

**GAINESVILLE PLANNING AND APPEALS BOARD  
MINUTES OF MEETING  
NOVEMBER 10, 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 and Recording Secretary Gwen Fleming

**Others Present:** Council Members George Wangemann, Zack Thompson and Barbara Brooks

**MINUTES OF OCTOBER 13, 2020**

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

**NEW BUSINESS**

***NOTE: Vice-Chair Fleming recused herself due to a conflict of interest with the following request.***

**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

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

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.

The property is owned by the Chattahoochee Country Club who has given authorization to seek the variance request. The property is currently undeveloped and is located east of the property is the golf course and the dam separating Lake Lanier and Lake Knickerbocker. Single-family homes are located directly across East Lake Drive.

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

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

**Applicant Presentation:** Brad Abernathy, 919 Memorial Drive, stated he is speaking on behalf of the Chattahoochee Country Club and will be glad to answer any questions.

**FAVOR:** None

**OPPOSE:** Randall Smith, 3021 Hickory Hills Drive, stated his property is the third lot which overlooks East Lake and he has been there since 1997 and never considered it being built on because of the Corps property. He also said he enjoys sitting in his sunroom looking at the view of the lake and can see the lake in the summer with vegetation growth. He stated concern if a two story home was built on the property possibly blocking the view for him and his two neighbors. He said it is a very dangerous area along East Lake with the amount of traffic which moves at high speeds. Mr. Smith is concerned with another direction of traffic coming in and out of the subdivision and is opposed to it. He said if the request passes then he would be interested to know the plans for the narrow portion of land which is directly behind him and if tall vegetation is planted it would block his view too. Mr. Smith said if the lot is just landscaped, clearing out the underbrush would increase his view and wouldn't be impeded by the two homes then he would be okay with it.

**REBUTTAL:** Brad Abernathy, stated it is wonderful that the community is growing and as a realtor in the area, Hall County home sales increased by 15 percent over the same time period as last year. He stated the average sales price has increased by 13 percent and 40 percent of people are from out of state moving here. Mr. Abernathy stated both these homes will be in excess of one million dollars and will have no problem landscaping the side behind his lot and there are no plans to build anything except a landscape buffer, no large trees.

**Planning and Appeals Board Comments:** None

**There was a motion to conditionally approve the request to vary the front yard setback requirement from 40-feet to 30-feet for two single-family homes having a zoning of Residential-I-A (R-I-A) with the following conditions:**

**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.**

Motion made by Board Member Thompson  
Motion seconded by Board Member Simmons  
**Vote – 6 favor, 1 recusal (Fleming)**

## **B. Rezoning Request**

- 1) Request from **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

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

The proposal consists of two applications and properties totaling 1.11± acres in size.

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.

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 adjacent uses include single-family homes, vacant commercial property, Honey Baked Ham restaurant and the Publix shopping center.

According to the 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.

The applicant intends to combine the two properties to construct a 4,500 square foot convenience store and a (52' x 80') canopy consisting of 6 fueling islands with 12 pumps. The proposed store and canopy are designed to meet overlay standards. 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.

According to the applicant the exiting BP convenience store/gas station located at 1180 Thompson Bridge Road will be closed and deed restricted so as not to allow another convenience store with fuel pumps.

The proposed development is located within the *Retail/Commercial* land use category. As well the properties are located within the *Traditional Neighborhoods* Character Area and the *City Park Neighborhood Center* Character Area which are not intended for heavy commercial uses.

The Planning staff is recommending denial of the proposal due the further encroachment within the established single-family neighborhood. However, if approved, staff would recommend 8 zoning conditions as stated within the staff report.

### 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 Presentation: Attorney Steve Gilliam**, 301 Green Street, stated he represents the applicant Clipper Petroleum and Speedy Sloth. Tom Bower is also present to answer any questions along with Mark Linkesh for the real estate side of it. Mr. Gilliam explained the location of the properties and zoning information of each with the PowerPoint stating the depth of proposed zoning boundary for the 150 Christopher Drive property matched the current commercial zoning boundary of the properties to the north along Enota Avenue. He stated Clipper has agreed to close the other store across the street if this is approved once built and there would be a net gain of zero of convenience stores. He said the use of 150 Christopher Drive matches the footprint of the one behind it and there would be no gasoline pumps placed on that location. Attorney Gilliam talked about the entrances for the convenience store location and provided a notebook for each board member for easier explanation stating the house will be removed from Christopher Drive. He said the purpose for acquiring the Christopher Drive property was because of setbacks pushing the canopy back and a 16-foot wall will be installed which will block out all of the noise. He then explained the location and placement of pumps under the canopy and said the staff recommended a 35-foot planted buffer which the applicant has agreed to do. He said the staff reports state the retail commercial land-use category allows for an automotive related business and recommended denial but also states if approved, there are eight conditions and all conditions are acceptable to the applicant. Attorney Gilliam said the billboard sign will be removed and he would be happy to answer any questions. He said the property at

162 Christopher Drive is owned by a LLC of David Hughes which has written a letter recommending the board approve the request.

**Tom Bower**, 5317 T. L. Bower Way, Flowery Branch, with Clipper Petroleum mentioned the history of the company which has been in business since 1933 and was acquired in 1974 by Tom Bower, Sr. along with Bob Braff that established a reputable company doing things the right way. He stated in the packet provided to the Board is information about the quality of the building made of brick and stone and will be a clean store with no video games and a quality operation. He mentioned the placement of a 16-foot wall at the highest point along with the height of the building will block any noise that might be a distraction. He stated the lights on the property will not impact the adjoining property owners. He said this would be a good move for them with a 4,500 square feet facility compared to the 2,000 square feet existing facility and would allow them to offer more products. Mr. Bower stated there would only be six dispensers or pumping units which will be twelve fueling positions.

**FAVOR:** None

**OPPOSE:** **Paul Clarkson**, 291 Sequoia Trace, stated he is the property owner of 184 Christopher Drive. He and his neighbor are very concerned with additional traffic and at certain times of the day it is very difficult to back out of the driveway. He said most people needing to travel north on Thompson Bridge after fueling would need to take Longview and then to Enota to the light. He is glad to see there is going to be an improvement at the traffic light on Thompson Bridge and Enota but there is a real concern about the current traffic there now so his question is how much additional traffic will there be. He also stated he understands the need for the fueling station since there is only one at the Walmart Neighborhood Center until further north but his main concern is the additional traffic that is anticipated.

**Marilyn Clarkson**, 184 Christopher Drive, stated she is extremely concerned with traffic which is already bad. She stated people cut through Christopher Drive to get to Holly to avoid Dixon. Also, she stated beyond this property is a big hill which you cannot see beyond and people back out of their driveways, so adding this type of facility to it will make it that much worse. She mentioned several homes had been refurbished and is concerned that their own property value will be ruined. She stated the traffic is already a nightmare and will only get worse with this facility.

**Rebuttal:** **Tom Bower** agreed that Thompson Bridge is heavily traveled as it is but no additional traffic will be added. He said there will be interconnectivity with Zaxby's and believes most people will go to Enota Drive if traveling north and make a left turn at the light. He said the other alternative is going to Christopher Drive, wait for the light to stop traffic and get out that way. He met with Anthony Barbose who owns the house across the street from this lot on Christopher who had the same questions and told them verbally he has no problem with the rezoning and is in favor of it.

**Planning and Appeals Board Comments:** Vice-Chair Fleming asked about the operational hours for the business. Mr. Bower stated the normal hours are from 5:30 a.m. to 11 p.m. Sunday thru Thursday and open till 12 p.m. on Friday and Saturday but currently are only open 6 a.m. to 10 p.m. Chairman Carter asked Mr. Bower if he could build the convenience store without the additional property that needs to be rezoned. Mr. Bower stated the project could not be built without the additional property.

**There was a motion to recommend denial to rezone the subject property from Residential-I (R-I) to Neighborhood Business (N-B) with a special use.**

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

**C. Special Use Request**

- 1) Request from **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

**There was a motion to recommend denial of the special use request having a zoning of Neighborhood Business.**

Motion made by Board Member Thompson  
Motion seconded by Board Member Fleming  
**Vote – 6 favor, 1 oppose (Martin)**

**Planning and Appeals Board Comments:** Board Member Thompson commented that the applicant has a very nice product but does not agree with it going into the neighborhood and wishes it could be put on the one lot that has been a convenience store in the past. Chairman Carter stated he appreciates the comment from Board Member Thompson for the applicant and are great community members, great projects but there is a concern that came out in the voting of reaching into the residential neighborhood. He stated there have been concerns with that throughout the years with the city and a lot of people have taken the position of trying to prevent reaching into those residential neighborhoods. Chairman Carter stated he had hoped it could be done on the existing site and wanted to offer further explanation of their thinking on it.

**ADJOURNMENT**

**There was a motion to adjourn the meeting at 6:12 p.m.**

Motion made by Board Member Martin  
Motion seconded by Board Member Delgado  
**Vote – 7 favor**

Respectfully submitted,

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Doug Carter, Chairman

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Gwen Fleming, Recording Secretary