Georgia, stated he is with Smith, Gambrell & Russell and is here on behalf of the ownership group – Miles River Partners for the annexation and rezoning request. He stated the property was annexed into the city of Gainesville approximately thirty years ago in 1990. He said it was developed shortly thereafter as the current warehousing facility and is approximately 53 total acres in total which 49 acres of it was annexed into the city in 1990. He stated there was a 4.0 acres tract that was left in incorporated Hall County zoned Agriculture Residential and a few months ago the ownership group received a due diligence package that made them aware of the zoning issue. He stated they were contacted to prepare the application for annexation and rezoning and is the reason for being here to correct the rezoning issue.

FAVOR: None

OPPOSE: None

Planning and Appeals Board Comments: None

There was a motion to recommend approval of the annexation request and establish zoning as Light Industrial (L-I) as presented.

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

NOTE: Board Member Martin recused himself at 5:53 p.m. due to a conflict of interest with the following request.

C. Rezoning Request

- 1) Request from **Walker-Lanier, LLC** to rezone a 0.50± acre tract located on the northwest side of the intersection of Lanier Avenue and Walker Street (a/k/a **989 Lanier Avenue, NE and 1437 Walker Street, NE**) from Residential-I (R-I) to Residential-II (R-II).
Ward Number: Two
Tax Parcel Number(s): 01-087-004-015
Request: Existing duplex home and two new duplex homes

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

The applicant is proposing to rezone the subject 0.5± acre property from R-I to R-II for the purpose of constructing two, new residential duplex structures (four units).

The subject property contains a duplex structure facing Walker Street and previously contained a four-unit (quadplex) home that faced Lanier Avenue and burned down in 2013. The existing use of the property considered non-conforming given the existing zoning.

The surrounding uses include single-family homes, home health care office, triplex and nearby commercial uses along Thompson Bridge Road.

The proposal includes the addition of two additional residential duplex structures for a total of 6 units.

One of the new duplex homes will face Lanier Avenue and one will face Walker Street. The existing driveway on Lanier Avenue will be improved and will serve as access for each home. Parking will be provided behind the duplex homes.

The property is located within the Low-Medium Density Residential land use category and within the Traditional Neighborhoods Character Area specifically within the Northern Neighborhoods subarea which includes low-density/medium-density residential, and mixed-use / commercial.

The Planning Division staff is recommending approval of this rezoning request with Residential-II (R-II) with conditions.

Applicant Presentation: Mike Martin, 8093 Sleepy Lagoon Way, Flowery Branch, stated he is the owner and developer of the property and will answer any questions about the request.

FAVOR: None

OPPOSE: None

Planning and Appeals Board Comments: Vice-Chair Fleming asked the applicant about the rendering of the duplex compared to its likeness once built with concerns about maintenance and the property value to other owners. Mr. Martin said it would be scaled down in size but look like the photo and appear as a single-family unit consistent with the overall appearance of the neighborhood.

There was a motion to recommend conditional approval to rezone the subject property from Residential-I (R-I) to Residential-II (R-II) with the following conditions:

Conditions

1. The subject property shall be limited to a maximum of 6 residential units consisting of the existing duplex home and two additional duplex homes.
2. Any new or replacement structure(s), exterior facade change(s), and/or future development at this location shall be of a single-family residential appearance not to exceed two stories in height including a basement level. In addition, the side of the proposed duplex homes facing the intersection of Walker Street and Lanier Avenue shall have an architectural appearance of a front facade or shall be buffered with evergreen trees.
3. The existing trees located within the subject property shall remain except for what is only necessary to be removed for the development. A minimum of three, 3" caliper in size hardwood trees shall be planted within the front yard and are subject to the approval of the Director of Community and Economic Development Department.
4. 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 shall be constructed at the full expense of the property owner/developer.

5. **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 White

Motion seconded by Board Member Simmons

Vote – 6 favor, 1 recusal (Martin)

NOTE: Board Member Martin returned to meeting at 5:59 pm

D. Code Amendment Request

- 1) Request from the **City of Gainesville Department of Water Resources** to amend the Unified Land Development Code and the Code of Ordinances. The code revisions focus on specific modifications to existing Articles and Titles relating to stormwater management requirements, floodplain management and flood damage prevention, stream buffer protection, and water conservation practices related to large irrigated landscapes. Gainesville Department of Water Resources (DWR) prepared the revisions to achieve minimum regulatory compliance with the Georgia Environmental Protection Division (GAEPD) and the Metropolitan North Georgia Water Planning District (MNGWPD) model ordinance recommendations. The following Articles and Titles are to be amended as bulleted below.

Code of Ordinances

- Part 3, The Code of Ordinances
 - Title 4, Public Works and Health
 - Title 5, Municipal Utilities

Unified Land Development Code

- Article 9-1, Enactment and Legal Status Provisions
- Article 9-2, Interpretations and Definitions
- Article 9-8, Overlay Zones
- Article 9-9, Site and Architectural Design Review
- Article 9-13, Subdivisions and Land Development
- Article 9-14, Soil Erosion, Sedimentation and Pollution Control
- Article 9-15, Floodplain Management
- Article 9-16, Buffers, Landscaping and Tree Protection
- Article 9-17, Access, Parking and Loading Requirements
- Article 9-20, Building and Property Maintenance Regulations
- Article 9-22, Applications and Procedures
- Article 9-24, Administration and Enforcement

Staff Presentation: Deputy Director Matt Tate introduced City of Gainesville Department of Water Resources Director Linda MacGregor for the staff presentation along with Myron Bennett and Corey Jones to answer any questions:

Linda MacGregor, COG DWR Director, stated this is a major ordinance update and will be effective on December 6, 2020. She said it will bring them into compliance with permits issued to them by the state and bring into compliance with requirements of the Metro North Georgia Water Planning District which will be consistent within the metro district. She stated Gainesville is doing most of this already and have had two training sessions in the city to

make people aware of it. Director MacGregor said it encourages green infrastructure and more things that look like mother-nature that provides stormwater services. She stated the edits also include editorial changes, along with Article 9 of the Unified Land Development Code with changes in Title 4 and Title 5 which all go together. She said it updates litter control, new requirements for large landscaping irrigation, runoff reduction and water quality being the biggest technical change and some things related to floodplain management and stream buffers. She stated water quality work is important because the community relies on Lake Lanier for water supply, acceptance of highly treated waste water and recreation. The change is to retain the first one inch of runoff on the site and so it can seep into the ground with some options for the property owner to implement if that's not possible. Director MacGregor stated they are incorporating the Metro District Model ordinances and fixing definitions, department names and responsibilities with the ordinance change. She stated in summary she is requesting approval of mandated changes effective December 6th and will answer any questions.

FAVOR: None

OPPOSE: None

Planning and Appeals Board Comments: Vice-Chair Fleming said thank you to the staff for the hard work on the ordinance. Director MacGregor gave credit to staff member Corey Jones for doing most of the work.

There was a motion to recommend approval of the code amendment request as presented.

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

ADJOURNMENT

There was a motion to adjourn the meeting at 6:08 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

Date Submitted: 10/19/2020

Presenter: Matt Tate

Item of Business: Request from **Matthew Collins** to vary the front yard setback requirement on a 1.49± acres tract located on the southeast side of East Lake Drive across from its intersection with Chattahoochee Trace (a/k/a **825 East Lake Drive, NW**), having a zoning classification of Residential-I-A (R-I-A).
Ward Number: One
Tax Parcel Number(s): 01-107-001-123
Request: Two single-family homes

Meeting Date: 11/10/2020

Purpose of Request:

The applicant is requesting to vary the front yard setback requirement from 40 feet to 20 feet. The applicant intends to subdivide the property into two lots in order to construct two single-family homes. The applicant is basing the hardship on the shape of the lot and desires to build the homes without a front entry garage that would allow for more pleasing architectural and landscape design. Access is proposed from East Lake Drive and the proposed lots will have a private septic system. The property is a wooded lot within the Chattahoochee Country Club and is adjacent to Lake Lanier.

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 Recommendation Report	Report
☐ Location Maps	Backup Material
☐ Statement of Hardship / Narrative	Backup Material
☐ Survey	Backup Material
☐ Aerial Map of Neighbors Setback	Backup Material
☐ Concept Plan 1	Backup Material
☐ Concept Plan 2	Backup Material
☐ Concept Setbacks	Backup Material

**GAINESVILLE PLANNING AND APPEALS BOARD
STAFF RECOMMENDATION**

Applicant Matthew Collins
Property Owner Chattahoochee Country Club
Location 825 East Lake Drive, NW
Request Vary the front yard setback
Size 1.49± acres
Zoning Residential-I-A (R-I-A)
Ward One
Proposed Use Two single-family homes
Planning Division Staff Recommendation **Approval, with conditions**
Date November 10, 2020

▪ **Request**

The applicant is requesting to vary the front yard setback requirement from 40 feet to 20 feet. The applicant intends to subdivide the property into two lots in order to construct two single-family homes. Access is proposed from East Lake Drive and the proposed lots will have private septic systems.

▪ **Background Information and Existing Conditions**

The property is an undeveloped, wooded lot within the Chattahoochee Country Club and is adjacent to Lake Lanier. East of the property is the golf course and causeway/dam separating Lake Lanier and Lake Knickerbocker. Single-family homes are located directly across East Lake Drive.

▪ **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 shape of the lot and desires to build the homes without a front entry garage that would allow for a more pleasing architectural and landscape design. The minimum lot size within R-I-A zoning is 20,000 square feet. The property is 1.49± acres in size which is large enough to subdivide.

▪ **Other Departmental Comments**

There are no other departmental comments for this request.

▪ **Supporting Documents**

Statement of Hardship, Plat, Concept Plan, Architectural Elevations, and Floor Plans.

- **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 property is unusual in shape and depth and has sloping topography. The property is 645± feet in length and varies in width from 40 feet to 140 feet. The property slopes as much as 20 to 25 feet downward toward Lake Lanier. As well, the entire property line fronting East Lake Drive shifts approximately 11-feet toward the road bringing the property line closer to the actual road bed.

(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. Sufficient access and adequate separation would not appear to be an issue if the variance were granted. The reduction of the front yard setback to 20-feet would be similar to the existing home located across the street at 790 East Lake Drive but closer than most of the homes within the immediate area.

(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 Residential-I-A (R-I-A) which allows for single-family residential uses. The property would retain its right to be used for single-family purposes regardless of the setback variance. In addition, the size of the property is large enough to subdivide for two lots per zoning requirements but further approval will be required from the Hall County Environmental Health Department to permit a private septic system. In order to adhere to the current setbacks, the applicant would be required to redesign or possibly reduce the size of the proposed homes.

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

If the variance were approved, the homes would be closer to East Lake Drive than most of the nearby homes except for the home located directly across the street. Constructing smaller homes or choosing a different style of home are an option but may be out of character with the neighborhood. Overall, the variance request would not appear to cause detriment to the public good.

(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.

The shape and depth of the property appear to create a hardship given the size of the property. The rear yard is adjacent to Lake Lanier which has a zero-foot (0') setback which will allow for the homes to be shifted closer to the rear property line. Even so, the size and style of the proposed homes would appear to encroach within the 40-foot front yard setback.

(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 desires to purchase the property to subdivide it for two homes and was made aware of the setback requirement prior to filing for the variance request.

- **Staff Recommendation**

The Planning Division staff is recommending **conditional approval** of this variance request based on the shape and depth of the subject property.

Conditions

1. The proposed lots shall have a minimum front yard setback of 30-feet.
2. The front yards shall include a minimum 10-foot wide frontage landscape area containing a mixture of deciduous and evergreen trees. The location, spacing, size and type of trees planted shall be subject to the approval of the Director of the Community and Economic Development Department.



Applicant:

MATTHEW COLLINS

VARIANCE REQUEST

Request:

Vary the front yard setback requirement on a 1.49+/- acres tract within Residential-I-A (R-I-A) zoning for 2 single-family homes

Subject Property Address:

825 East Lake Drive, NW

Tax Parcel:

01-107-001-123

Meeting Date: 11/10/2020

Map Prepared: 10/13/2020

 Subject Property



0 120 240 360 480 Feet 1" = 200'

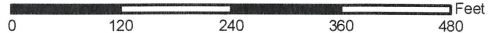


CITY OF
GAINESVILLE

COMMUNITY AND ECONOMIC DEVELOPMENT





Applicant:		MATTHEW COLLINS		 Subject Property Aerial from 2018  1" = 200' 
		VARIANCE REQUEST		
Request:				
Vary the front yard setback requirement on a 1.49+/- acres tract within Residential-I-A (R-I-A) zoning for 2 single-family homes				
Subject Property Address:		Tax Parcel:		 CITY OF GAINESVILLE COMMUNITY AND ECONOMIC DEVELOPMENT
825 East Lake Drive, NW		01-107-001-123		
Meeting Date: 11/10/2020		Map Prepared: 10/13/2020		

Variance Request

STATEMENT OF HARDSHIP

The Gainesville Planning and Appeals Board has the authority, in specific cases, to grant variances from the terms of the Unified Land Development Code of the City of Gainesville, Georgia, when the variance will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the Unified Land Development Code will, in specific cases, result in unnecessary hardship and so that the resolution shall be observed, public safety and welfare secured, and substantial justice done. The authority to grant such variances shall be limited to those instances where a hardship is clearly established as required by the Unified Land Development Code. Variances may be granted only upon a finding by the Gainesville Planning and Appeals Board that:

Describe how each situation listed below relates to your application.

1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography. (The hardship must relate to the physical character of the lot and not to a personal or economic hardship.)

See attached

2) The application of the requirements of this resolution to this particular property would create an unnecessary hardship.

See attached

3) There are conditions that are peculiar to the property which adversely affect its reasonable use or usability as currently zoned.

See attached

4) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this Ordinance. For example, granting the variance would not confer any special privilege that is denied by this regulation to other property in the same zoning district. Such conditions are not the result of any actions of the property owner.

See attached

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.

See attached

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.

See attached

I hereby certify that the above information and all attached information is true and correct.

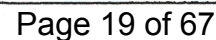
Signature of Applicant Matthew Collins

Date 09/25/2020

Variance Request
Statement of Hardship

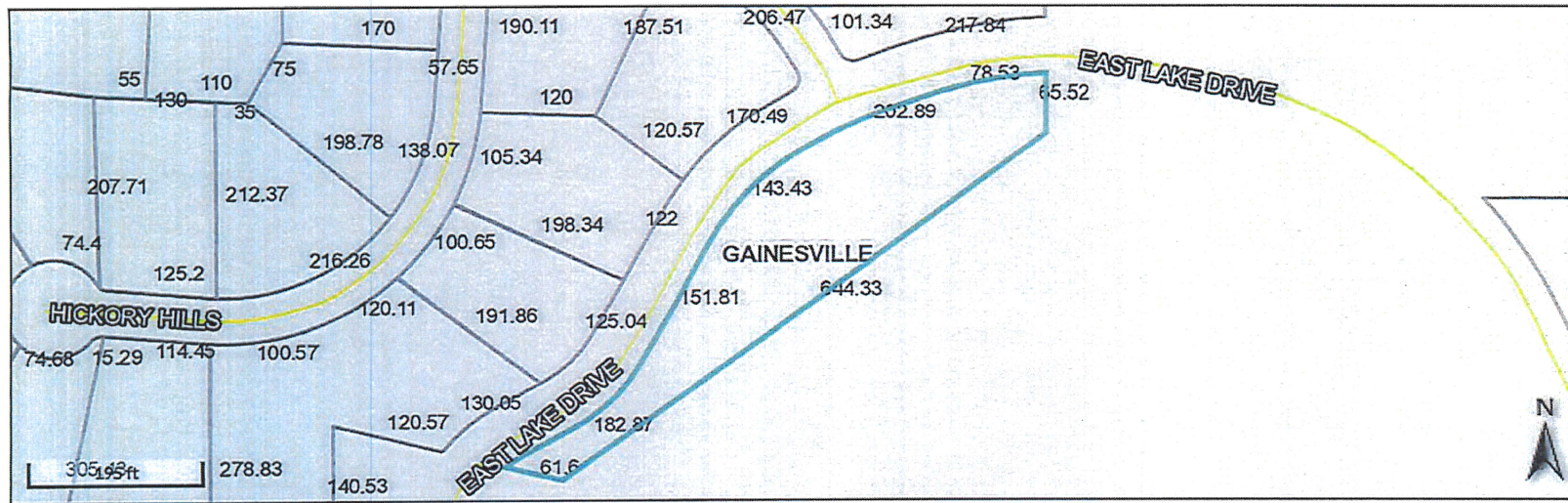
1. Due to the shape of this property and the normal front line setback we feel that this would impose several limitations on the home designs. We were hoping not to use front loading garages in our designs. Being able to obtain this variance will allow to have more aesthetically pleasing architectural designs with side loading and courtyard style main garages. This variance approval will also allow for more pleasing landscape designs in front of the homes and garages, instead of straight driveways from East Lake Drive.
2. Does not apply.
3. The shape of the lot. The prescribed front line setback would actually go completely through this property on one side.
4. We believe that granting this variance will not impose any detriment to the public. This will allow these two lots to utilize the land in a better way, will allow for the homes built here to utilize side entry main garages and sweeping driveways, and will remove the need from front loading main garages. According to our findings on the Hall County GIS system the only other neighboring home facing this street has a similar setback from the front line.
5. If the zoning ordinance were applied literally, two homes can be built on these lots, but their design and appeal would be less aesthetically pleasing to the homeowners and neighbors.
6. Does not apply.

EXPT "A"





PLAT



Overview



Legend

 Parcels

 Roads

Cities

 BRASELTON

 BUFORD

 CLERMONT

 FLOWERY BRANC

 GAINESVILLE

 GILLSVILLE

 LULA

 OAKWOOD

 RESTHAVEN

Dimensions

Parcel ID 01107001123
Class Code Residential
Taxing District COUNTY
COUNTY
Acres 1.49

(Note: Not to be used on legal documents)

Owner CHATTAHOOCHEE COUNTRY CLUB
P O BOX 1075
GAINESVILLE GA 30503
Physical Address 825 NW EAST LAKE DR
Assessed Value Value \$222300

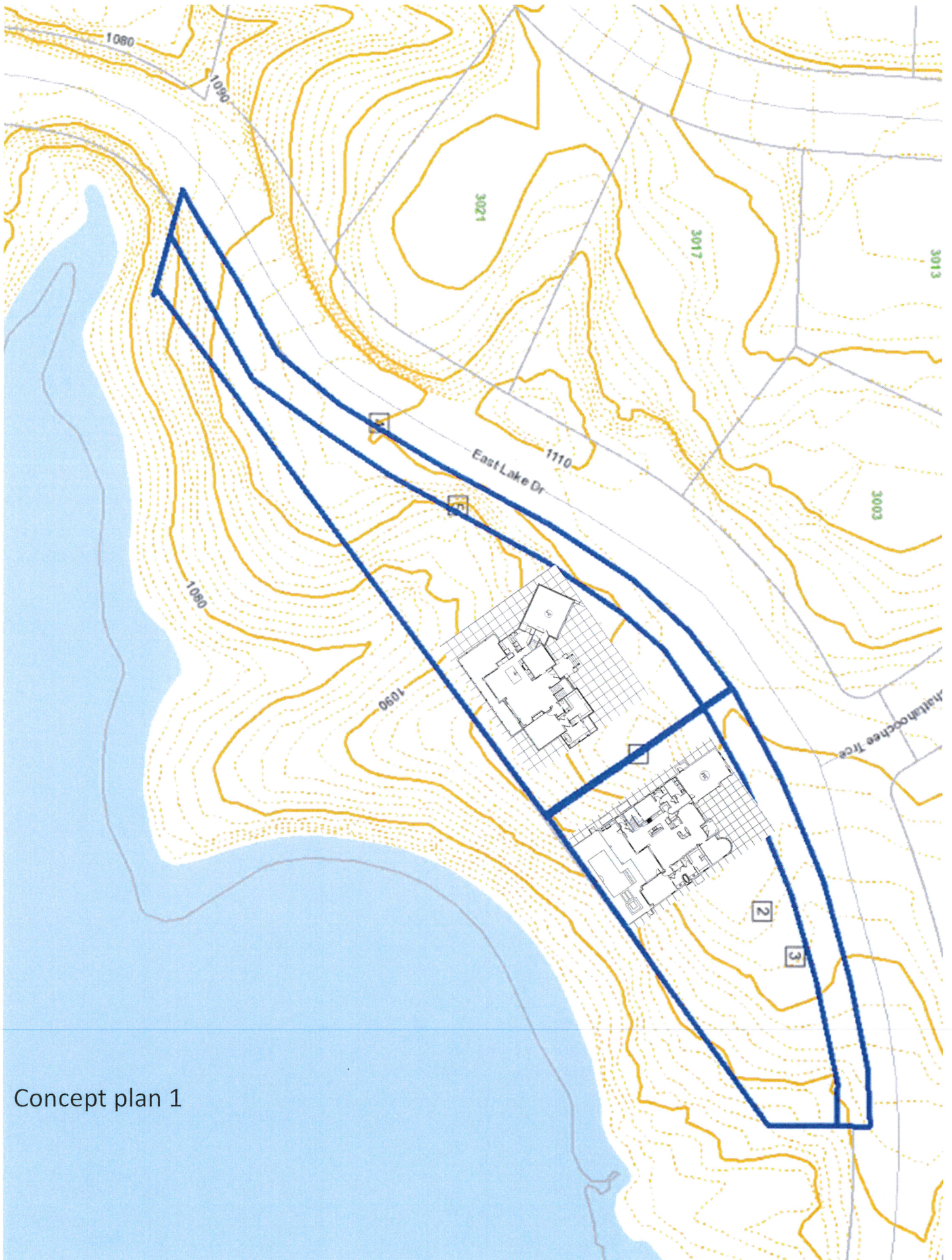
Last 2 Sales

Date	Price	Reason	Qual
n/a	0	n/a	n/a
n/a	0	n/a	n/a

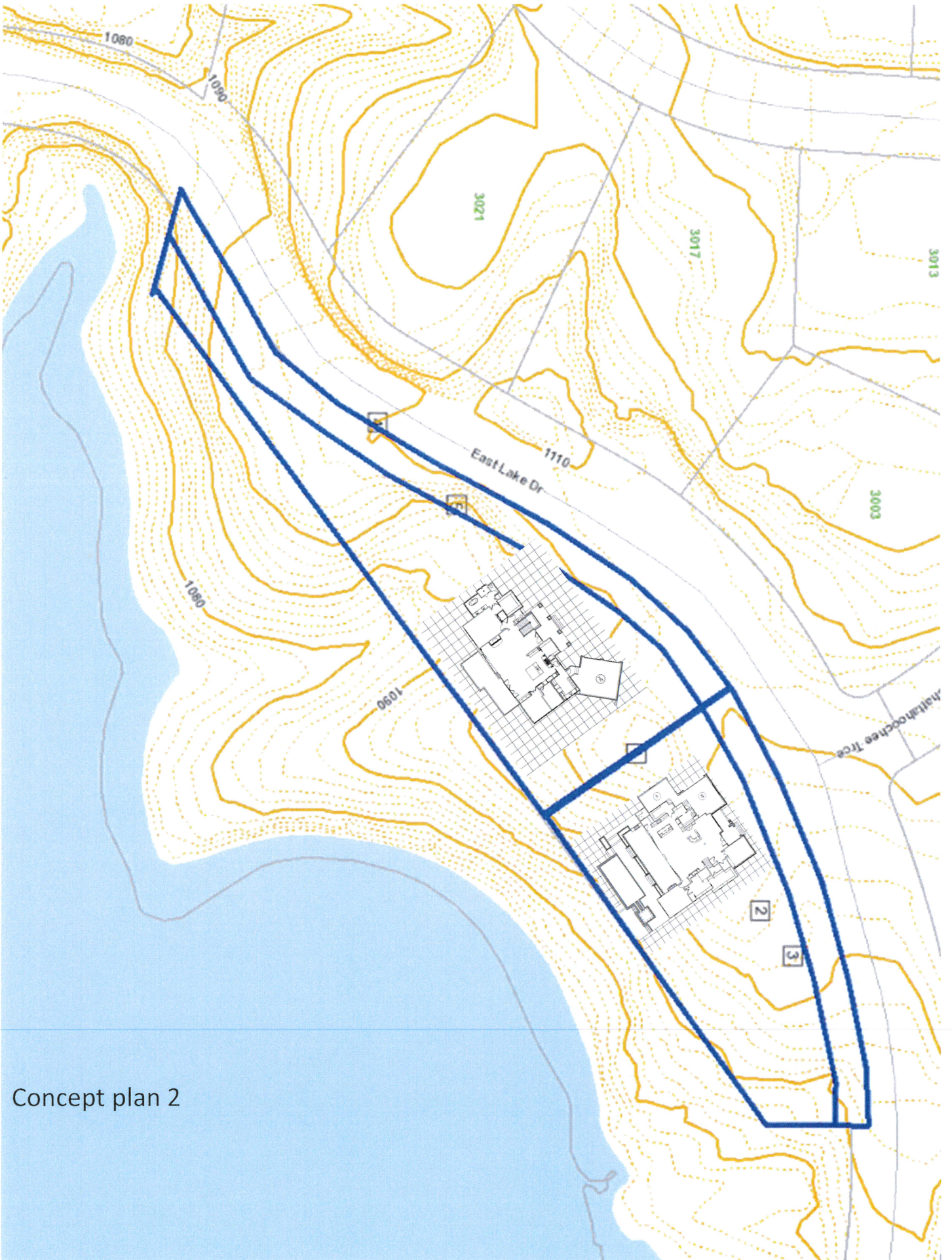
PLAT

Date created: 6/26/2020
Last Data Uploaded: 6/26/2020 3:24:25 AM

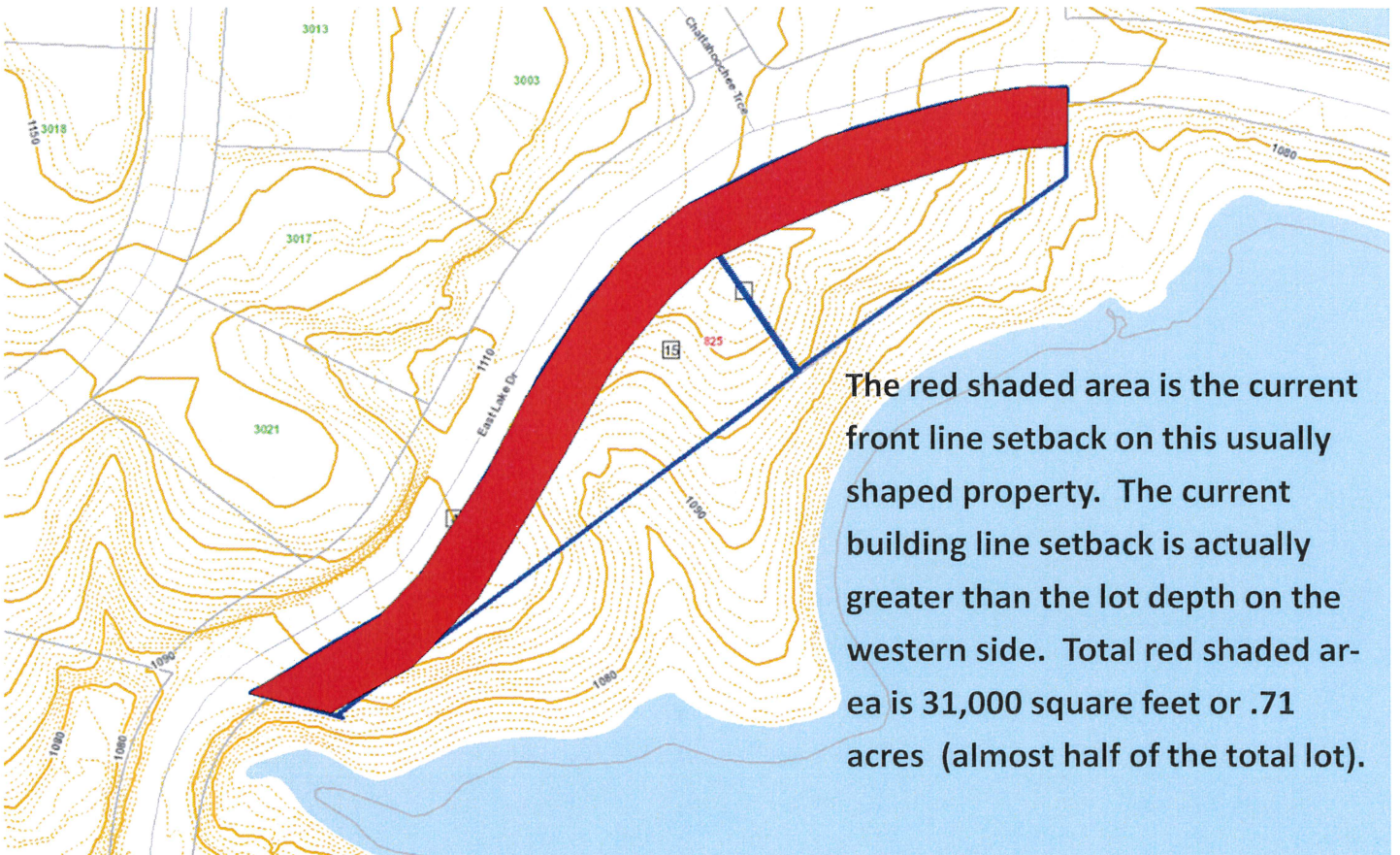
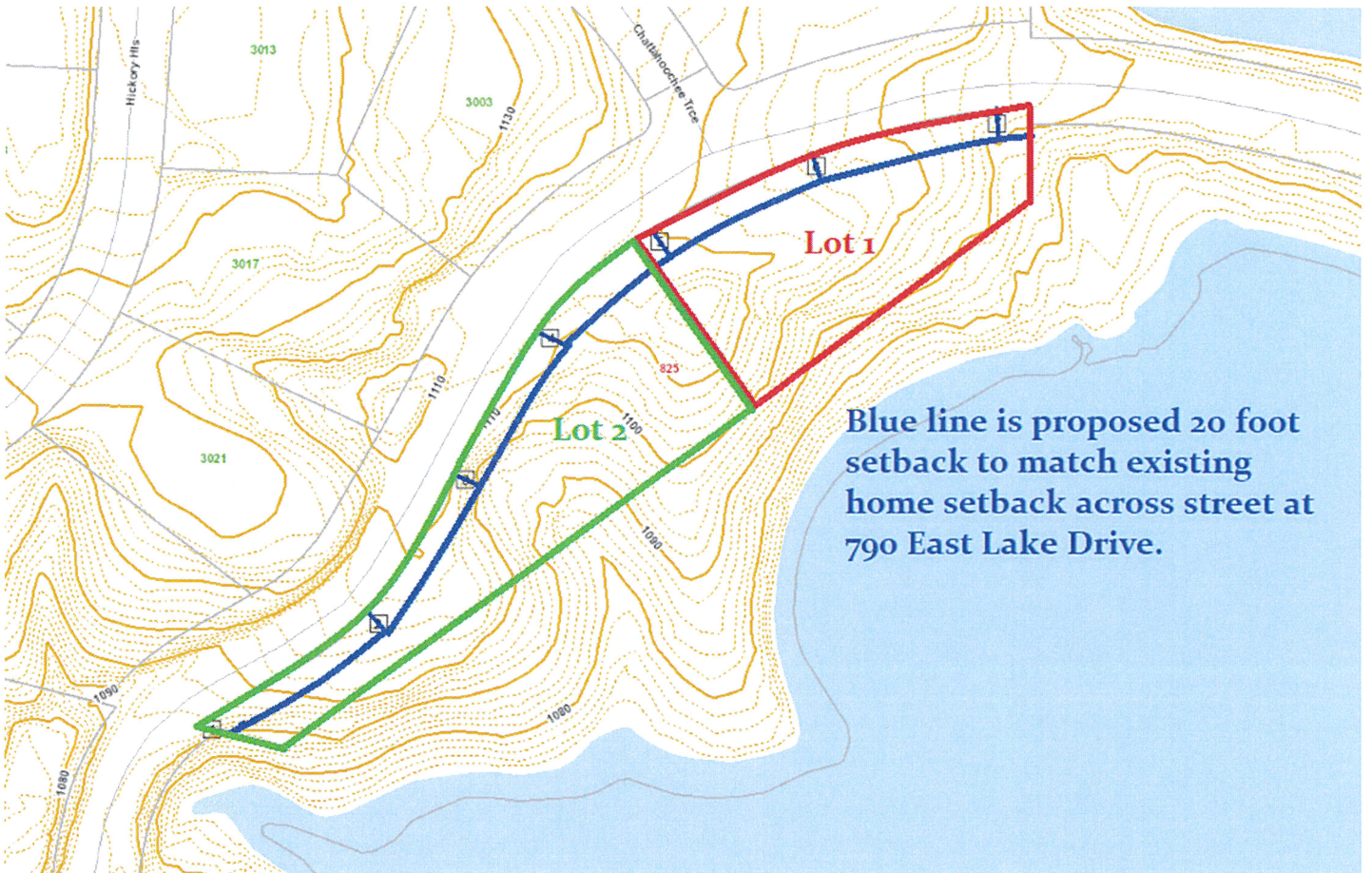
Developed by  Schneider
GEOSPATIAL

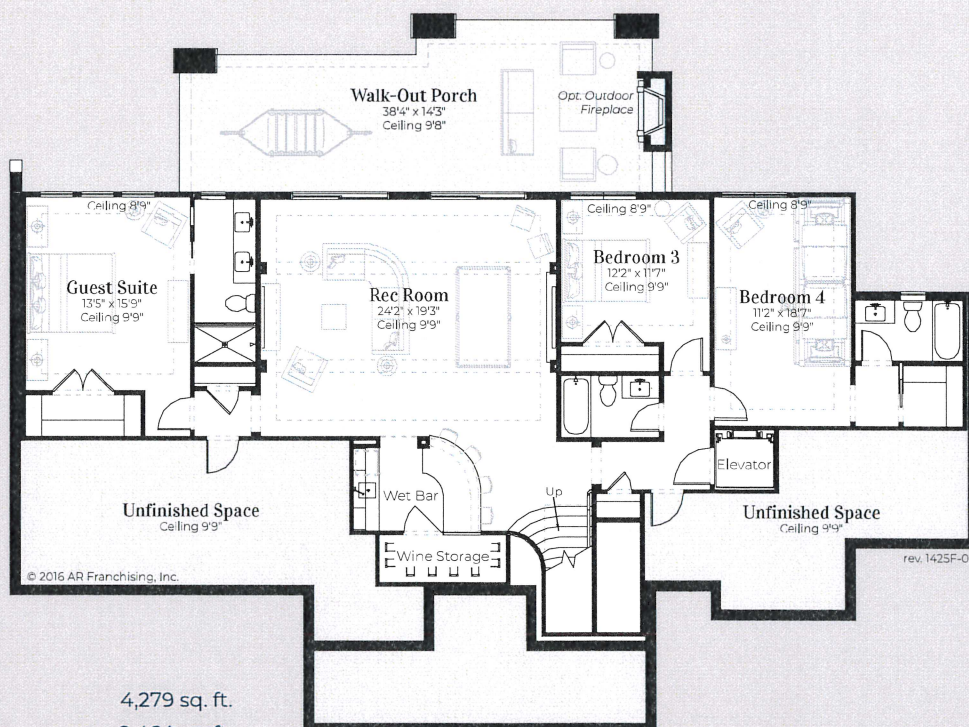
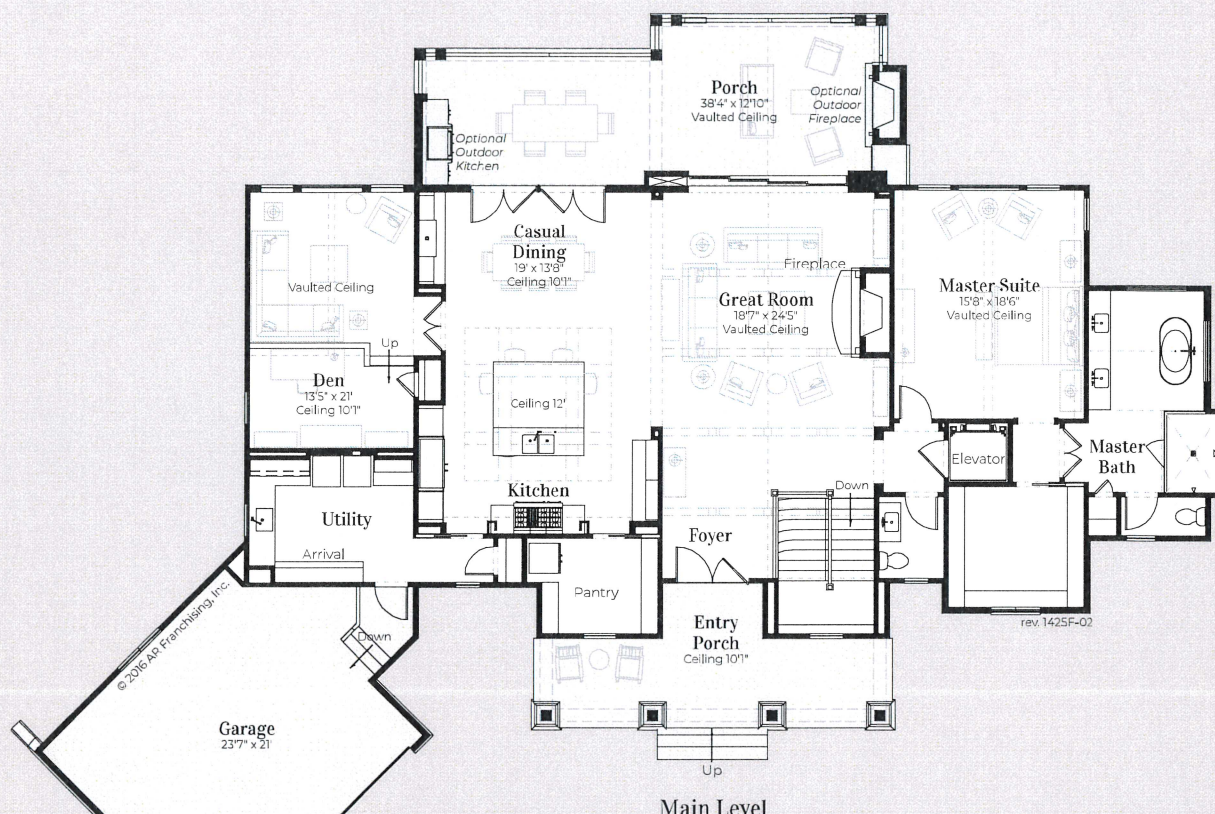


Concept plan 1



Concept plan 2





Appalachian 1425

Den	Living	4,279 sq. ft.
Great Room	Main Level Living	2,464 sq. ft.
Rec Room	Lower Level Living	1,815 sq. ft.
4 Bedrooms	Porch	488 sq. ft.
4 Bathrooms	Walk-out Porch	490 sq. ft.
1 Half Bathroom	Garage	562 sq. ft.
	Entry Porch	251 sq. ft.
	Total	6,837 sq. ft.



Elevation A – Mountain Rustic



Elevation B – English Cottage



Elevation C – Mountain Rustic

Appalachian 1425

Additional elevations and custom elevation designs, available. Contact your Sales Consultant for more details.

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First Floor

© 2015 AP Franchising, Inc.

Unfinished Attic Space

Bonus Room
19'6" x 14'3"
Vaulted Ceiling

Dry Bar

Loft
Ceiling 10'6"

Bedroom 2
14'11" x 11'3"
Ceiling 10'9"

Bedroom 3
13'0" x 11'2"
Ceiling 9'1"

Bedroom 4
18'5" x 12'4"
Ceiling 9'1"

Finished Flex Space
12'9" x 2'9"

Down

Open

rev 1303F-01

Second Floor

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Elevation A – Traditional



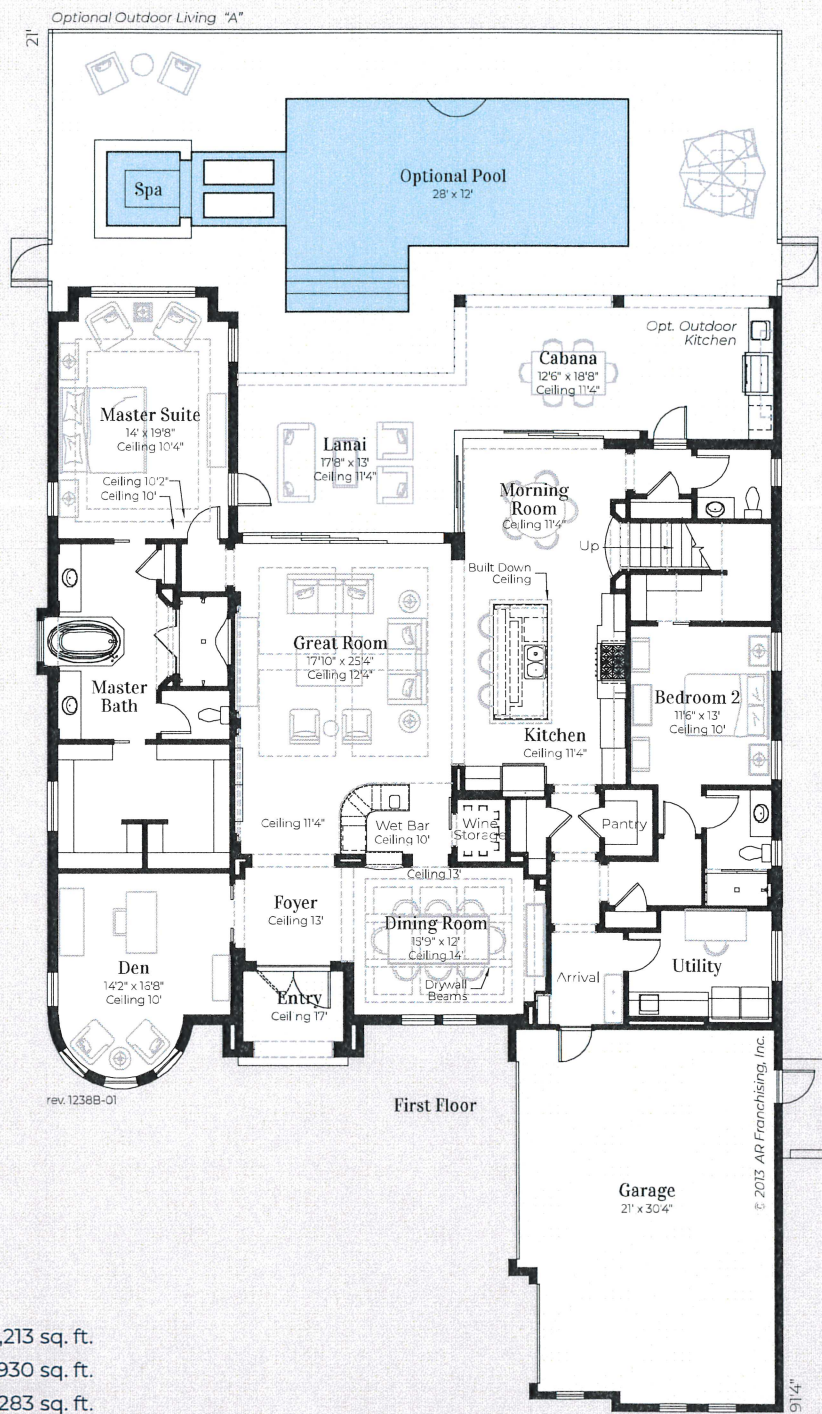
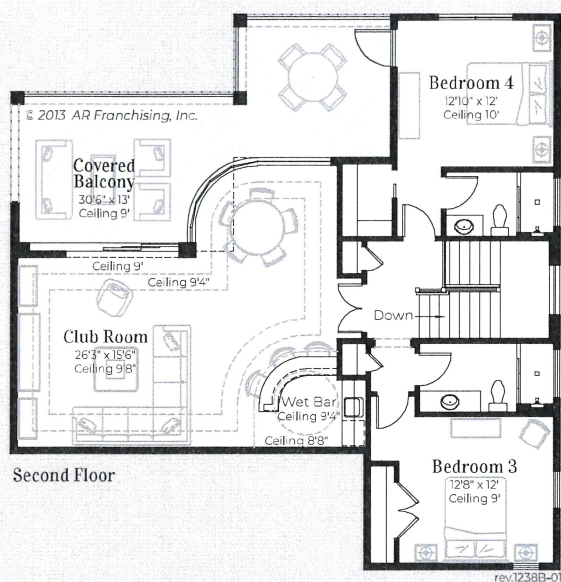
Elevation B – Traditional



Elevation C – French Country

Ballantyne 1353

Additional elevations and custom elevation designs, available. Contact your Sales Consultant for more details.



Castellina 1238

Club Room

Den

Great Room

4 Bedrooms

4 Bathrooms

1 Half Bathroom

Living	4,213 sq. ft.
First Floor Living	2,930 sq. ft.
Second Floor Living	1,283 sq. ft.
Lanai and Cabana	541 sq. ft.
Covered Balcony	366 sq. ft.
Garage	667 sq. ft.
Entry	66 sq. ft.
Total	5,853 sq. ft.





Elevation E – Mediterranean



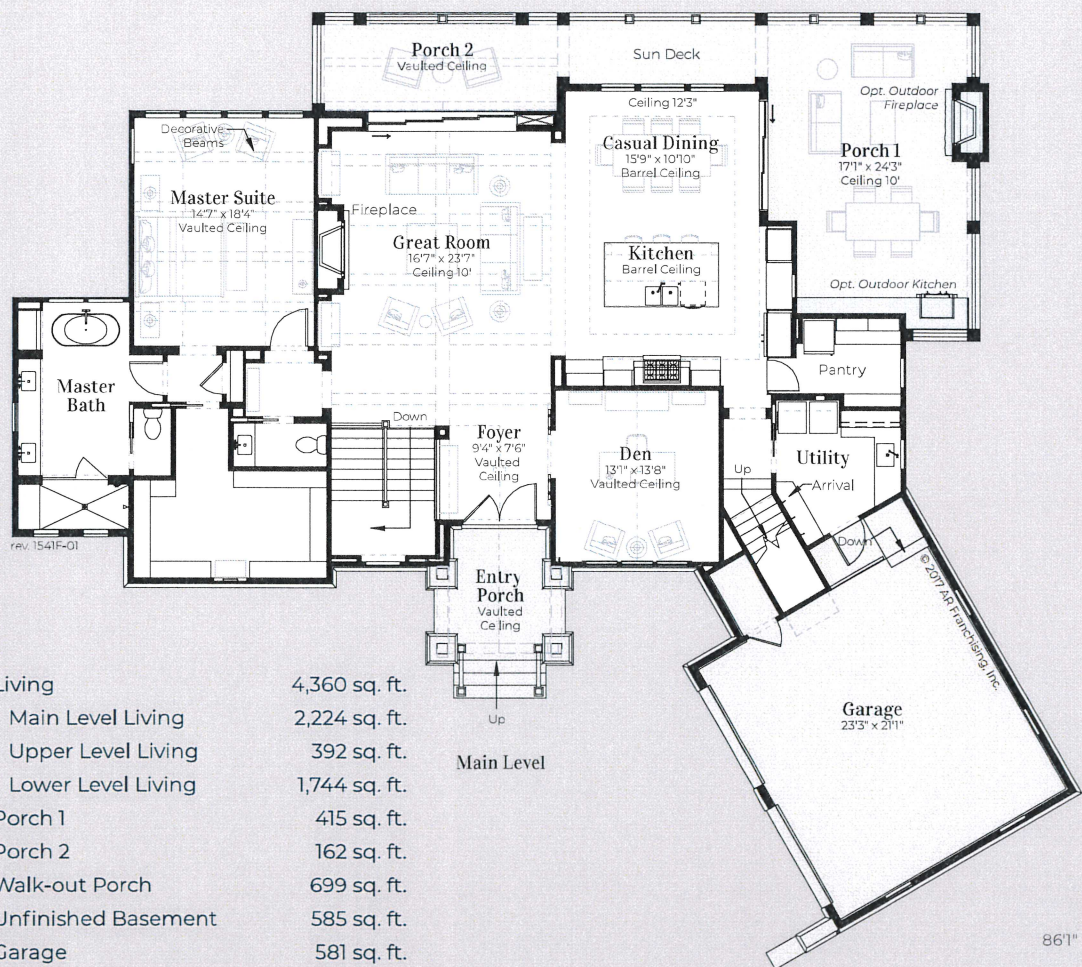
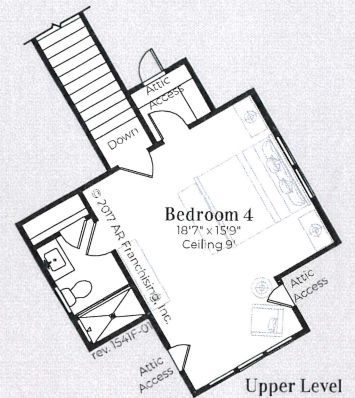
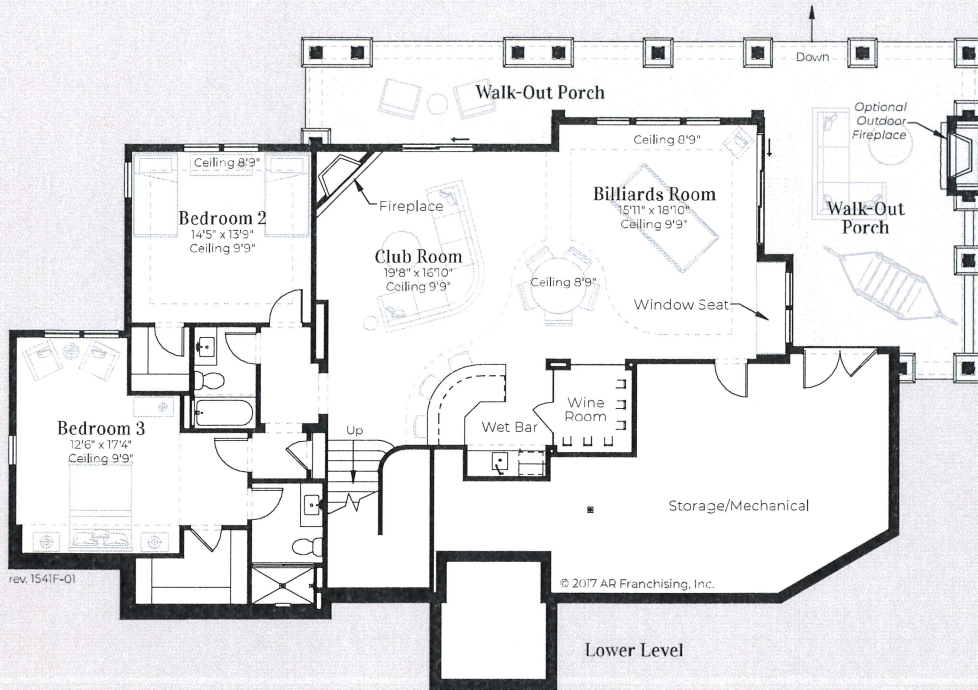
Elevation M – Mediterranean



Elevation R – Mediterranean

Castellina 1238

Additional elevations and custom elevation designs, available. Contact your Sales Consultant for more details.



Keystone 1541

Billiards Room	Living	4,360 sq. ft.
Club Room	Main Level Living	2,224 sq. ft.
Den	Upper Level Living	392 sq. ft.
Great Room	Lower Level Living	1,744 sq. ft.
4 Bedrooms	Porch 1	415 sq. ft.
4 Bathrooms	Porch 2	162 sq. ft.
1 Half Bathroom	Walk-out Porch	699 sq. ft.
	Unfinished Basement	585 sq. ft.
	Garage	581 sq. ft.
	Entry Porch	106 sq. ft.
	Total	6,908 sq. ft.





Elevation A – Mountain Rustic



Elevation B – Craftsman



Elevation C – Traditional

Keystone 1541

Additional elevations and custom elevation designs, available. Contact your Sales Consultant for more details.

Date Submitted: 10/19/2020

Presenter: Matt Tate

Item of Business: Request from the **Clipper Petroleum, Inc.** to rezone a 0.41± acre tract located on the north side of Christopher Drive, west of its intersection with Thompson Bridge Road (a/k/a **150 Christopher Drive**) from Residential-I (R-I) to Neighborhood Business (N-B), with a special use.
Ward Number: Two
Tax Parcel Number(s): 01-074-004-018
Request: Convenience store with fuel pumps

Meeting Date: 11/10/2020

Purpose of Request:

The proposal includes a 4,500 square foot convenience store and a 4,160 square foot (52' x 80') canopy consisting of 12 pumps (6 fueling stations). Access is proposed from Christopher Drive as well as a shared driveway off of Thompson Bridge Road. The property contains a single-family rental home that will be demolished and replaced with part of the convenience store building, retaining wall and a 25' vegetated buffer. The entire development includes two lots for a total of 1.11± acres. The adjacent uses include single-family homes, vacant commercial property, Honey Baked Ham restaurant and the Publix shopping center.

History/Background:

Facts & Issues for Consideration:

Department Recommendation:

Planning staff recommended denial of this request. However, if approved staff would recommend eight 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
☐ Site Plan	Backup Material
☐ Survey	Backup Material
☐ Architectural Renderings	Backup Material

**GAINESVILLE PLANNING and APPEALS BOARD
STAFF RECOMMENDATION**

Applicant Clipper Petroleum, Inc.
Property Owner Deborah J. Wallace
Speedy Sloth, LLC
Location 150 Christopher Drive
1261 and 1265 Thompson Bridge Road
Request (0.41± acre parcel) -Rezone from R-I to
N-B with a special use
Request (0.704± acre parcel) -Special use request
within N-B zoning
Ward Two
Proposed Use Convenience store with fuel pumps
Planning Division Staff Recommendation **Denial**
Date November 10, 2020

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

The proposal consists of two applications and properties totaling 1.11± acres in size. The applicant intends to combine the two properties to construct a 4,500 square foot convenience store and a 4,160 square foot (52' x 80') canopy consisting of 6 fueling islands with 12 pumps. The proposed business hours are Sunday thru Thursday from 5:30 a.m. to 11:00 p.m. and Friday/Saturday from 5:30 a.m. to 12:00 a.m. The applicant plans to close the existing BP convenience store/gas station located at 1180 Thompson Bridge Road and deed restrict it upon the sale or lease that it cannot be used as a convenience store with fuel pumps.

The first application proposes to rezone a 0.41± acre parcel located at 150 Christopher Drive from Residential-I (R-I) to Neighborhood Business (N-B) with a special use. The property includes a single-family rental home that will be removed and replaced with part of the convenience store building, retaining wall, rear access drive, dumpster pad and a 25-foot planted vegetated buffer.

The second application proposes a special use for a 0.704± acre parcel located at 1261 and 1265 Thompson Bridge Road currently zoned Neighborhood Business (N-B). The property is located within the Gateway Corridor Overlay Zone and was the previous site of the Kangaroo Citgo gas station and a commercial building that were removed. The property will include a fuel canopy, part of the convenience store building, retaining wall, parking, and access drives. In addition, an existing commercial billboard will be removed from the site to allow for internal access with the neighboring property to the north.

The proposed store is to include a mixture of EFIS, brick or stone materials designed to meet overlay standards. In addition, the support poles for the fuel canopy will be faced with brick or stone material to match the building. According to the applicant's concept plan, the existing driveways on Thompson Bridge Road and Christopher Drive will be relocated. A right-in/ right-out access is proposed from Thompson Bridge Road that will be shared with the neighboring property to the north that is currently under development review for a Zaxby's restaurant. As well, a full access two-way driveway is proposed on Christopher Drive.

▪ **Adjacent Land Use and Zoning**

Location	Use	Zoning
North	Proposed Zaxby's restaurant, (Previous Long John Silver's restaurant site)	Neighborhood Business (N-B) Office and Institutional (O-I)
South	Honey Baked Ham Restaurant; Single-family home	Neighborhood Business (N-B) Residential-I (R-I)
East	Publix Grocery center; Strip shopping center	Regional Business (R-B) Neighborhood Business (N-B)
West	Single-family home	Residential-I (R-I)

▪ **Other Departmental Comments**

According to the Georgia Department of Transportation (GDOT), the development will be required to meet the sight distance requirements and will need to coordinate with GDOT for review and approval.

According to the Gainesville Public Works Department, the developer will need to coordinate with the Gainesville Public Works Department and the Georgia Department of Transportation (GDOT) prior to permitting to address the future traffic improvements at the intersection of Thompson Bridge Road and Christopher Drive.

▪ **Zoning History**

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

2020 - A request by Walker-Lanier, LLC to rezone a 0.50± acre tract located at 989 Lanier Avenue and 1437 Walker Street from Residential-I (R-I) to Residential-II (R-II) was approved with conditions for duplex homes.

2017 - A request by The 5 MCS, LLC to rezone a 5.24± acres tract located at 1012 Enota Avenue from Residential-I (R-I) and Planned Unit Development (P-U-D) to Planned Unit Development (P-U-D) was approved with conditions for an assisted living facility, townhome cottages and a single-family home.

2017 - A request by Adams & Copeland, LLC for a special use for a hair salon and office within the Office and Institutional (O-I) zoning district located at 1665 Thompson Bridge Road was approved with conditions.

2017 - A request by Montecito Development for a special use for a convenience store with fuel pumps within the Neighborhood Business (N-B) zoning district located at 1281 Thompson Bridge Road was denied.

2017 - A request by Montecito Development to rezone a 0.48± acres tract located at 149 Enota Avenue from Office and Institutional (O-I) to Neighborhood Business (N-B) zoning district with a special use was denied.

2016 - A request by Jack Bailey to rezone a 0.61± acre tract located at 1665 Thompson Bridge Road NW from Residential-I (R-I) to Office and Institutional (O-I) was approved with conditions for an insurance office.

2016 - A request by Teresa Vickers for a special use for a hair salon within the Office and Institutional (O-I) zoning district located at 977 and 983 Enota Avenue was approved with conditions.

2015 - A request by David P. Johnson to rezone a 1.458± acres tract located at 1537 and 1551 Thompson Bridge Road; and 135 Virginia Circle from Residential-I (R-I) to Neighborhood Business (N-B) with a special use for a restaurant with drive-thru and retail was denied.

2014 – A request by Polestar Development, LLC to rezone a 1.741± acres tract located at 1435 Thompson Bridge Road from Residential-II (R-II) to Regional Business (R-B) for a grocery store and fuel service station was approved with conditions.

2013 - A request by Michael Slate to rezone a 0.67± acre tract located at 971 Lanier Avenue NE from Residential-I (R-I) to Residential and Office (R-O) for a professional office was approved with conditions.

2011 - A request by Greg Loyd for a special use for a Dunkin Donut restaurant with a drive thru within the Neighborhood Business (N-B) zoning district located at 1151 Thompson Bridge Road was approved with conditions.

2011 - A request by Jamie Collins to rezone a 1.149± acres tract located at 1452, 1464 and 1472 Thompson Bridge Road NE from Residential-I (R-I) and Neighborhood Business (N-B) to General Business (G-B) for a Taco Bell restaurant was approved with conditions.

2011 - A request by One Eleven, LLC for a special use for the Little Yellow Coffee House with a drive-thru within the Neighborhood Business (N-B) zoning district located at 996 Thompson Bridge Road was approved with conditions.

2010 - A request by Yonah Burger for a special use for a restaurant with a drive-thru within the Neighborhood Business (N-B) zoning district located at 1191 and 1195 Thompson Bridge Road was approved with conditions.

▪ **Staff Analysis**

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

The adjacent and nearby uses include single-family residential homes, office, service and commercial uses and are zoned Residential-I (R-I), Residential-II (R-II), Office and Institutional (O-I), Neighborhood Business (N-B) and Regional Business (R-B). The applicants proposed development area extends westerly along Christopher Drive toward an established residential district. A zoning of Neighborhood Business (N-B) is suitable for neighborhood scale retail uses; however, expanding the commercial property into an existing established residential area is contrary to the preservation of our downtown neighborhoods.

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

The proposal would appear to have less of an impact to the adjacent neighborhood if the development were confined to property already fronting Thompson Bridge Road. This portion of the property has historically been used for commercial purposes and could continue to do so. The proposed convenience store with fuel pumps will increase turning movements that will present difficult access for delivery trucks and large fuel trucks on Thompson Bridge Road and Christopher Drive. As well, these uses typically have longer business hours, create more noise from traffic, fuel/delivery trucks and dumpster usage.

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

The proposed development is located within the *Retail/Commercial* land use category. The *Retail/Commercial* land use category 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.

According to the Character Area map for the City of Gainesville, the rear 0.41± acre portion of the subject property is located within the *Traditional Neighborhoods* Character Area, specifically within the *Northern Neighborhoods subarea*. The front 0.704± acre portion of the subject property is located within the *City Park Neighborhood Center* Character Area.

The vision for the *Traditional Neighborhood Character Area* anticipates minimal change, and primary issues within this subarea include incompatible infill development and the threat of encroaching urban sprawl. Commercial encroachment should be minimized and should respect and mirror the small scale of the surrounding neighborhoods, while the purity of the landscape and quality of housing should be preserved. The area is not a primary destination for business; however, neighborhood serving business development is encouraged. Land uses allowed include low-density and medium-density residential, and mixed-use / commercial.

The vision for the *City Park Neighborhood Center* Character Area states that Thompson Bridge Road should be transformed into a “Complete Street” with sidewalks, landscaping, bike lanes and transit stops. Preservation of local small businesses should be a priority, and key early commercial buildings targeted for preservation. New commercial development should be compatible with the small scale of the older structures, and parking should be located to the rear with inter-parcel connectivity where possible. The area is not anticipated to see major economic growth, but remain oriented toward addressing existing neighborhood needs. Businesses providing basic goods and services that neighborhood residents depend on in daily life (for example food, household supplies, medicine etc.) should be encouraged. Locally-owned / family-owned businesses should be promoted to encourage small business investment / entrepreneurship. Land uses allowed include mixed-use, commercial and public/Institutional.

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

The two properties could remain as currently zoned and function separately except for the proposal requires the need for special use approval and rezoning. The existing vacant corner commercial lot could be redeveloped for other office, restaurant or commercial purposes. The existing single-family home could continue to be occupied for single-family purposes. While the N-B zoning district allows for neighborhood scale commercial uses such as a convenience store, special use approval is required to permit fuel pumps. Most of the uses permitted within the Neighborhood Business (N-B) zoning district are not auto-oriented in nature so as to discourage increased vehicular noise, lights, fumes, and traffic within neighborhood areas. There are currently four gas stations within one mile of the subject property.

(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 property. Gainesville Fire Station #2 is located off of Cleveland Highway and is approximately 2.1± miles from the subject property.

The proposed use would have no impact on the school system given that it is a non-residential use.

The proposal will increase ingress and egress traffic movements along Thompson Bridge Road which typically experiences high southbound traffic volumes in the morning and high northbound traffic volumes in the evening. According to the Transportation Master Plan for this area, there are planned intersection improvements at the corner of Thompson Bridge Road and Enota Avenue which will include the addition of a dedicated right turn lane.

(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?

Over the past 40 years this segment of Thompson Bridge Road has experienced steady commercial growth. Much of the growth has included redevelopment of existing commercial properties and the conversion of residential parcels fronting Thompson Bridge Road for office or neighborhood scale retail and restaurant uses. The proposal requires the rezoning of property that does not front Thompson Bridge Road is more intrusive to the existing neighborhood.

(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 Comprehensive Plan and the adjacent residential zoning, the proposal as a whole does not reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to unrestricted use of property.

Additional Criteria

(1) The type of street providing access to the subject property is adequate to serve the proposed Special Use.

Thompson Bridge Road (SR 60) is an arterial road and is capable of serving the proposal with access improvements. Christopher Drive is considered a local neighborhood road that is often used as a cut through between Thomson Bridge Road and Dawsonville Highway. Christopher Drive is less conducive for heavy truck traffic.

(2) Access into and out of the property adequately provides for traffic and pedestrian safety, the anticipated volume of traffic flow, and access by emergency vehicles.

The subject properties are located at the northwest side of the intersection of Thompson Bridge Road and Christopher Drive. The applicant's concept plan appears to provide for sufficient access for pedestrian safety and emergency vehicles.

(3) Public facilities such as schools, water or sewer utilities, and police or fire protection are adequate to serve the Special Use.

Existing public facilities are adequate to serve the proposed use.

(4) Refuse, service, parking and loading areas on the property are located and screened to protect other properties in the area from such adverse effects as noise, light, glare or odor.

The proposed concept plan includes a 25-foot wide vegetative and structural buffer adjacent to the single-family property. The proposed dumpster is proposed behind the building but is adjacent to the residential property. Proper lighting that does not produce glare will be required as part of the Unified Land Development Code.

(5) The hours and manner of operation of the Special Use have no adverse effects on other properties in the area.

The applicant states the proposed hours of operation are for the store are Sunday thru Thursday from 5:30 a.m. to 11:00 p.m. and Friday/Saturday from 5:30 a.m. to 12:00 a.m. which is typical of a convenience store. Due to the property being adjacent to residential homes on Christopher Drive, an office, specialty retail or restaurant use would be more conducive.

(6) The height, size and location of the buildings or other structures proposed on the property are compatible with the height, size or location of buildings or other structures on neighboring properties.

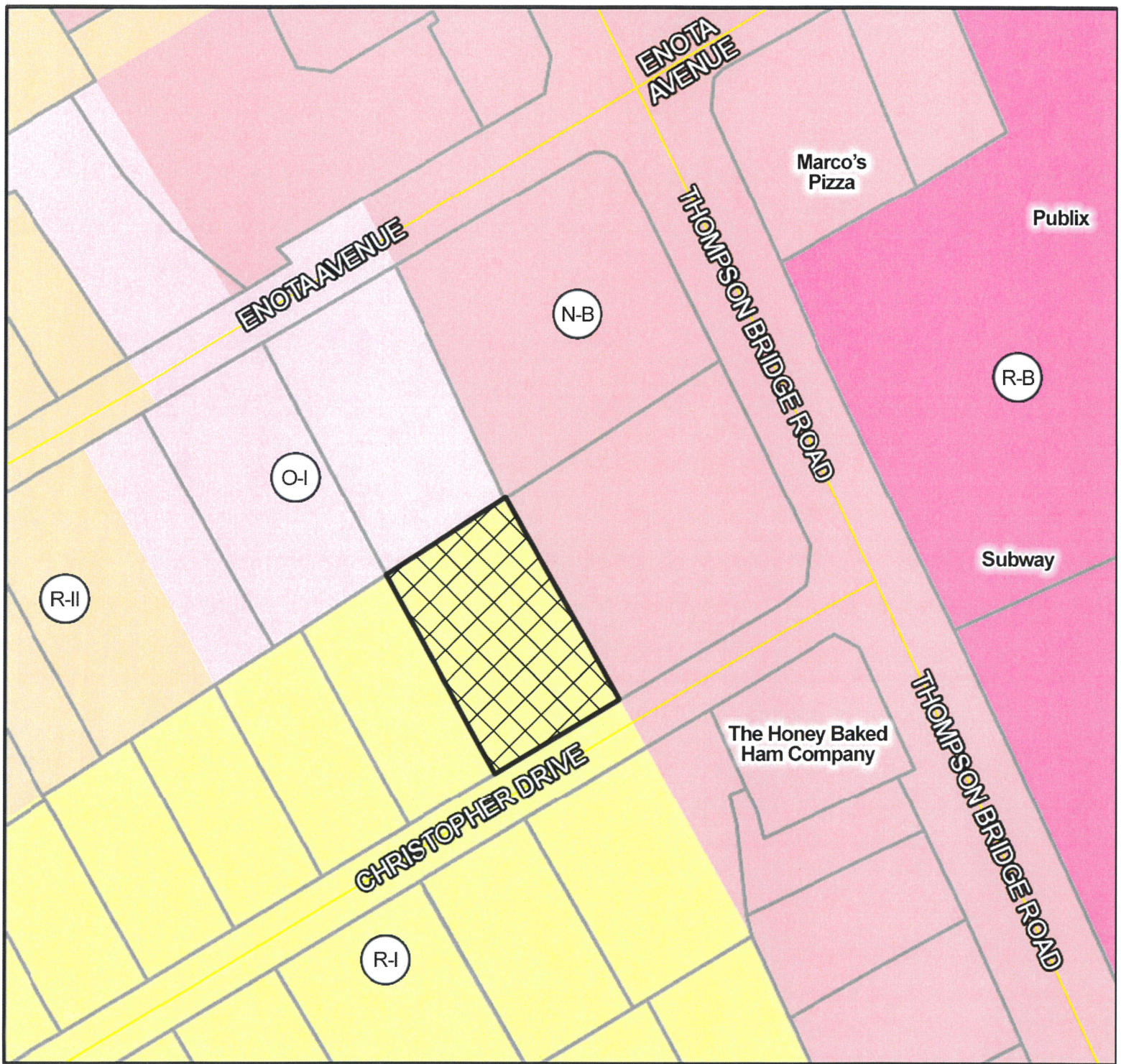
The height and size of the proposed structures appear consistent with other commercial structures located along Thompson Bridge Road. However, the proposed location of the building, rear access drive and dumpster will further encroach into the established neighborhood.

▪ **Staff Recommendation**

The Planning Division staff is recommending **denial** of this request based on the Comprehensive Plan and the adjacent residential uses. However, if approved, staff would recommend the following conditions:

Conditions

1. The proposed development shall be generally consistent with the standards depicted on the architectural pictures provided with the rezoning and special use application including exterior materials, roof pitch, canopy, building/canopy setbacks and buffer.
2. The exterior materials and roof pitch of the building and canopy shall adhere to the standards as depicted on the architectural elevation provided with this rezoning application.
3. The development shall require a minimum 35-foot wide evergreen planted buffer adjacent to all single-family property located to the west. The location, number, spacing, size and type of trees planted shall be subject to Community and Economic Development Department Director approval.
4. The existing commercial billboard sign shall be removed from the property.
5. Prior to a permit being issued for the subject property, a Traffic Impact Study shall be required. The applicant shall coordinate with the Gainesville Public Works Department Director and the Georgia Department of Transportation (GDOT) to determine the scope of the study.
6. All access point design for the subject property shall require approval by the Georgia Department of Transportation in conjunction with the Gainesville Public Works 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.
7. The applicant / owner shall provide for internal parcel vehicular access with the adjacent vacant property located to the north.
8. 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.



Applicant:

CLIPPER PETROLEUM, INC.

REZONING REQUEST

Request:

Rezone 0.41 +/- acre from Residential - I (R-I) to Neighborhood Business (N-B), with a special use for a convenience store with fuel pumps

Subject Property Address:

150 Christopher Drive

Tax Parcel:

01-074-004-018

Meeting Date: 11/10/2020

Map Prepared: 10/14/2020



Subject Property

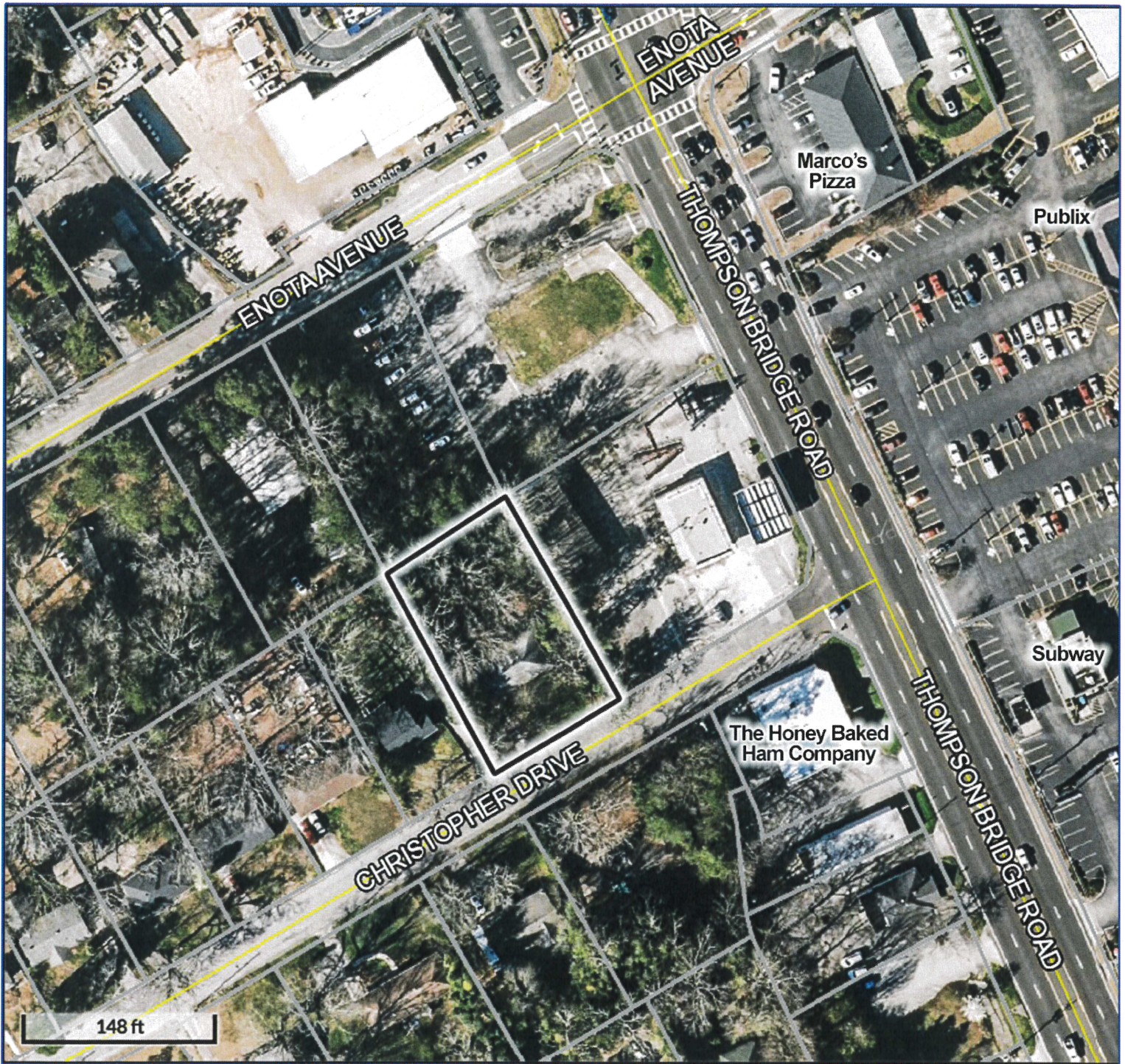


CITY OF

GAINESVILLE

COMMUNITY AND ECONOMIC DEVELOPMENT





Applicant:

CLIPPER PETROLEUM, INC.

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 Subject Property

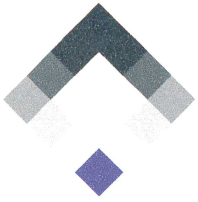
Aerial from 2018



CITY OF
GAINESVILLE

COMMUNITY AND ECONOMIC DEVELOPMENT





SMITH GILLIAM WILLIAMS & MILES

sgwmfirm.com

770.536.3381

770.531.1481

P.O. Box 1098
Gainesville, GA 30503

NARRATIVE REPORT

For City of Gainesville Application for Zoning Action
By Clipper Petroleum Inc. dated September 29, 2020

This Narrative Report is submitted by Applicant Clipper Petroleum, Inc. (hereafter "Applicant") on behalf of property owner, Speedy Sloth, LLC, for the property located at 1261 Thompson Bridge Road, Gainesville, Georgia 30501, Tax Parcel 010074 004019; and on behalf of property owner, Deborah J. Wallace for the property located at 150 Christopher Drive, Gainesville, Georgia 30501, Tax Parcel 010074 004018.

Applicant seeks a Special Use for a convenience store with fuel pumps for the property located at 1261 Thompson Bridge Road, Gainesville, Georgia 30501. The current zoning is N-B.

Applicant seeks a rezoning of 150 Christopher Drive, Gainesville, Georgia 30501 from R-1 to N-B with Special Use for a convenience store with fuel pumps.

Applicant is the owner and operator of numerous convenience stores in the north Georgia area. The proposed building is a convenience store totaling 4,500 square feet. The site plan is attached with the Application and shows there will be six petroleum pump station islands covered by a 52 x 80 canopy. Renderings submitted with the Application show the look and style of the proposed convenience store. Photographs are submitted to show the type of pump islands and the canopy. Nonspillage lighting will be used to light the property at night.

Because of setback requirements, a permanent Georgia DOT Easement for construction and maintenance, a 5 foot sidewalk, and a 10 foot landscape strip, the canopy and C-Store have to be moved back from Thompson Bridge Road approximately 40-45 feet from the right of way. There is also a joint driveway with the parcel located north of the property with a right in and right out turn lane. Because of the location of the driveway and the topography of the property, the entry point into the parking lot and driveway on the northern part of the proposed rezoned property has to be beyond the canopy. There is a proposed 40 foot driveway and parking places in front of the proposed convenience store with a 10 foot sidewalk which requires it to be set back approximately 40 feet from the canopy. Because of the topography, a retaining wall will need to be built on the adjoining property which is sought to be rezoned from R-1 to N-B at 150 Christopher Drive.

The property can be exited on the north end through the joint driveway and the right hand turn or on the south end through the driveway exit on Christopher Drive.

There are two variances that will be needed for the canopy. A 31 foot front building setback from Christopher Drive and a 33 foot front building setback from Thompson Bridge Road.

The property has access to Gainesville City Water and Sanitary Sewer and direct access to Christopher Drive and Thompson Bridge Road.

The property located at 1261 Thompson Bridge Road has been vacant for years and a former convenience store has been removed. There is a large billboard sign on this property that will be removed.

The property located at 150 Christopher Drive is a leased residence that will be removed. There will be a 25 foot vegetative structural buffer and building setback from an existing block wall.

Applicant currently owns a convenience store on the opposite side of Thompson Bridge Road located at 1180 Thompson Bridge Road. After construction of the proposed convenience store, Applicant will close the existing convenience store and deed restrict it upon the sale or lease that it cannot be used as a convenience store with fuel pumps.

Applicant respectfully requests approval and submits the two applications and exhibits in support of its requests.

If the planning staff, the Planning and Appeals Board or City Council Members need additional information, please do not hesitate to contact Mark Linkesh, Real Estate Official with Clipper Petroleum, Inc. or Applicant's counsel, Steven P. Gilliam, whose contact information is contained on the law firm's letterhead on which this narrative is written.

Sincerely,

Steven P. Gilliam

SPG/jsb

Enclosures: Zoning Applications (2)
Supporting Documents

C: Clipper Petroleum, Inc.
Deborah J. Wallace
Speedy Sloth, LLC



Know what's below.
Call before you dig.

UTILITY DISCLAIMER:

In addition to showing the structures to be built under this contract, the drawings show certain information obtained by the engineer regarding the pipes, poles, lines, conduits, and other structures which exist along the line of the work, both above and below the surface of the ground. The engineer and the owner expressly disclaim any responsibility for the accuracy or completeness of the information given on the drawings with regard to existing structures, and the contractor will not be entitled to any extra compensation on account of any inaccuracy or incompleteness of such information. Such structures being indicated only for the convenience of the contractor, who must verify the information to his own satisfaction. The giving of this information upon the contract drawings will not release the contractor of his obligation to support and protect all pipes, conduits, and other structures. The contractor shall locate all underground obstructions prior to excavation so as to prevent any damage to these services or other utilities. Any such damages must be repaired without delay and the cost of such repairs must be borne by the contractor.

ENOTA AVENUE
VARIABLE R/W

R/W CALL CHART			
Date	Station	Length	Chord Desc.
01	1+00.00	131.50'	131.50'
			S 25°50'30" E



LOCATION MAP

PARKING REQUIREMENTS:

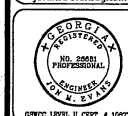
CITY REQUIREMENT:	REQUIRED MAXIMUM	REQUIRED MINIMUM	PARKING PROVIDED
CONVENIENCE STORE @ 4,500 S.F.			
1 SPACE PER 100 S.F. (MINIMUM)	45	23	27*
1 SPACE PER 200 S.F. (MINIMUM)			

*INCLUDES 1 ADA SPACE PROVIDED (1 REQUIRED)

ZONING DATA TABLE:

CURRENT ZONING:	H-3 (NEIGHBORHOOD BUSINESS)
PROPOSED ZONING:	N/A
OVERLAY DISTRICT:	GAINESVILLE GATEWAY CORRIDOR
PROPOSED USE ALLOWANCE:	REQUIRES SPECIAL USE PERMIT
MINIMUM BUILDING COVERAGE:	50%
PROPOSED BUILDING COVERAGE:	43.3%
MINIMUM LOT AREA:	725
PROPOSED LOT AREA:	1,231.54
MINIMUM OPEN SPACE:	20%
PROPOSED OPEN SPACE:	33.3%
MINIMUM ROAD FRONTAGE:	40 FT
MINIMUM LOT WIDTH:	75 FT
MINIMUM LOT SIZE:	15,000 S.F.
BUILDING SETBACKS:	
FRONT:	40 FT
SIDE:	NONE
REAR:	NONE
SETBACK ADJUSTING:	25 FT
LANDSCAPE STRIPS:	
ALONG ROAD:	10 FT
ALONG SIDE:	10 FT

THE PROPERTY DOES NOT LIE IN A 100-FT FLOOD ZONE AS SHOWN ON FEMA COMMUNITY PANEL, AL, 131002702G, DATED APRIL 4, 2018.



PROJECT NAME
**THOMPSON
BRIDGE ROAD
C-STORE**

1261 THOMPSON
BRIDGE ROAD,
LL 146, 9th DIST.,
CITY OF GAINESVILLE,
GEORGIA

DATE:
4-8-20

DESIGN BY: JME
DRAWN BY: JME
CHECKED BY: JME

☒ Not Released for Construction
☐ Released for Construction

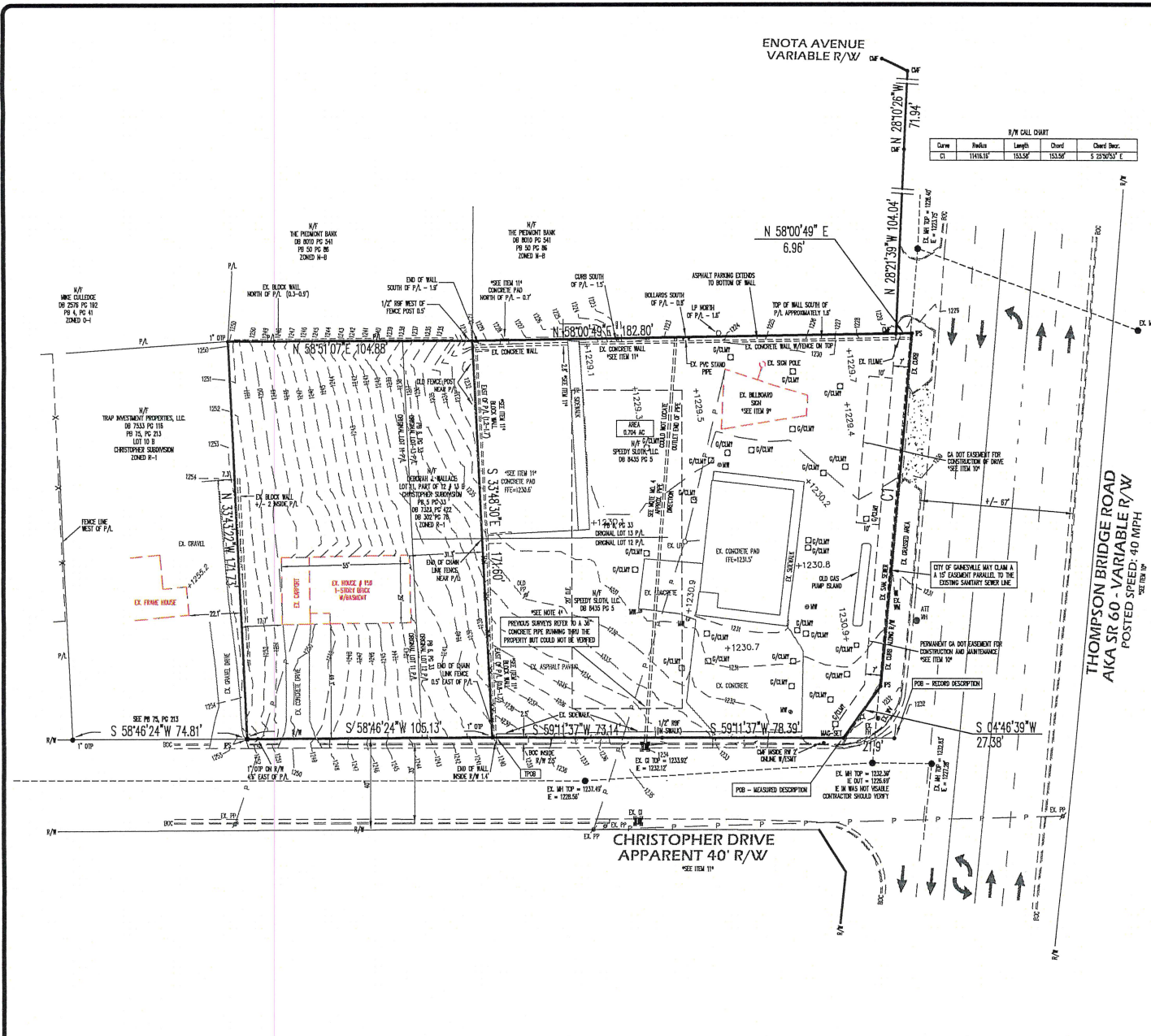
OWNER/DEVELOPER

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REVISIONS	
1	4-8-20
FIRST SUBMITTAL	

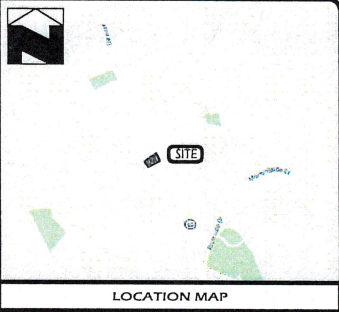
JOB NUMBER:
20-009

SHEET TITLE
**PLAN
C-4**



1/4" CALL CHART

Curve	Radius	Length	Chord	Chord Bear.
C1	THIRTY	153.58'	153.58'	S 25°50'51" E



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Civil Engineering /
Site Planning /
Land Development Services
4755 Summer Song Court
Buford, GA 30519
(770) 478.2074 / 4830
jevans@evansdgp.com

GEORGIA
REGISTERED
PROFESSIONAL
ENGINEER
J. EVANS
EXPIRATION DATE: 12/31/2024

PROJECT NAME
**THOMPSON
BRIDGE ROAD
C-STORE**

1261 THOMPSON
BRIDGE ROAD,
LL 146, 9th DIST.,
CITY OF GAINESVILLE,
GEORGIA

DATE:
4-8-20

DESIGN BY: **JME** DRAWN BY: **JME** CHECKED BY: **JME**

☒ Not Released For Construction
☐ Released For Construction

OWNER/DEVELOPER

REVISIONS

JOB NUMBER:
20-009

SHEET TITLE
**EXISTING
CONDITIONS**

C-2









Date Submitted: 10/19/2020

Presenter: Matt Tate

Item of Business: Request from the **Clipper Petroleum, Inc.** for a special use on a 0.704± acre tract located on the northwest side of the intersection of Christopher Drive and Thompson Bridge Road (a/k/a **1261 and 1265 Thompson Bridge Road**), having a zoning of Neighborhood Business (N-B).
Ward Number: Two
Tax Parcel Number(s): 01-074-004-019
Request: Convenience store with fuel pumps

Meeting Date: 11/10/2020

Purpose of Request:

The proposal includes a 4,500 square foot convenience store and a 4,160 square foot (52' x 80') canopy consisting of 12 pumps (6 fueling stations). Access is proposed from Christopher Drive as well as a shared driveway off of Thompson Bridge Road. The property was the previous site of the Kangaroo Citgo gas station as well as a commercial building that have both been demolished. Presently the site is mostly paved and contains a large billboard sign that will be removed. The entire development includes two lots for a total of 1.11± acres. The property is located within the Gateway Corridor Overlay Zone and the adjacent uses include single-family homes, vacant commercial property, Honey Baked Ham restaurant and the Publix shopping center.

History/Background:

Facts & Issues for Consideration:

Department Recommendation:

Planning staff recommended denial of this request. However, if approved staff would recommend eight 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
☐ Site Plan	Backup Material
☐ Survey	Backup Material
☐ Architectural Renderings	Backup Material

Applicant	Clipper Petroleum, Inc.
Property Owner	Deborah J. Wallace Speedy Sloth, LLC
Location	150 Christopher Drive 1261 and 1265 Thompson Bridge Road
Request	(0.41± acre parcel) -Rezone from R-I to N-B with a special use
Request	(0.704± acre parcel) -Special use request within N-B zoning
Ward	Two
Proposed Use	Convenience store with fuel pumps
Planning Division Staff Recommendation	Denial
Date	November 10, 2020

The proposal consists of two applications and properties totaling 1.11± acres in size. The applicant intends to combine the two properties to construct a 4,500 square foot convenience store and a 4,160 square foot (52' x 80') canopy consisting of 6 fueling islands with 12 pumps. The proposed business hours are Sunday thru Thursday from 5:30 a.m. to 11:00 p.m. and Friday/Saturday from 5:30 a.m. to 12:00 a.m. The applicant plans to close the existing BP convenience store/gas station located at 1180 Thompson Bridge Road and deed restrict it upon the sale or lease that it cannot be used as a convenience store with fuel pumps.

The second application proposes a special use for a 0.704± acre parcel located at 1261 and 1265 Thompson Bridge Road currently zoned Neighborhood Business (N-B). The property is located within the Gateway Corridor Overlay Zone and was the previous site of the Kangaroo Citgo gas station and a commercial building that were removed. The property will include a fuel canopy, part of the convenience store building, retaining wall, parking, and access drives. In addition, an existing commercial billboard will be removed from the site to allow for internal access with the neighboring property to the north.

The proposed store is to include a mixture of EFIS, brick or stone materials designed to meet overlay standards. In addition, the support poles for the fuel canopy will be faced with brick or stone material to match the building. According to the applicant's concept plan, the existing driveways on Thompson Bridge Road and Christopher Drive will be relocated. A right-in/ right-out access is proposed from Thompson Bridge Road that will be shared with the neighboring property to the north that is currently under development review for a Zaxby's restaurant. As well, a full access two-way driveway is proposed on Christopher Drive.

▪ **Adjacent Land Use and Zoning**

Location	Use	Zoning
North	Proposed Zaxby's restaurant, (Previous Long John Silver's restaurant site)	Neighborhood Business (N-B) Office and Institutional (O-I)
South	Honey Baked Ham Restaurant; Single-family home	Neighborhood Business (N-B) Residential-I (R-I)
East	Publix Grocery center; Strip shopping center	Regional Business (R-B) Neighborhood Business (N-B)
West	Single-family home	Residential-I (R-I)

▪ **Other Departmental Comments**

According to the Georgia Department of Transportation (GDOT), the development will be required to meet the sight distance requirements and will need to coordinate with GDOT for review and approval.

According to the Gainesville Public Works Department, the developer will need to coordinate with the Gainesville Public Works Department and the Georgia Department of Transportation (GDOT) prior to permitting to address the future traffic improvements at the intersection of Thompson Bridge Road and Christopher Drive.

▪ **Zoning History**

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

2020 - A request by Walker-Lanier, LLC to rezone a 0.50± acre tract located at 989 Lanier Avenue and 1437 Walker Street from Residential-I (R-I) to Residential-II (R-II) was approved with conditions for duplex homes.

2017 - A request by The 5 MCS, LLC to rezone a 5.24± acres tract located at 1012 Enota Avenue from Residential-I (R-I) and Planned Unit Development (P-U-D) to Planned Unit Development (P-U-D) was approved with conditions for an assisted living facility, townhome cottages and a single-family home.

2017 - A request by Adams & Copeland, LLC for a special use for a hair salon and office within the Office and Institutional (O-I) zoning district located at 1665 Thompson Bridge Road was approved with conditions.

2017 - A request by Montecito Development for a special use for a convenience store with fuel pumps within the Neighborhood Business (N-B) zoning district located at 1281 Thompson Bridge Road was denied.

2017 - A request by Montecito Development to rezone a 0.48± acres tract located at 149 Enota Avenue from Office and Institutional (O-I) to Neighborhood Business (N-B) zoning district with a special use was denied.

2016 - A request by Jack Bailey to rezone a 0.61± acre tract located at 1665 Thompson Bridge Road NW from Residential-I (R-I) to Office and Institutional (O-I) was approved with conditions for an insurance office.

2016 - A request by Teresa Vickers for a special use for a hair salon within the Office and Institutional (O-I) zoning district located at 977 and 983 Enota Avenue was approved with conditions.

2015 - A request by David P. Johnson to rezone a 1.458± acres tract located at 1537 and 1551 Thompson Bridge Road; and 135 Virginia Circle from Residential-I (R-I) to Neighborhood Business (N-B) with a special use for a restaurant with drive-thru and retail was denied.

2014 – A request by Polestar Development, LLC to rezone a 1.741± acres tract located at 1435 Thompson Bridge Road from Residential-II (R-II) to Regional Business (R-B) for a grocery store and fuel service station was approved with conditions.

2013 - A request by Michael Slate to rezone a 0.67± acre tract located at 971 Lanier Avenue NE from Residential-I (R-I) to Residential and Office (R-O) for a professional office was approved with conditions.

2011 - A request by Greg Loyd for a special use for a Dunkin Donut restaurant with a drive thru within the Neighborhood Business (N-B) zoning district located at 1151 Thompson Bridge Road was approved with conditions.

2011 - A request by Jamie Collins to rezone a 1.149± acres tract located at 1452, 1464 and 1472 Thompson Bridge Road NE from Residential-I (R-I) and Neighborhood Business (N-B) to General Business (G-B) for a Taco Bell restaurant was approved with conditions.

2011 - A request by One Eleven, LLC for a special use for the Little Yellow Coffee House with a drive-thru within the Neighborhood Business (N-B) zoning district located at 996 Thompson Bridge Road was approved with conditions.

2010 - A request by Yonah Burger for a special use for a restaurant with a drive-thru within the Neighborhood Business (N-B) zoning district located at 1191 and 1195 Thompson Bridge Road was approved with conditions.

▪ **Staff Analysis**

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

The adjacent and nearby uses include single-family residential homes, office, service and commercial uses and are zoned Residential-I (R-I), Residential-II (R-II), Office and Institutional (O-I), Neighborhood Business (N-B) and Regional Business (R-B). The applicants proposed development area extends westerly along Christopher Drive toward an established residential district. A zoning of Neighborhood Business (N-B) is suitable for neighborhood scale retail uses; however, expanding the commercial property into an existing established residential area is contrary to the preservation of our downtown neighborhoods.

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

The proposal would appear to have less of an impact to the adjacent neighborhood if the development were confined to property already fronting Thompson Bridge Road. This portion of the property has historically been used for commercial purposes and could continue to do so. The proposed convenience store with fuel pumps will increase turning movements that will present difficult access for delivery trucks and large fuel trucks on Thompson Bridge Road and Christopher Drive. As well, these uses typically have longer business hours, create more noise from traffic, fuel/delivery trucks and dumpster usage.

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

The proposed development is located within the *Retail/Commercial* land use category. The *Retail/Commercial* land use category 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.

According to the Character Area map for the City of Gainesville, the rear 0.41± acre portion of the subject property is located within the *Traditional Neighborhoods* Character Area, specifically within the *Northern Neighborhoods subarea*. The front 0.704± acre portion of the subject property is located within the *City Park Neighborhood Center* Character Area.

The vision for the *Traditional Neighborhood Character Area* anticipates minimal change, and primary issues within this subarea include incompatible infill development and the threat of encroaching urban sprawl. Commercial encroachment should be minimized and should respect and mirror the small scale of the surrounding neighborhoods, while the purity of the landscape and quality of housing should be preserved. The area is not a primary destination for business; however, neighborhood serving business development is encouraged. Land uses allowed include low-density and medium-density residential, and mixed-use / commercial.

The vision for the *City Park Neighborhood Center* Character Area states that Thompson Bridge Road should be transformed into a “Complete Street” with sidewalks, landscaping, bike lanes and transit stops. Preservation of local small businesses should be a priority, and key early commercial buildings targeted for preservation. New commercial development should be compatible with the small scale of the older structures, and parking should be located to the rear with inter-parcel connectivity where possible. The area is not anticipated to see major economic growth, but remain oriented toward addressing existing neighborhood needs. Businesses providing basic goods and services that neighborhood residents depend on in daily life (for example food, household supplies, medicine etc.) should be encouraged. Locally-owned / family-owned businesses should be promoted to encourage small business investment / entrepreneurship. Land uses allowed include mixed-use, commercial and public/Institutional.

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

The two properties could remain as currently zoned and function separately except for the proposal requires the need for special use approval and rezoning. The existing vacant corner commercial lot could be redeveloped for other office, restaurant or commercial purposes. The existing single-family home could continue to be occupied for single-family purposes. While the N-B zoning district allows for neighborhood scale commercial uses such as a convenience store, special use approval is required to permit fuel pumps. Most of the uses permitted within the Neighborhood Business (N-B) zoning district are not auto-oriented in nature so as to discourage increased vehicular noise, lights, fumes, and traffic within neighborhood areas. There are currently four gas stations within one mile of the subject property.

(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 property. Gainesville Fire Station #2 is located off of Cleveland Highway and is approximately 2.1± miles from the subject property.

The proposed use would have no impact on the school system given that it is a non-residential use.

The proposal will increase ingress and egress traffic movements along Thompson Bridge Road which typically experiences high southbound traffic volumes in the morning and high northbound traffic volumes in the evening. According to the Transportation Master Plan for this area, there are planned intersection improvements at the corner of Thompson Bridge Road and Enota Avenue which will include the addition of a dedicated right turn lane.

(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?

Over the past 40 years this segment of Thompson Bridge Road has experienced steady commercial growth. Much of the growth has included redevelopment of existing commercial properties and the conversion of residential parcels fronting Thompson Bridge Road for office or neighborhood scale retail and restaurant uses. The proposal requires the rezoning of property that does not front Thompson Bridge Road is more intrusive to the existing neighborhood.

(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 Comprehensive Plan and the adjacent residential zoning, the proposal as a whole does not reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to unrestricted use of property.

Additional Criteria

(1) The type of street providing access to the subject property is adequate to serve the proposed Special Use.

Thompson Bridge Road (SR 60) is an arterial road and is capable of serving the proposal with access improvements. Christopher Drive is considered a local neighborhood road that is often used as a cut through between Thomson Bridge Road and Dawsonville Highway. Christopher Drive is less conducive for heavy truck traffic.

(2) Access into and out of the property adequately provides for traffic and pedestrian safety, the anticipated volume of traffic flow, and access by emergency vehicles.

The subject properties are located at the northwest side of the intersection of Thompson Bridge Road and Christopher Drive. The applicant's concept plan appears to provide for sufficient access for pedestrian safety and emergency vehicles.

(3) Public facilities such as schools, water or sewer utilities, and police or fire protection are adequate to serve the Special Use.

Existing public facilities are adequate to serve the proposed use.

(4) Refuse, service, parking and loading areas on the property are located and screened to protect other properties in the area from such adverse effects as noise, light, glare or odor.

The proposed concept plan includes a 25-foot wide vegetative and structural buffer adjacent to the single-family property. The proposed dumpster is proposed behind the building but is adjacent to the residential property. Proper lighting that does not produce glare will be required as part of the Unified Land Development Code.

(5) The hours and manner of operation of the Special Use have no adverse effects on other properties in the area.

The applicant states the proposed hours of operation are for the store are Sunday thru Thursday from 5:30 a.m. to 11:00 p.m. and Friday/Saturday from 5:30 a.m. to 12:00 a.m. which is typical of a convenience store. Due to the property being adjacent to residential homes on Christopher Drive, an office, specialty retail or restaurant use would be more conducive.

(6) The height, size and location of the buildings or other structures proposed on the property are compatible with the height, size or location of buildings or other structures on neighboring properties.

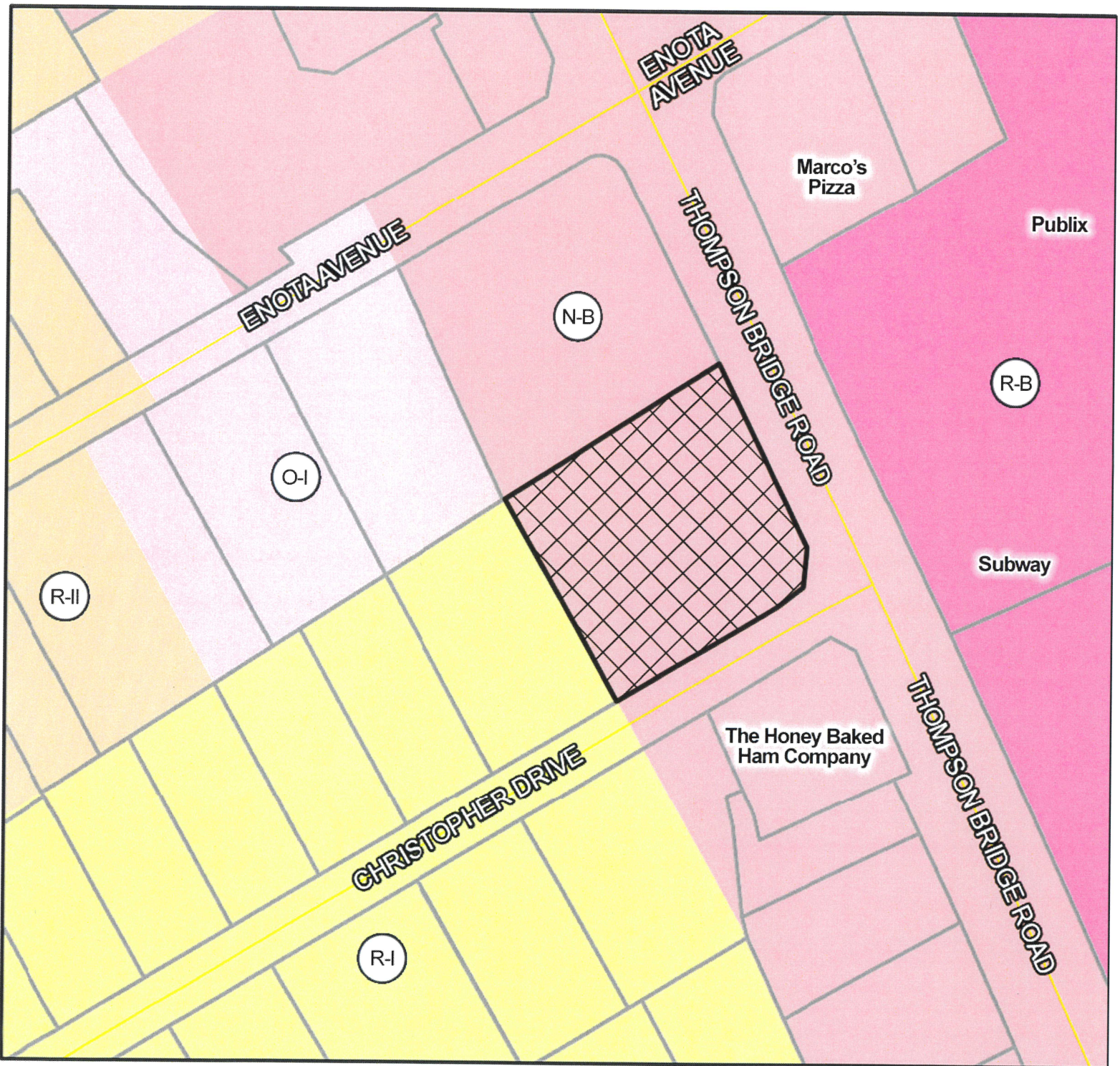
The height and size of the proposed structures appear consistent with other commercial structures located along Thompson Bridge Road. However, the proposed location of the building, rear access drive and dumpster will further encroach into the established neighborhood.

▪ **Staff Recommendation**

The Planning Division staff is recommending **denial** of this request based on the Comprehensive Plan and the adjacent residential uses. However, if approved, staff would recommend the following conditions:

Conditions

1. The proposed development shall be generally consistent with the standards depicted on the architectural pictures provided with the rezoning and special use application including exterior materials, roof pitch, canopy, building/canopy setbacks and buffer.
2. The exterior materials and roof pitch of the building and canopy shall adhere to the standards as depicted on the architectural elevation provided with this rezoning application.
3. The development shall require a minimum 35-foot wide evergreen planted buffer adjacent to all single-family property located to the west. The location, number, spacing, size and type of trees planted shall be subject to Community and Economic Development Department Director approval.
4. The existing commercial billboard sign shall be removed from the property.
5. Prior to a permit being issued for the subject property, a Traffic Impact Study shall be required. The applicant shall coordinate with the Gainesville Public Works Department Director and the Georgia Department of Transportation (GDOT) to determine the scope of the study.
6. All access point design for the subject property shall require approval by the Georgia Department of Transportation in conjunction with the Gainesville Public Works 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.
7. The applicant / owner shall provide for internal parcel vehicular access with the adjacent vacant property located to the north.
8. 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.



Applicant:		CLIPPER PETROLEUM, INC.	
SPECIAL USE REQUEST			
Request: Special use for 0.704 +/- acre, having a zoning of Neighborhood Business (N-B), for a convenience store with fuel pumps			
Subject Property Address: 1261 & 1265 Thompson Bridge Road		Tax Parcel: 01-074-004-019	
Meeting Date: 11/10/2020		Map Prepared: 10/14/2020	

Subject Property

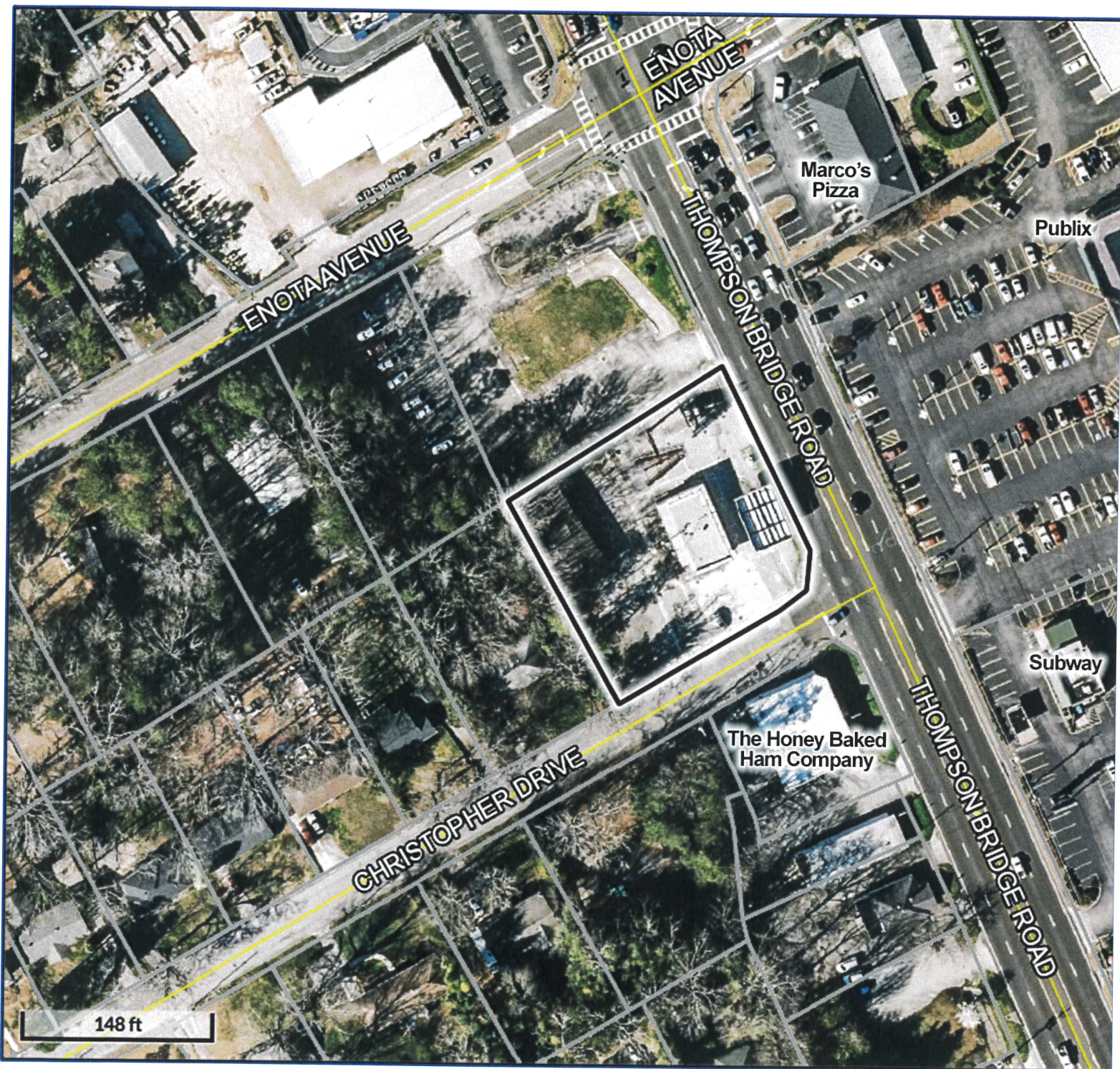
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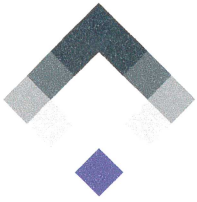
GAINESVILLE

COMMUNITY AND ECONOMIC DEVELOPMENT

Page 58 of 67



Applicant: CLIPPER PETROLEUM, INC.		Subject Property Aerial from 2018	 N
SPECIAL USE REQUEST			
Request: Special use for 0.704 +/- acre, having a zoning of Neighborhood Business (N-B), for a convenience store with fuel pumps			
Subject Property Address: 1261 & 1265 Thompson Bridge Road	Tax Parcel: 01-074-004-019	 CITY OF GAINESVILLE COMMUNITY AND ECONOMIC DEVELOPMENT	
Meeting Date: 11/10/2020 Map Prepared: 10/14/2020			



SMITH GILLIAM WILLIAMS & MILES

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770.536.3381

770.531.1481

P.O. Box 1098
Gainesville, GA 30503

NARRATIVE REPORT

For City of Gainesville Application for Zoning Action
By Clipper Petroleum Inc. dated September 29, 2020

This Narrative Report is submitted by Applicant Clipper Petroleum, Inc. (hereafter "Applicant") on behalf of property owner, Speedy Sloth, LLC, for the property located at 1261 Thompson Bridge Road, Gainesville, Georgia 30501, Tax Parcel 010074 004019; and on behalf of property owner, Deborah J. Wallace for the property located at 150 Christopher Drive, Gainesville, Georgia 30501, Tax Parcel 010074 004018.

Applicant seeks a Special Use for a convenience store with fuel pumps for the property located at 1261 Thompson Bridge Road, Gainesville, Georgia 30501. The current zoning is N-B.

Applicant seeks a rezoning of 150 Christopher Drive, Gainesville, Georgia 30501 from R-1 to N-B with Special Use for a convenience store with fuel pumps.

Applicant is the owner and operator of numerous convenience stores in the north Georgia area. The proposed building is a convenience store totaling 4,500 square feet. The site plan is attached with the Application and shows there will be six petroleum pump station islands covered by a 52 x 80 canopy. Renderings submitted with the Application show the look and style of the proposed convenience store. Photographs are submitted to show the type of pump islands and the canopy. Nonspillage lighting will be used to light the property at night.

Because of setback requirements, a permanent Georgia DOT Easement for construction and maintenance, a 5 foot sidewalk, and a 10 foot landscape strip, the canopy and C-Store have to be moved back from Thompson Bridge Road approximately 40-45 feet from the right of way. There is also a joint driveway with the parcel located north of the property with a right in and right out turn lane. Because of the location of the driveway and the topography of the property, the entry point into the parking lot and driveway on the northern part of the proposed rezoned property has to be beyond the canopy. There is a proposed 40 foot driveway and parking places in front of the proposed convenience store with a 10 foot sidewalk which requires it to be set back approximately 40 feet from the canopy. Because of the topography, a retaining wall will need to be built on the adjoining property which is sought to be rezoned from R-1 to N-B at 150 Christopher Drive.

The property can be exited on the north end through the joint driveway and the right hand turn or on the south end through the driveway exit on Christopher Drive.

There are two variances that will be needed for the canopy. A 31 foot front building setback from Christopher Drive and a 33 foot front building setback from Thompson Bridge Road.

The property has access to Gainesville City Water and Sanitary Sewer and direct access to Christopher Drive and Thompson Bridge Road.

The property located at 1261 Thompson Bridge Road has been vacant for years and a former convenience store has been removed. There is a large billboard sign on this property that will be removed.

The property located at 150 Christopher Drive is a leased residence that will be removed. There will be a 25 foot vegetative structural buffer and building setback from an existing block wall.

Applicant currently owns a convenience store on the opposite side of Thompson Bridge Road located at 1180 Thompson Bridge Road. After construction of the proposed convenience store, Applicant will close the existing convenience store and deed restrict it upon the sale or lease that it cannot be used as a convenience store with fuel pumps.

Applicant respectfully requests approval and submits the two applications and exhibits in support of its requests.

If the planning staff, the Planning and Appeals Board or City Council Members need additional information, please do not hesitate to contact Mark Linkesh, Real Estate Official with Clipper Petroleum, Inc. or Applicant's counsel, Steven P. Gilliam, whose contact information is contained on the law firm's letterhead on which this narrative is written.

Sincerely,

Steven P. Gilliam

SPG/jsb

Enclosures: Zoning Applications (2)
Supporting Documents

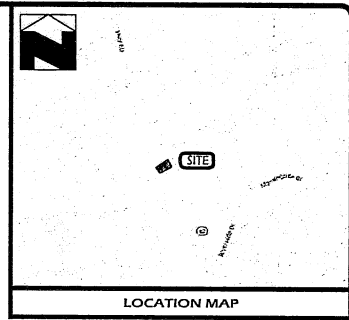
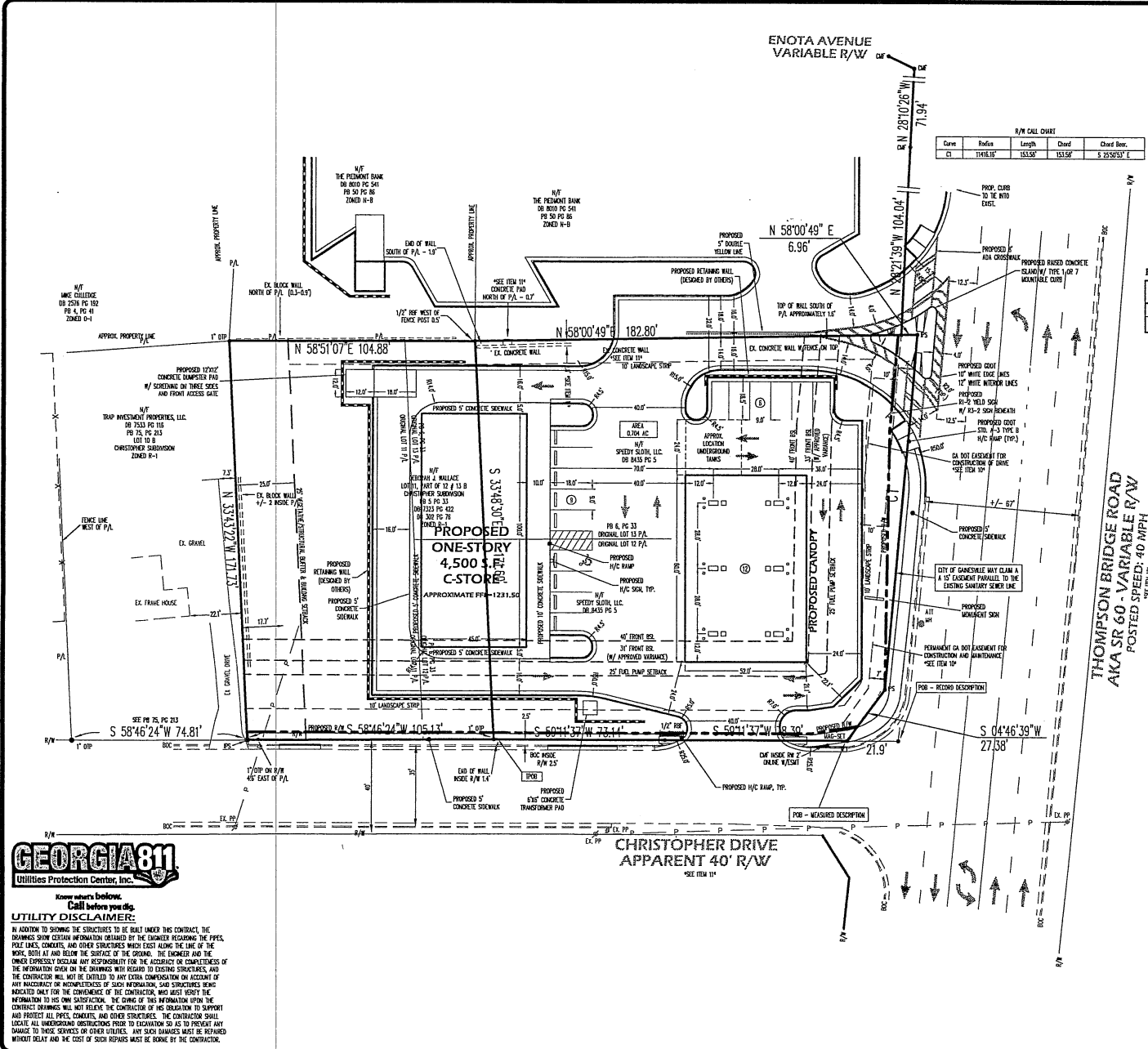
C: Clipper Petroleum, Inc.
Deborah J. Wallace
Speedy Sloth, LLC



Know what's below.
Call before you dig.

UTILITY DISCLAIMER:

In addition to showing the structures to be built under this contract, the drawings show certain information obtained by the engineer regarding the pipes, pole lines, conduits, and other structures which exist along the line of the work, both at and below the surface of the ground. The engineer and the owner expressly disclaim any responsibility for the accuracy or completeness of the information given on the drawings with regard to existing structures, and the contractor will not be entitled to any extra compensation on account of any inaccuracy or incompleteness of such information. Such structures being indicated only for the convenience of the contractor, who must verify the information to his own satisfaction. The giving of this information upon the contract drawings will not release the contractor of his obligation to support and protect all pipes, conduits, and other structures. The contractor shall locate all underground obstructions prior to excavation so as to prevent any damage to these services or other utilities. Any such damage must be repaired without delay and the cost of such repairs must be borne by the contractor.



PARKING REQUIREMENTS:

CITY REQUIREMENT:	REQUIRED MAXIMUM	REQUIRED MINIMUM	PARKING PROVIDED
CONVENIENCE STORE @ 4,500 S.F.			
1 SPACE PER 100 S.F. (MINIMUM)	45	23	27*
1 SPACE PER 200 S.F. (MINIMUM)			

*INCLUDES 1 ADA SPACE PROVIDED (1 REQUIRED)

ZONING DATA TABLE:

CURRENT ZONING:	H-3 (NEIGHBORHOOD BUSINESS)
PROPOSED ZONING:	N/A
OVERLAY DISTRICT:	GAINESVILLE GATEWAY CORRIDOR
PROPOSED USE ALLOWANCE:	REQUIRES SPECIAL USE PERMIT
MINIMUM BUILDING COVERAGE:	50%
PROPOSED BUILDING COVERAGE:	43%
MINIMUM LOT WIDTH:	75'
PROPOSED LOT WIDTH:	125'
MINIMUM OPEN SPACE:	20%
PROPOSED OPEN SPACE:	33.3%
MINIMUM ROAD FRONTAGE:	40 FT
MINIMUM LOT DEPTH:	75 FT
MINIMUM LOT SIZE:	15,000 S.F.
BUILDING SETBACKS:	
FRONT:	40 FT
SIDE:	NONE
REAR:	NONE
SETBACK ADJUSTING:	25 FT
LANDSCAPE STRIPS:	
ALONG ROAD:	10 FT
ALONG SIDE:	10 FT

THE PROPERTY DOES NOT LIE IN A 100-FT FLOOD ZONE AS SHOWN ON FEMA COMMUNITY PANEL, AL, 13100270G, DATED APRIL 4, 2018.

Evans Design Group, Inc.
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Land Development Services
4755 Summer Song Court
Buford, GA 30519
(770) 678-2077 / 683030
jevans@evansdesign.com

OFFICE: LEVEL II CERT. # 10877

PROJECT NAME

**THOMPSON
BRIDGE ROAD
C-STORE**

1261 THOMPSON
BRIDGE ROAD,
LL 146, 9th DIST.,
CITY OF GAINESVILLE,
GEORGIA

DATE:

4-8-20

DESIGN BY: JME
DRAWN BY: JME
CHECKED BY: JME

☒ Not Released for Construction
☐ Released for Construction

OWNER/DEVELOPER

REVISIONS

NO.	DATE	REVISION
1	4-8-20	FIRST SUBMITTAL

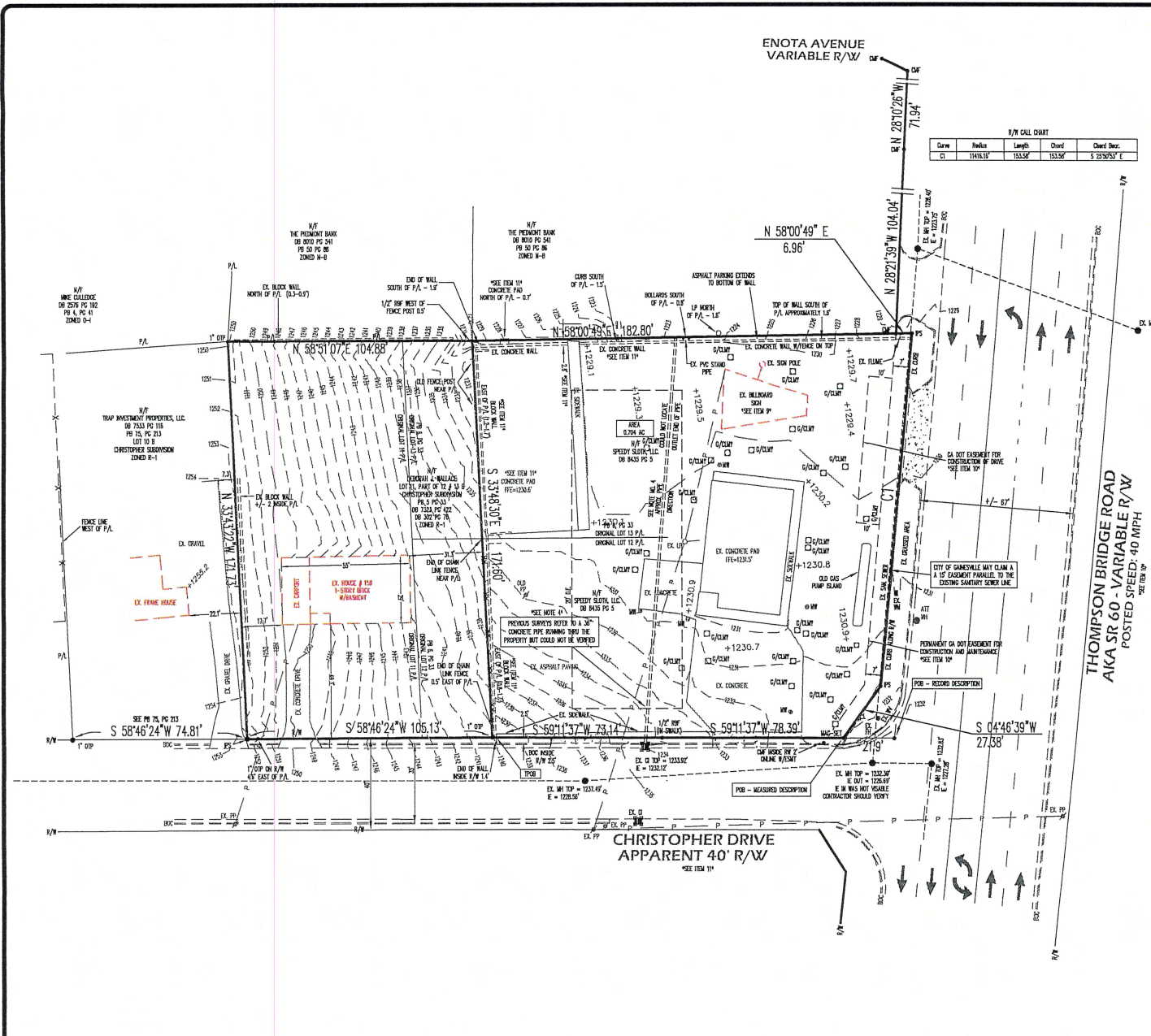
JOB NUMBER:

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SHEET TITLE

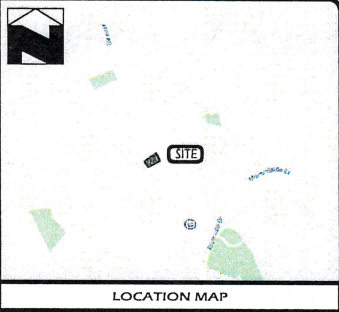
**SITE
PLAN**

C-4



R/W CALL CHART

Curve	Radius	Length	Chord	Chord Bear.
C1	THIRTY	153.58'	153.58'	S 25°50'51" E



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Site Planning /
Land Development Services
4755 Summer Song Court
Buford, GA 30519
(770) 478.207 / 483.0
jevans@evansidg.com

GEORGIA
REGISTERED
PROFESSIONAL
ENGINEER
J. EVANS
EXPIRATION DATE: 12/31/2024

PROJECT NAME
**THOMPSON
BRIDGE ROAD
C-STORE**

1261 THOMPSON
BRIDGE ROAD,
LL 146, 9th DIST.,
CITY OF GAINESVILLE,
GEORGIA

DATE:
4-8-20

DESIGN BY: **JME** DRAWN BY: **JME** CHECKED BY: **JME**

☒ Not Released For Construction
☐ Released For Construction

OWNER/DEVELOPER

REVISIONS

JOB NUMBER:
20-009

SHEET TITLE
**EXISTING
CONDITIONS**

C-2







