

1. CALL TO ORDER

2. MINUTES

A. November 10, 2020 PAB Meeting Minutes

3. OLD BUSINESS

4. NEW BUSINESS

A. Variance Request

- (1) Request from **Joe R. Diaz** to vary the stream buffer requirement on a 0.61± acre tract located on the northside of Stillwater Drive, east of Chattahoochee Trace (a/k/a **3080 Stillwater Drive**), having a zoning classification of Residential-I-A (R-I-A).

Ward Number: One

Tax Parcel Number(s): 01-107-001-058

Request: Pool and septic field lines

B. Annexation Requests

- (1) Request from **Pamela Eagar** to annex a 0.15± acre tract located on the northwest side of the intersection of Browns Bridge Road and S Smith Road (a/k/a **2834 Browns Bridge Road**) and to establish zoning as General Business (G-B).

Ward Number: Four

Tax Parcel Number(s): 08-015-007-007

Request: No proposed use

- (2) Request from **Nemrod Ovis, LLC** to annex a 6.07± acres tract located on the southwest side of the intersection of Navajo Circle and White Sulphur Road (a/k/a **0 White Sulphur Road**) and to establish zoning as Light Industrial (L-I).

Ward Number: Two

Tax Parcel Number(s): 09-113-000-073 and 074

Request: Industrial office/warehouse

C. Rezoning Request

- (1) Request from **Jennifer Walter** to rezone a 0.48± acre tract located on the east side of South Enota Drive, south of Robinhood Trail (a/k/a **522 South Enota Drive, NE**) from Office and Institutional (O-I) to Neighborhood Business (N-B).

Ward Number: Three

Tax Parcel Number(s): 01-064-002-028

Request: Retail store

5. MISCELLANEOUS

6. ADJOURNMENT

Date Submitted: 11/13/2020
Presenter: N/A
Item of Business: November 10, 2020 PAB Meeting Minutes
Meeting Date: 12/8/2020

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
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,

Doug Carter, Chairman

Gwen Fleming, Recording Secretary

Date Submitted: 12/1/2020

Presenter: Matt Tate

Item of Business: Request from **Joe R. Diaz** to vary the stream buffer requirement on a 0.61± acre tract located on the northside of Stillwater Drive, east of Chattahoochee Trace (a/k/a **3080 Stillwater Drive**), having a zoning classification of Residential-I-A (R-I-A).
Ward Number: One
Tax Parcel Number(s): 01-107-001-058
Request: Pool and septic field lines

Meeting Date: 12/8/2020

Purpose of Request:

The applicant is requesting a stream buffer variance to construct a pool. A portion of the proposed pool deck/spa, retaining wall and relocated septic field lines will be within the outer 25-feet of the local 75-foot non-impervious stream buffer requirement. The total area of encroachment includes approximately 1,500± square feet most of which includes the underground septic field lines. The property includes a two-story home over a basement which slopes downward from the street to the rear property line and the creek branch which flows to Lake Knickerbocker. The applicant is basing the hardship on the location of the existing septic system and the slope of the property. The property is adjacent to single-family homes within the Chattahoochee Estates West subdivision.

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
☐ Narrative	Backup Material
☐ Mitigation Plan	Backup Material
☐ Site Plan	Backup Material
☐ Survey	Backup Material
☐ Soil Study	Backup Material

**GAINESVILLE PLANNING AND APPEALS BOARD
STAFF RECOMMENDATION**

Applicant and Property Owner..... Joe R. Diaz
Location..... 3080 Stillwater Drive
Request..... Vary the stream buffer requirement
Size 0.61± acre
Zoning..... Residential-I-A (R-I-A)
Ward..... One
Proposed Use..... Pool/Spa addition and septic field lines
Planning Division Staff Recommendation **Approval, with conditions**
Date..... December 8, 2020

▪ **Request**

The Gainesville Unified Land Development Code (ULDC) requires a 75-foot protection buffer to be maintained against all streams as a way to minimize the impact of development and to maintain stream water quality. The buffer is measured horizontally from the top of the stream bank. Of the 75-foot buffer requirement, the first 25-feet of the buffer closest to the stream is a State mandated *undisturbed/non-impervious* buffer. The second 25-feet of the buffer is a local buffer that is mandated by the City of Gainesville that is to remain undisturbed and does not allow for hard surface (impervious) materials such as buildings or parking areas. The third and outermost 25-feet of the buffer is mandated by the City of Gainesville and may be minimally disturbed but must be kept free of all impervious cover.

The applicant is proposing to vary the third and outermost 25-feet of the buffer in order to construct a pool/spa addition and underground septic field lines that will encroach within the outermost buffer. The total area of encroachment includes approximately 1,500± square feet of total area which includes mostly the underground septic field lines and a 164± square foot portion of the pool/spa and deck.

▪ **Background Information and Existing Conditions**

The property is located within the Chattahoochee Estates West subdivision and contains a two-story, over a basement single-family home that was built in 1994 prior to when the local stream buffer requirements were adopted. The property is heavily wooded and slopes downward from the street to the creek branch/rear property line which flows to Lake Knickerbocker. The adjacent uses include single-family homes.

▪ **Significant Factors**

The Ordinance states the Planning and Appeals Board may grant a variance where the shape, topography or other existing physical condition prevents land development, provided such variance requires mitigation measures to offset the effects of any proposed land development on the parcel. The Code also states that a variance shall not be granted as a convenience to the applicant or as a way to gain any advantage over similarly zoned properties.

The applicant is basing the hardship on the location of the existing septic system and the slope of the property.

▪ **Other Departmental Comments**

There are no other departmental comments for this request.

- **Supporting Documents**

Statement of Hardship, Plat, Concept Plan, Soil Study and Mitigation Plan

- **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 normal in size, shape and depth. The rear yard of the property is heavily wooded and slopes downward toward the existing stream as much as 36± feet from the rear of the home.

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

Given the required stream buffer, most of the rear yard would be deemed unbuildable and would require the proposed pool/spa to be located too close to the home and the existing septic system would need to be relocated. The proposed plan has been given preliminary approval by the Hall County Environmental Health Department to relocate the private septic field lines.

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

The location of the stream and slope of the property appear to limit the full development potential of the property under its current zoning of Residential-I-A (R-I-A). The property is currently zoned Residential-I-A (R-I-A) which permits up to 40% impervious area of the lot and a maximum building coverage area of 20%. The applicant's plan is below the maximum impervious area and building coverage area permitted.

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

The purpose of the stream buffer ordinance is to protect the public health, safety, environment and general welfare; minimize public and private losses due to erosion, siltation and water pollution; maintain stream water quality; and to minimize development within buffer areas by establishing buffer zone requirements and by requiring authorization for any such activities.

Appropriate soil and erosion measures are vital toward the protection of the nearby stream. Best Management Practices (BMP) will be required for all land-disturbing activities, as well as their proper design, installation and maintenance. Sediment run-off must be trapped using debris basins, sediment basins, silt fences, silt traps or similar measures until the disturbed area is stabilized with permanent vegetation.

The applicant's mitigation plan proposes installing silt fencing during construction to avoid runoff into the stream. Post construction, all disturbed surfaces will be replanted with natural vegetation and coverings. The applicant has hired a soil scientist which has concluded that the existing soil is sufficient to avoid any runoff to the stream.

(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 slope of the property and the location of the existing septic tank appear to create a physical hardship. If the stream buffer variance request were to be denied, it appears the only option would be to shift the pool closer to the rear of the home and to relocate the septic tank and field

lines to the left side of the home which would not logistically work given the location of the home.

(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.

According to the applicant, the need for a stream buffer variance was evident during the due diligence process to purchase the single-family home. The original subdivision plat only required a State 25-foot stream buffer at the time the plat was recorded.

▪ **Staff Recommendation**

The Planning Division staff is recommending **conditional approval** of the proposed stream buffer variance request based on the slope of the property and the location of the existing septic system.

Conditions

1. The applicant shall be required to adhere to the concept plan and mitigation standards as proposed by the applicant.
2. Prior to a permit being issued, all proposed soil and erosion measures must be reviewed and approved by the Gainesville Community and Economic Development Department and the Gainesville Department of Water Resources.

CHATTAHOOCHEE TRACE

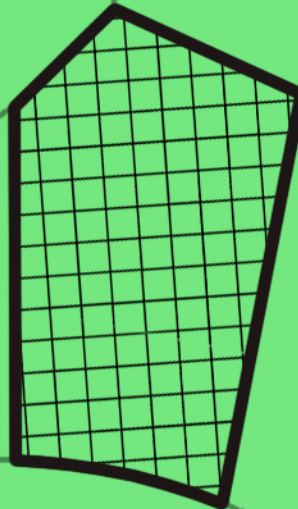
R-I-A

R-I-A

CHATTAHOOCHEE
TRACE

R-I-A

STILLWATER DRIVE



Applicant:

JOE R. DIAZ

VARIANCE REQUEST

Request:

Variance request to vary the stream buffer requirement on a 0.61 +/- acre tract, having a zoning classification of Residential-I-A (R-I-A)

Subject Property Address:
3080 Stillwater Drive

Tax Parcel:
01-107-001-058

Meeting Date: 12/8/2020

Map Prepared: 11/12/2020



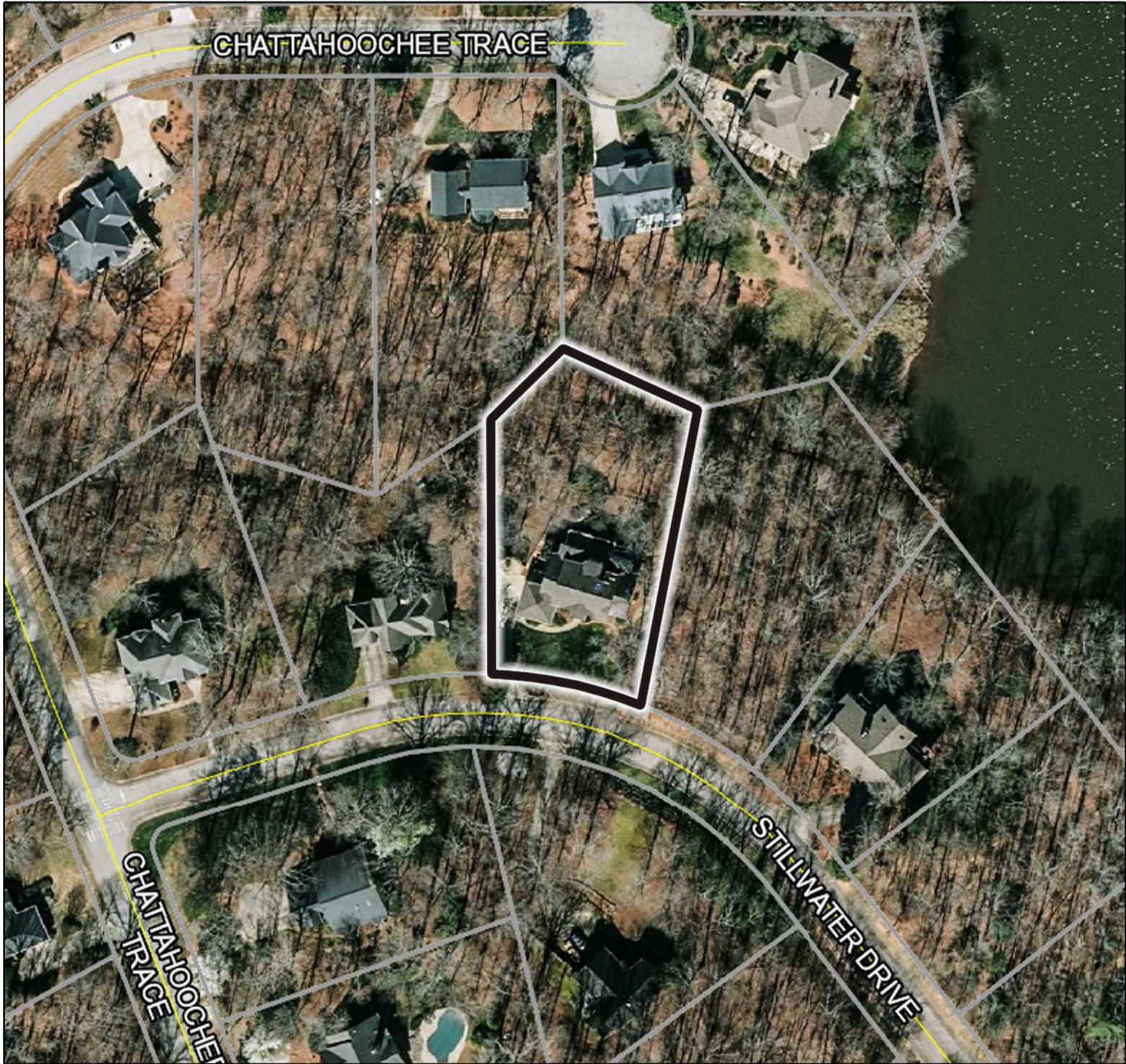
Subject Property



CITY OF
GAINESVILLE

COMMUNITY AND ECONOMIC DEVELOPMENT





Applicant:	
JOE R. DIAZ	
VARIANCE REQUEST	
Request: Variance request to vary the stream buffer requirement on a 0.61 +/- acre tract, having a zoning classification of Residential-I-A (R-I-A)	
Subject Property Address: 3080 Stillwater Drive	Tax Parcel: 01-107-001-058
Meeting Date: 12/8/2020	Map Prepared: 11/12/2020

 Subject Property

Aerial from 2018



CITY OF
GAINESVILLE

COMMUNITY AND ECONOMIC DEVELOPMENT



Stream Protection Buffer Variance Request

STREAM PROTECTION VARIANCE BUFFER CRITERIA (Sec. 9-16-3-7)

STATEMENT OF HARDSHIP

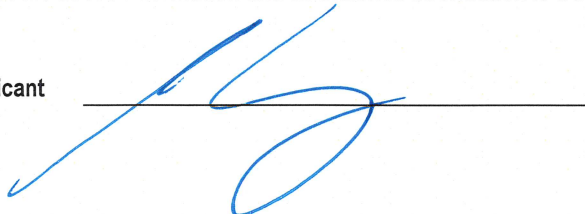
The Gainesville Planning and Appeals Board has the authority, in specific cases, to grant variances from the terms of the Unified Land Development Code of the City of Gainesville, Georgia, when the variance will not be contrary to the public interest where, owing to special conditions, a literal enforcement 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 in sequence and in narrative format how each statement/question listed below relates to your application.

1) Provide the locations of all streams on the property, including along property boundaries. There is a stream located on the southern border of the property
2 Does the property's shape, size, topography, slope, soils, vegetation or other physical conditions existing at the time of the adoption of this chapter prevent land development unless a stream buffer protection variance is granted? Yes. The lot does not provide sufficient room for the installation of the septic lines and pool unless the variance request is granted
3) Show the location and extent of the proposed buffer or setback intrusion. See attached site plan containing the buffer lines. The intrusion would be in the last 25' of the buffer for installation of below-ground septic lines and 10' for the retaining wall and decking
4) Are there unusual circumstances that would create extreme hardship when there is strict adherence to the minimal buffer requirements in the ordinance? Yes. If the variance was not granted, the pool could not be installed. The purpose of the purchase of the property was for the purpose of installing the pool
5) Variances are not to be considered when, following original adoption of this chapter, actions of any property owner of a given property have created conditions of a hardship on that property. Does this apply? No actions have been taken by the Owner to create the hardship
6) Are there alternative designs possible which require less intrusion or no intrusion? No. All alternatives have been explored but are not attainable.
7) Are there long-term and construction water-quality impacts of the proposed variance? Explain. No
8) Would the issuance of the variance be at least as protective of natural resources and the environment? Explain. Yes. The granting of the variance would not affect the stream being protected.

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

Signature of Applicant



Date

10/31/2020

MITIGATION PLAN

(3080 Stillwater Drive)

It is our top priority to conduct the construction of the pool and the septic lines in a manner that does not impact the stream located at the edge of the property. To accomplish this goal we plan to utilize silt fencing during construction to avoid any runoff into the stream. Following construction we plan to replace and cover any disturbed surface with natural vegetation and coverings. Lastly, we have contracted a soil scientist to study the appropriateness of the soil to allow this construction while not affecting the stream. He has concluded that the existing soil is sufficient to avoid any absorption or runoff to the stream. (see attached soil study). In as much as we will be living in the home, we certainly do not desire nor intend to create any hazardous or unhealthy conditions on the property or in the stream.



Parcel No. (APH)	01-107-001-058
Land Use Cat.	RESIDENTIAL
Land Use Desc.	SINGLE FAMILY RESIDENCE
Building Area	2,895 SF
Lot Area	25,265 SF (0.58 ACRES)
Building/Lot Ratio	0.11
No. of Units	1

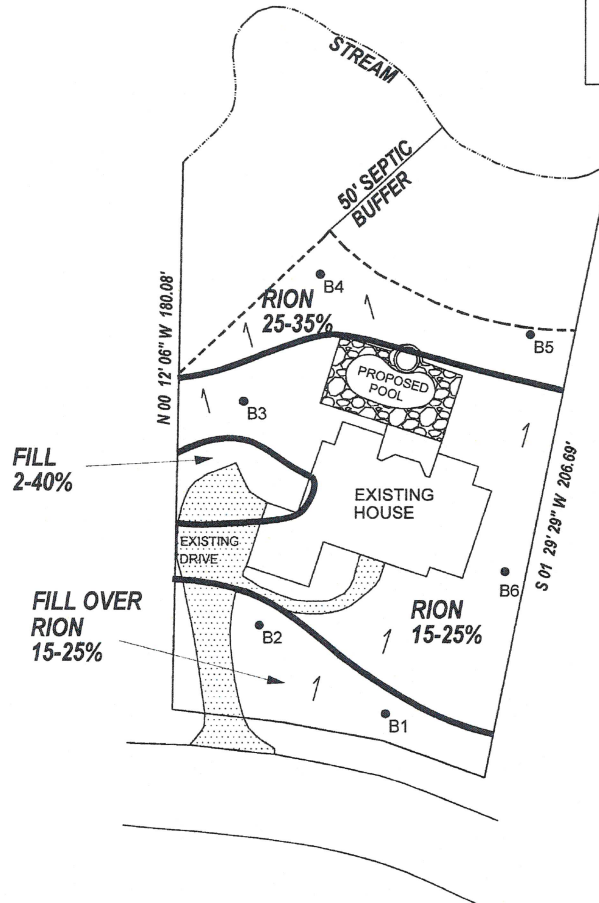
3080 STILLWATER DR
GAINESVILLE, GA 30506
SCALE: 1"=20'



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SYMBOL LEGEND

- BORING
- ↗ SLOPE DIRECTION ARROW



SOIL UNIT	PRED. SLOPE GRADIENT %	DEPTH TO BEDROCK (in)	DEPTH TO HIGH WATER TABLE INDICATORS (in)	INSTALLATION ZONE (in)	ESTIMATED PERC RATE (min/in)	SOIL SUITABILITY CODE
Rion	15-25	>72	>72	30-42	45	A
Rion	25-35	>72	>72	36-48	45	A
Fill / Rion	15-25	>72	>72	48-54	45	A
Fill	2-40	>72	>72	NR	NR	F

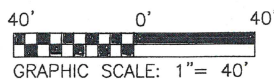
NR = Not recommended

NOTE:

- 1) If the area proposed for septic system construction is graded or filled a foot or more, this report and the recommendations herein are void.
- 2) Soil borings were located using a Trimble global positioning system. The depiction of the boundary and as-built features was redrawn from an as-built survey performed in the past and provided by the owner. This firm assumes no responsibility for the accuracy of the survey or its depiction here.
- 3) This investigation was performed for the construction of a pool. The existing primary system is to be replaced.
- 4) Ensure that any area proposed for septic system installation, including future reserve area, is properly landscaped such that surface water drainage and ponding does not occur. This includes ensuring that runoff from driveway, hardscape and gutters is diverted away from any component of the septic system.

SOIL SUITABILITY CODES:

- A) These soils are considered suitable for a conventional septic system and should function satisfactorily given proper design, installation and maintenance.
 F) These soils are not considered suitable for septic system installation.



SOIL INVESTIGATION-LEVEL III
 LOT 52, CHATTAHOOCHEE ESTATES
 0.58 ACRES, 3080 STILLWATER DRIVE
 L.L. 106, 10TH DISTRICT
 HALL COUNTY, GEORGIA
 FOR JOE DIAZ

SCALE: 1" = 40'
 SHEET 1 OF 1
 CHECKED BY: KWH
 DRAWN BY: KWH
 REVIEWED BY: KWH
 NOVEMBER 10, 2020

HORIZON ENVIRONMENTAL, INC.
 4530 BLOOMING WAY
 FLOWERY BRANCH, GEORGIA 30542
 KEVIN W. HERNDON, GA SOIL CLASSIFIER
 (404) 444-0259 - horizonsoils@gmail.com

Date Submitted: 12/1/2020

Presenter: Matt Tate

Item of Business: Request from **Pamela Eagar** to annex a 0.15± acre tract located on the northwest side of the intersection of Browns Bridge Road and S Smith Road (a/k/a **2834 Browns Bridge Road**) and to establish zoning as General Business (G-B).

Ward Number: Four

Tax Parcel Number(s): 08-015-007-007

Request: No proposed use

Meeting Date: 12/8/2020

Purpose of Request:

The applicant is proposing to annex the subject property with General Business (G-B) zoning for the purpose of bringing all the property within the city limits. The intent is to combine the property with the larger adjacent property to the north owned by the applicant's family estate. The property is zoned Highway Business (H-B) within unincorporated Hall County and previously contained a small block building with a driveway on S Smith Road. There is no use proposed for the property at this time.

History/Background:

Facts & Issues for Consideration:

Department Recommendation:

Planning staff recommended approval with three 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

**GAINESVILLE PLANNING and APPEALS BOARD
STAFF RECOMMENDATION**

Applicant and Property Owner..... Pamela Eagar
Property Owner Estate of Noland Reynolds Skinner
Location..... 2834 Browns Bridge Road
Request..... Annex with G-B zoning
Size 0.15± acre
Ward..... Four
Proposed Use..... No proposed use
Planning Division Staff Recommendation **Approval, with conditions**
Date..... December 8, 2020

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

The applicant is proposing to annex the 0.15± acre subject property with a zoning of General Business (G-B). The intent is to combine the property with the larger adjacent property to the north owned by the applicant's family estate. The property is zoned Highway Business (H-B) within unincorporated Hall County and has road frontage along Browns Bridge Road and S Smith Road within the Gateway Corridor Overlay Zone. Previously the property consisted of a portion of right-of-way and a small bock building which have since been removed. There is no use proposed for the property at this time.

▪ **Adjacent Land Use and Zoning**

Location	Use	Zoning
North	Undeveloped property (previously single-family homes)	G-B -City
South	Car dealership and furniture store	G-B -City
East	Used car dealership	H-B -County
West	Glass repair shop	G-B -City

▪ **Other Departmental Comments**

Any future proposed use will require coordination with the Georgia Department of Transportation.

▪ **Zoning History**

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

2020 – A request by CenterPoint Integrated Solutions to annex a 7.81± acres tract located at 2602 Browns Bridge Road with a zoning of General Business (G-B) was conditionally approved for a CarMax Auto Superstore.

2020 – A request by Gainesville City Board of Education to rezone a 16.67± acres tract located at 1263 and 1279 McEver Road, SW from Residential-I (R-I) to Office and Institutional (O-I) was conditionally approved for a new middle school.

2020 – A request by Gainesville City Board of Education to annex a 5.931± acres tract located at 2550 and 2560 Gould Drive with Office and Institutional (O-I) zoning with a special use was conditionally approved for a new middle school and existing single-family home.

2020 – A request by Mauricio Ortega to annex a 0.51± acre tract located at 23 Cherrywood Drive with Residential-I (R-I) zoning was approved for sewer for a single-family home.

2018 – A request by Tyler Land Holdings to amend a 2.98± acres tract located at 1209 and 1229 Hillside Gardens Lane zoned Planned Unit Development (P-U-D) was conditionally approved for a boat sales dealership.

2017 – A request by Pro Building Systems to annex a 0.516± acre tract located at 2431 S Smith Road was approved with conditional General Business (G-B) zoning for an auto collision center.

2017 – A request by Manor Lake Development, LLC for a special use on a 9.24± acres tract located at 2900 McEver Road was approved with conditional Office and Institutional (O-I) zoning for an assisted living facility.

2015 – A request by the Roman Catholic Archdiocese of Atlanta to amend a 14.233± acres tract located at 2436 S Smith Road zoned Planned Unit Development (P-U-D) was conditionally approved for a church.

2015 – A request by the Roman Catholic Archdiocese of Atlanta to amend and rezone a 4.899± acres tract located at 0 S Smith Road from Residential-I (R-I) to Planned Unit Development (P-U-D) was conditionally approved for a church.

2013 – A request by Foote & Miller Properties, LLC to annex a 2.72± acres tract located at 2420 Browns Bridge Road was approved with General Business (G-B) zoning for sewer for an existing auto dealership.

2012 – A request by Rescate 2000, Inc. for a special use on an 8.19± acres tract located at 2920 Florence Drive was approved with conditional Office and Institutional (O-I) zoning for a daycare center.

2010 – A request by Jose Delagarza to annex a 0.33± acre tract located at 3 Cherry Circle was approved with conditional Residential-I (R-I) zoning for sewer for an existing single-family residence.

▪ **Staff Analysis**

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

The adjacent and nearby properties are zoned General Business (G-B) in the city and Highway Business (H-B) in the county. The uses include a mixture of commercial uses including a furniture store and mostly auto related uses. The proposal appears suitable in light of the surrounding properties.

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

The proposed annexation request should not affect the existing use or usability of the adjacent or nearby properties. There is no planned use for the property as by itself is too small to develop. The intent is to combine the tract with the adjacent property to the north owned by the family estate which is currently zoned General Business (G-B).

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

It is staff's opinion that the proposal is consistent with the Comprehensive Plan. The Future Development Map for the City of Gainesville places the subject property within the *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.

According to the Character Area map for the City of Gainesville, the subject property is located within the *Suburban Residential* Character Area. The *Suburban Residential* Character Area includes low-density residential, medium-density residential, multi-family residential, public / institutional, commercial, and parks / recreation / conservation and mixed-use.

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

The property is currently zoned Highway Business (H-B) within Hall County. The proposed annexation will clean up the City boundary and bring the entire property owned by the estate under one jurisdiction with a comparable zoning of General Business (G-B).

(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 subject property and capacity is sufficient. Gainesville Fire Station #4 is located approximately 1.65± miles away off of Memorial Park Drive which currently services adjacent and nearby properties.

Direct impacts to the school system should be limited as the proposed zoning is for commercial purposes.

Additional impacts to roads are undetermined until a specific use is proposed. It is anticipated that future uses could include office, commercial retail, restaurant or service uses which will increase turning movements from Browns Bridge Road onto S Smith Road.

(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?

It is staff's opinion the proposed use is consistent with the Comprehensive Plan. The majority of the property is located along a segment of Browns Bridge Road which consists of non-residential uses including numerous auto-related uses. It is expected non-residential growth will continue in this area.

(7) Does the proposed use reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to unrestricted use of property?

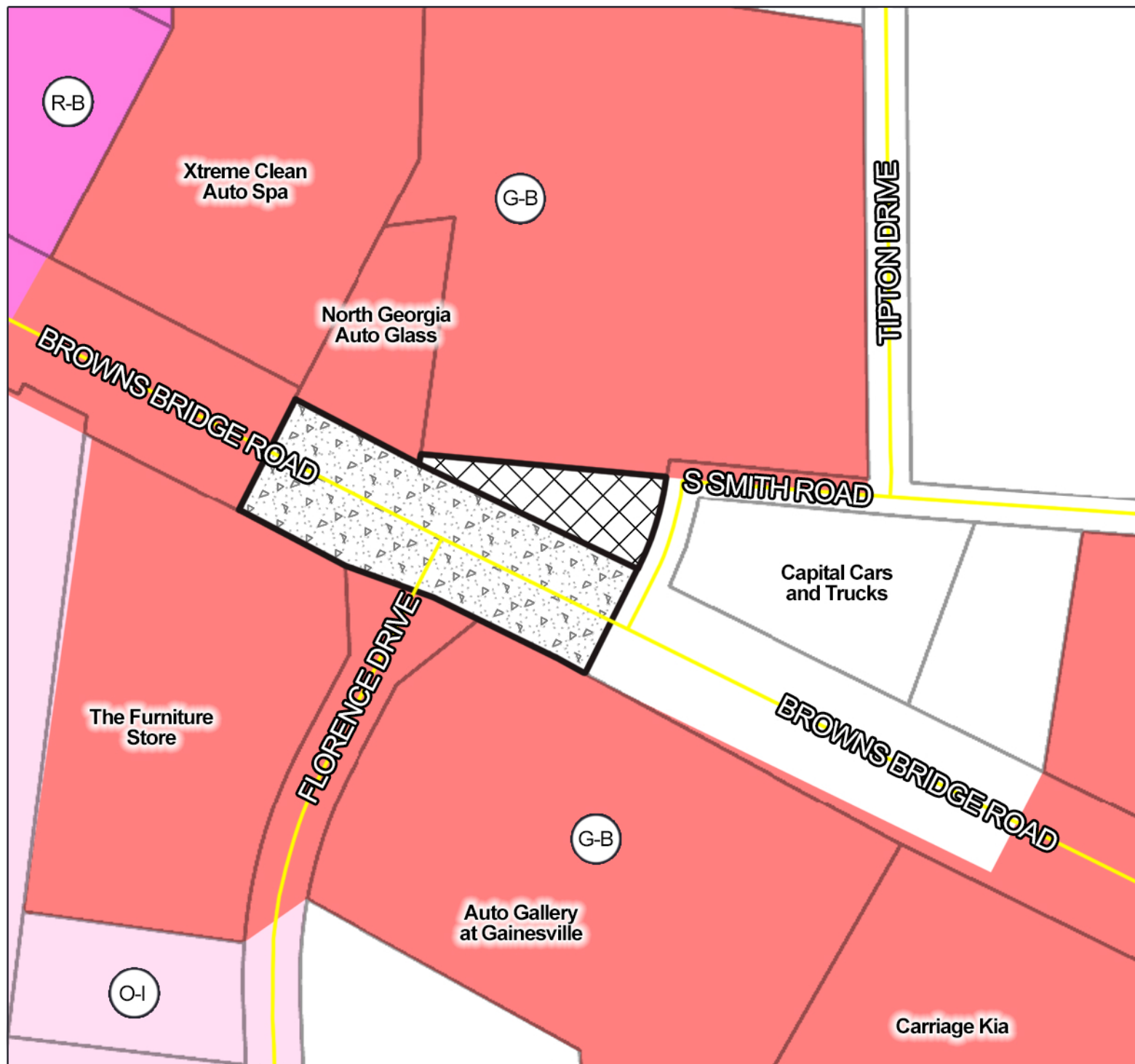
Given the subject property's proximity to/within the city limits and surrounding mixture of uses, the proposal, with the zoning conditions recommended by staff, appears to reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare, and the right to unrestricted use of property.

▪ **Staff Recommendation**

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

Conditions

1. **All future proposed buildings shall meet the exterior building material requirements of the Gateway Corridor Overlay Zone.**
2. **An electronic message board sign shall not be permitted for the subject property.**
3. **All access point design for the subject property shall be submitted for review by the Gainesville Public Works Director in coordination with Hall County and the Georgia Department of Transportation (GDOT). The approval of said design shall be required prior to issuance of a building permit. All required access/traffic/sidewalk improvements associated with the proposed development shall be at the full expense of the owner/developer.**



Applicant:

PAMELA EAGAR

ANNEXATION REQUEST

Request:

Annex 0.15 +/- acre tract and establish zoning as General Business (G-B)

Subject Property Address:

2834 Browns Bridge Road

Tax Parcel:

08-015-007-007

Meeting Date: 12/8/2020

Map Prepared: 11/3/2020



Subject Property



Right of Way to be Annexed

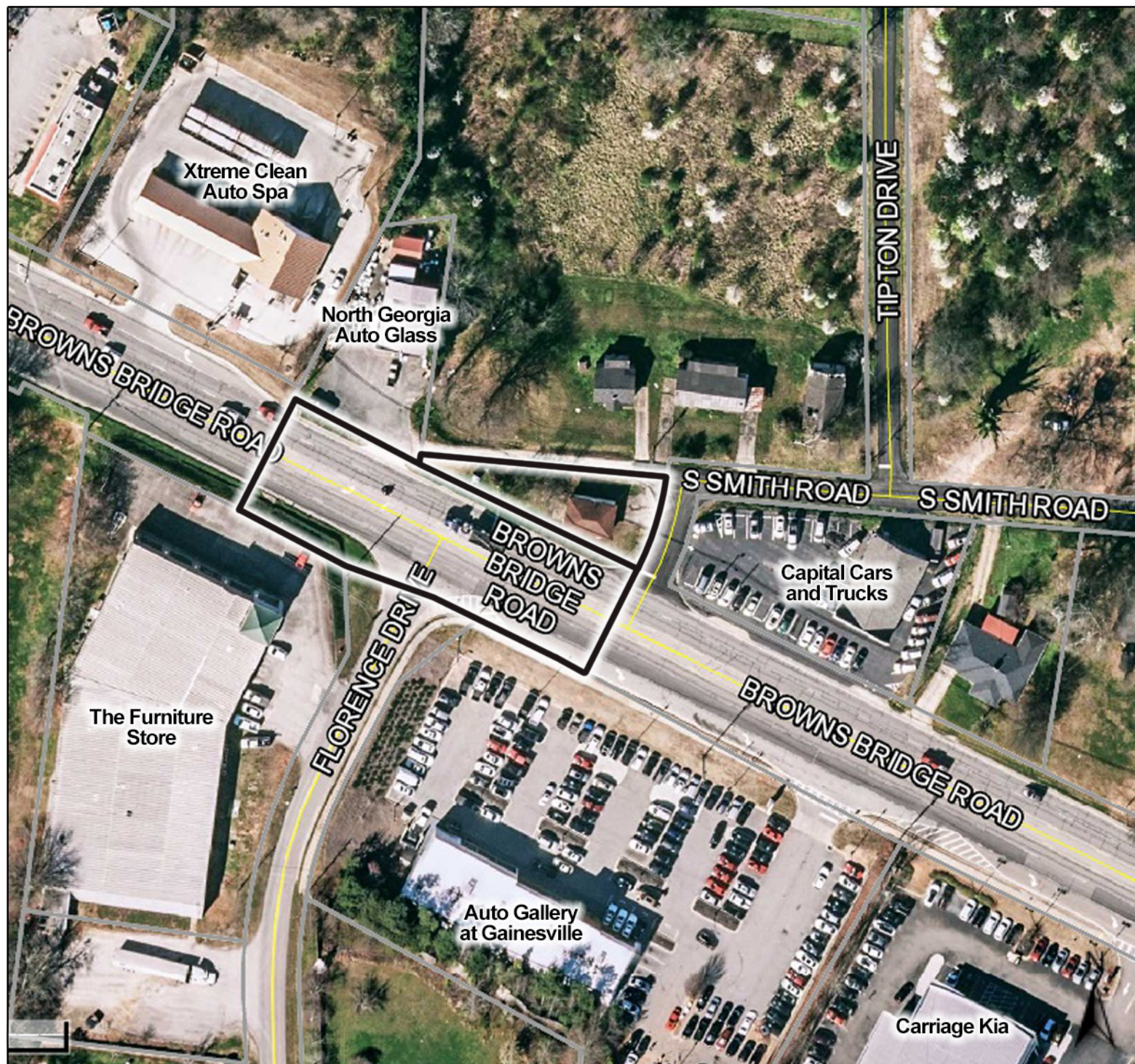


CITY OF

GAINESVILLE

COMMUNITY AND ECONOMIC DEVELOPMENT





Applicant:

PAMELA EAGAR

ANNEXATION REQUEST

Request:

Annex 0.15 +/- acre tract and establish zoning as General Business (G-B)

Subject Property Address:

2834 Browns Bridge Road

Tax Parcel:

08-015-007-007

Meeting Date: 12/8/2020

Map Prepared: 11/3/2020



Subject Property



CITY OF

GAINESVILLE

COMMUNITY AND ECONOMIC DEVELOPMENT



Narrative for the Application for Annexation of 2834 Browns Bridge Road, Gainesville, Georgia

The annexation of this property is requested to coordinate with the adjacent larger property at 2484 S. Smith Road that was annexed into the city in 2008. Both properties are owned by the Estate of Noland Reynolds Skinner and are being offered for sale together. Having both properties in the city of Gainesville is intended to make the property more attractive to potential buyers.

REFERENCES

1. PLAT BY OWEN PATTON FOR DON & ROBERT LACKEY, DATED 1/25/1993 AS REFERENCED IN DB 2780, PAGE 137-138 (NOT RECORDED).
2. PLAT BY MORELAND-ALTOBELLI FOR SOUTHLAKE GROUP, LLC DATED 11/08/2002.
3. PLAT BY FARLEY-COLLINS FOR REYNOLDS SKINNER, DATED 02/18/1973.
4. SUBDIVISION PLAT BY S.C. MOON DATED OCT 1949, PG 9, PAGE 144-145.
5. PLAT BY H. JARRARD DATED 03/29/1975, PG 59, p 16.
6. SURVEY FOR REYNOLDS SKINNER BY IAN M. BRAGG, P.L.S. DATED 08/11/2007.

LEGEND

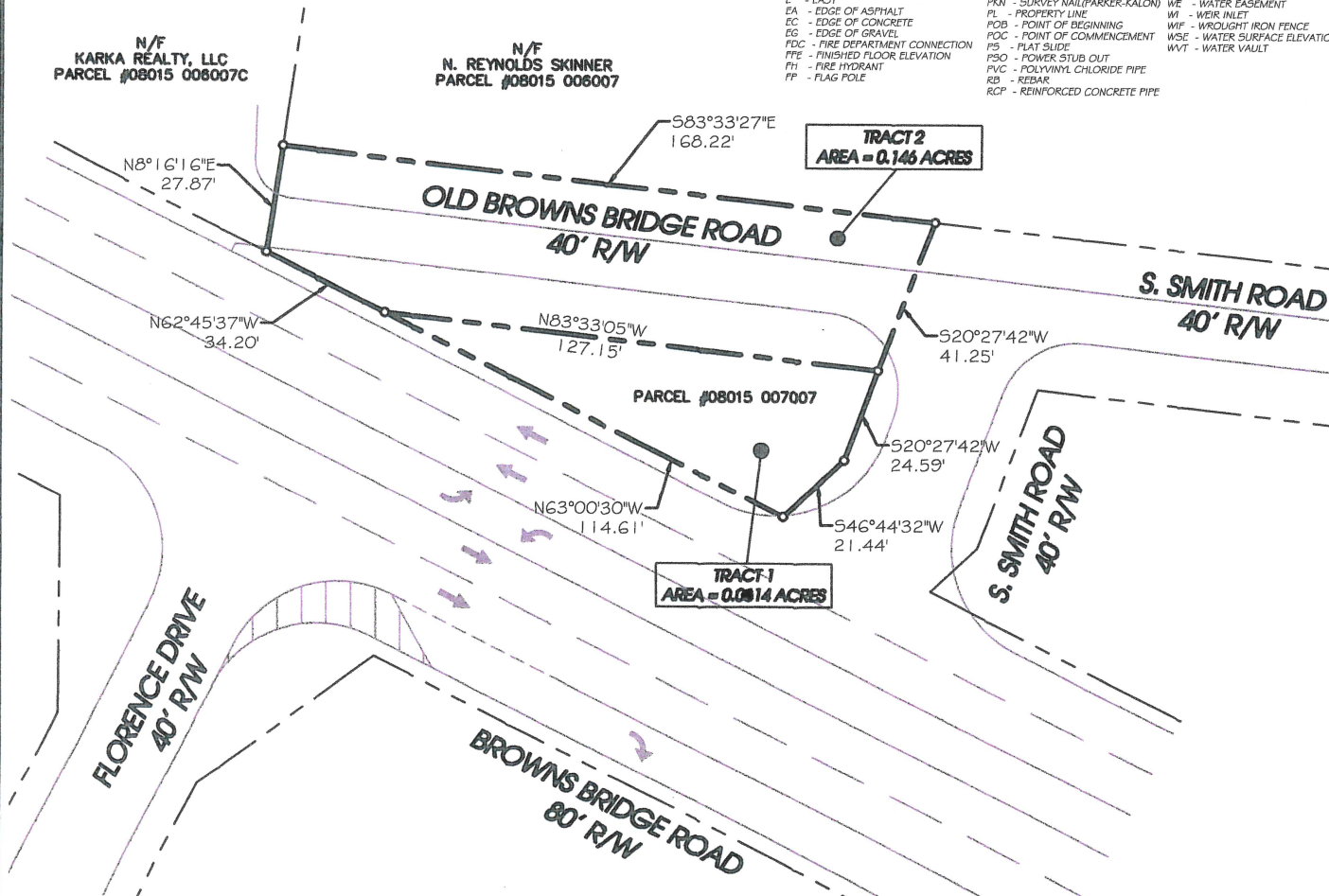
- | | | |
|---------------------------------|---------------------------------|--------------------------------|
| AI - ANGLE IRON | -G- - UNDERGROUND GAS LINE | REC - RECORDED |
| BL - BUILDING SETBACK LINE | GW - GAS METER | RM - RIGHT-OF-WAY |
| BWF - BARB WIRE FENCE | GW - GUY WIRE | S - SOUTH |
| CI - CURB INLET | HW - HOG WIRE FENCE | SD - SLOTTED DRAIN |
| CO - CLEANOUT | ICB - IRRIGATION CONTROL BOX | SOV - WATER SHUT OFF VALVE |
| CAG - CURB & GUTTER | IM - IRRIGATION METER | SR - SOLID STEEL ROD |
| CL - CENTERLINE | IPS - IRON PIN SET | SSC - SANITARY SEWER EASEMENT |
| CLF - CHAIN LINK FENCE | IV - IRRIGATION VALVE | SW - SIDEWALK |
| CMF - CONCRETE MONUMENT FOUND | JB - JUNCTION BOX | SWCB - SINGLE WING CATCH BASIN |
| CMP - CORRUGATED METAL PIPE | LL - LAND LOT LINE | TR - THREADED STEEL ROD |
| CONC - CONCRETE | MH - MANHOLE | TSB - TRAFFIC SIGNAL BOX |
| CTF - CRIMP TOP PIPE | MW - MONITORING WELL | TSF - TRAFFIC SIGNAL POLE |
| D - DEPTH | N - NORTH | TYP - TYPICAL |
| DB - DEED BOOK | NF - NOW OR FORMERLY | UC - UNDERGROUND CABLE |
| DE - DRAINAGE EASEMENT | OTP - OPEN TOP PIPE | UP - UNDERGROUND POWER |
| DI - DROP INLET | PB - PLAT BOOK | UT - UNDERGROUND TELEPHONE |
| DIP - DUCTILE IRON PIPE | PBW - POWER BOX | VCP - VITRIFIED CLAY PIPE |
| DIST - DISTURBED | PE - PIPE ENTRY | W - WEST |
| DWCB - DOUBLE WING CATCH BASIN | PG - PAGE | W- - WATER LINE |
| E - EAST | PKI - SURVEY NAIL(PARKER-KALON) | WE - WATER EASEMENT |
| EA - EDGE OF ASPHALT | POB - POINT OF BEGINNING | WI - WEIR INLET |
| EG - EDGE OF GRAVEL | POC - POINT OF COMMENCEMENT | WIF - WROUGHT IRON FENCE |
| EC - FIRE DEPARTMENT CONNECTION | PS - PLAT SLIDE | WSE - WATER SURFACE ELEVATION |
| FEE - FINISHED FLOOR ELEVATION | PSO - POWER STUB OUT | WVT - WATER VAULT |
| FH - FIRE HYDRANT | PVC - POLYVINYL CHLORIDE PIPE | |
| FP - FLAG POLE | RB - REBAR | |
| | RCF - REINFORCED CONCRETE PIPE | |

NOTES

1. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT. NO WARRANTY IS EXPRESSED OR IMPLIED WITH RESPECT TO THE QUALITY OF TITLE. EXCEPTION IS MADE AS TO ANY EASEMENTS OR OTHER RESTRICTIONS TO TITLE NOT SHOWN HEREON.
2. IN ADDITION TO THOSE OTHERWISE REFERENCED HEREON, THE FOLLOWING DOCUMENTS WERE USED IN THE PREPARATION OF THIS PLAT: PG 59 PG 16.
3. THE BASIS OF BEARING FOR THIS PLAT IS THE GEORGIA STATE PLANE COORDINATE SYSTEM, WEST ZONE (NAD 83). ALL DISTANCES SHOWN HEREON ARE GROUND (NOT GRID) DISTANCES. THE VERTICAL DATUM IS NAVD 83.
4. ALL IRON PINS SET(OPS) ARE 1/2" REBAR UNLESS OTHERWISE NOTED. ALL OTHER MONUMENTATION CALLED FOR HEREON WAS FOUND IN PLACE. THE UTILITIES SHOWN HEREON ARE BASED ON ABOVE GROUND EVIDENCE VISIBLE AT THE TIME OF FIELDWORK, AND/OR AVAILABLE MAPS OR PLATS, AND ARE SHOWN AS ACCURATELY AS POSSIBLE FOR REFERENCE ONLY. NO WARRANTY IS EXPRESSED OR IMPLIED AS TO THE COMPLETENESS OR ACCURACY OF UTILITY LOCATIONS, WHICH SHOULD BE INDEPENDENTLY VERIFIED.
5. NO PORTION OF THE PROPERTY DEPICTED HEREON LIES WITHIN A FLOOD HAZARD ZONE PER HALL COUNTY FEMA FIRM MAP NUMBER 13139C0166G, EFFECTIVE DATE APRIL 04, 2018.
6. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A RELATIVE POSITIONAL ACCURACY OF N/A FEET + N/A PPM FOR THE SUBJECT PROPERTY CORNER MONUMENTS AND WAS ADJUSTED USING LEAST SQUARES. THE EQUIPMENT USED TO OBTAIN THE LINEAR AND ANGULAR MEASUREMENTS HEREIN WAS A GTS 802A OR LEICA TCSP1203R ROBOTIC TOTAL STATION.
7. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN N/A FEET.
8. THIS SURVEY DOES NOT REPRESENT A THOROUGH INSPECTION OF THE INTERIOR OF THE PROPERTY SHOWN HEREON. IMPROVEMENTS, WETLANDS, DUMP SITES AND OTHER SIGNIFICANT FEATURES NOT SHOWN HEREON MAY EXIST.
9. THIS PLAT DOES NOT CONSTITUTE A PLAT OF SUBDIVISION AND DOES NOT REQUIRE APPROVAL BY THE LOCAL GOVERNING AUTHORITY FOR RECORDING ACCORDING TO O.C.G.A. 15-8-67(D).
10. A LEICA GPS 1200 (GX1230) DUAL FREQUENCY RTK SYSTEM WAS USED IN THE COLLECTION OF TOPOGRAPHIC/ PLANIMETRIC DATA FOR THIS SURVEY. RELATIVE POSITIONAL TOLERANCE FOR TOPOGRAPHIC/PLANIMETRIC FEATURES IS 0.10'. RELATIVE POSITIONAL TOLERANCE WAS CALCULATED AT 95% CONFIDENCE LEVEL BASED ON 2-SIGMA STATISTICAL VALUE OF OBSERVATION RESIDUALS.

N/F
KARKA REALTY, LLC
PARCEL #08015 008007C

N/F
N. REYNOLDS SKINNER
PARCEL #08015 008007



IAN M. BRAGG, PLS
Professional
Land Surveyor
6890 JOHNSON CIRCLE
FLOWERY BRANCH, GA 30048
(678) 900-4818
CONTACT: IAN BRAGG
IANBRAGG@GCSGMAIL.COM

REVISIONS:	NUM	DATE	REVISION

REVISED SURVEY FOR:
REYNOLDS SKINNER ESTATE
2484 S. SMITH ROAD
GAINESVILLE, GA 30504

LAND LOT 15
LAND DISTRICT 4th
S.W.D. 565
GAINESVILLE, GA 30504
08015 008007

SHEET TITLE:

REVISED SURVEY



SCALE: 1" = 30'
DATE: OCTOBER 26, 2020
PROJECT: SKINNER-ESTATE

SHEET NUMBER



Date Submitted: 12/1/2020

Presenter: Matt Tate

Item of Business: Request from **Nemrod Ovis, LLC** to annex a 6.07± acres tract located on the southwest side of the intersection of Navajo Circle and White Sulphur Road (a/k/a **0 White Sulphur Road**) and to establish zoning as Light Industrial (L-I).

Ward Number: Two

Tax Parcel Number(s): 09-113-000-073 and 074

Request: Industrial office/warehouse

Meeting Date: 12/8/2020

Purpose of Request:

The applicant is proposing to annex the subject property with a zoning of Light Industrial (L-I) for industrial office/warehouse purposes. The property includes two parcels zoned Agricultural Residential-III (AR-III) within Hall County which are considered unincorporated islands. The property borders White Sulphur Road, Navajo Circle and railroad right-of-way. According to the applicant's concept plan, approximately 60,000 square feet of office/warehouse buildings are proposed ranging from 7,500 square feet to 18,500 square feet in size. Access is proposed from White Sulphur Road and Navajo Circle. Adjacent uses include light industrial development and single-family homes.

History/Background:

Facts & Issues for Consideration:

Planning staff recommended approval with five conditions. See the Staff Recommendation report for details.

Department Recommendation:

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
☐ Plat	Backup Material
☐ Concept Plan	Backup Material
☐ Architectural Renderings	Backup Material

**GAINESVILLE PLANNING and APPEALS BOARD
STAFF RECOMMENDATION**

Applicant Nemrod Ovis, LLC
Property Owner Scott Clark Estate
Location 0 White Sulphur Road
Request Annex with L-I zoning
Size 6.07± acres
Ward Two
Proposed Use Industrial office/warehouse
Planning Division Staff Recommendation **Approval, with conditions**
Date December 8, 2020

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

The applicant is proposing to annex the subject property with a zoning of Light Industrial (L-I) for industrial office/warehouse purposes. The property includes two parcels zoned Agricultural Residential-III (AR-III) within Hall County which are considered unincorporated islands. The property borders White Sulphur Road, Navajo Circle and railroad right-of-way. According to the applicant's concept plan, approximately 60,000 square feet of office/warehouse building space is proposed within buildings ranging from 7,500 square feet to 18,500 square feet in size. Access is proposed from White Sulphur Road and Navajo Circle.

Location	Use	Zoning
North	ACH Foam Technologies, Inc; Industrial Park North	L-I -City
South	Big Creek Foods (Processing of Dog Treats)	L-I -City
East	Industrial office/warehouse; Single-family home	L-I -City AR-III - County
West	Railroad right-of-way; Single-family homes; A Quiet Place in the Woods Subdivision	L-I -City R-I -County

▪ **Other Departmental Comments**

The proposed use will require coordination with the Georgia Department of Transportation. There were no other departmental comments for this request.

▪ **Zoning History**

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

2019 – A request by Kevin Pethel to rezone the subject 1.3± acres tract located at 2092 Crow Road and 2005 White Sulphur Road from Residential-I (R-I) to General Business (G-B) was conditionally approved for a plumbing and electrical contractor office/warehouse.

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

2017 – A request by Lanier Technical College to annex an 8.154± acres tract located at 0 Howard Road was approved with Light Industrial (L-I) zoning for a technical college conference center.

2017 – A request by Keel Property Management, LLC to annex a 6.32± acres tract located at 0 White Sulphur Road was approved with conditional General Business (G-B) zoning for restaurant and retail uses.

2016 – A request by Timothy Bullard to annex a 20.417± acres tract located at 1582 and 1586 Pine Valley Road was denied for a 240-unit apartment complex with Residential-II (R-II) zoning.

2013 – A request by the City of Gainesville to annex 115 unincorporated island parcels and right-of-way totaling 197.07± acres in size was approved with conditions.

2012 – A request by Pacolet Milliken Enterprises, Inc. to annex a 68.223± acres tract located at 601 White Sulphur Road was approved with conditional Planned Unit Development (P-U-D) zoning for a mixed-use development.

▪ **Staff Analysis**

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

The property is surrounded by mostly industrial uses. A few single-family homes exist to the east across White Sulphur Road; however, most of the single-family homes are located to the west separated by railroad right-of-way. All of the adjacent properties are zoned Light Industrial (L-I) within the City. Residentially zoned properties in the County are located just beyond the bordering properties. The proposed use is suitable in light of the surrounding properties.

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

The proposed office/warehouse use will function in a similar manner as the adjacent industrial properties. The addition of car and truck traffic will increase traffic along White Sulphur Road as well as turning movements. White Sulphur Road is a two-lane road with no curb and gutter. Most of the existing industrial uses accessing White Sulphur Road provide a dedicated deceleration and acceleration lane.

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

It is staff's opinion that the proposal is consistent with the Comprehensive Plan. The Future Development Map for the City of Gainesville places the subject property within the *Industrial* land use category. This category includes areas containing or planned for a wide range of office, business, light industrial, manufacturing, research and development uses.

According to the Character Area map for the City of Gainesville, the subject properties are located within the *Economic Development Gateways* character area which appears to support the applicant's proposal. This character area represents the industrial, warehousing and other commercial enterprises that parallel the I-985 and Norfolk-Southern railroad corridor. The primary vision for the area is to continue to support economic development while preserving and strengthening important natural and cultural resources. These areas include a wide range of

office, business, light industrial, manufacturing, research, and development uses; and commercial uses that directly support or are otherwise linked to the dominant business use as well as mixed-use, residential (existing uses only), public / institutional, transportation / communications / utilities, and parks / recreation / conservation uses.

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

The property is currently zoned Agricultural Residential-III (AR-III) within Hall County which appears inappropriately zoned given most of the surrounding uses. The proposed annexation will remove the existing unincorporated island and with a similar zoning as the adjacent properties.

(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 is available and is sufficient to serve the proposed use. Sewer capacity is sufficient but will require a sewer extension of approximately 350 feet according to the Department of Water Resources. The applicant is seeking participation from the City to extend the sewer line.

Public safety services are currently provided for the adjacent properties. Gainesville Fire Station #2 is located approximately 3.2± miles away off of Cleveland Highway.

The proposal is for non-residential purposes and should have no impact on the Gainesville City School System.

According to the Institute of Transportation Engineers (ITE) Trip Generation Handbook (9th Edition), the proposed use on average could generate 418± new trips per weekday and 65± A.M. and P.M. peak hour trips during the weekday.

(6) Is the proposed use supported by new or changing conditions not anticipated by the Comprehensive Plan or reflected in the existing zoning on the property or surrounding properties?

The proposed use is supported by the Comprehensive Plan. The area has experienced industrial growth over the past three decades due to the location of existing railroad, SR 365 and water/sewer infrastructure which has attracted industrial uses within the nearby Industrial Park North property and the Gateway Industrial Park further north off of SR 365.

(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?

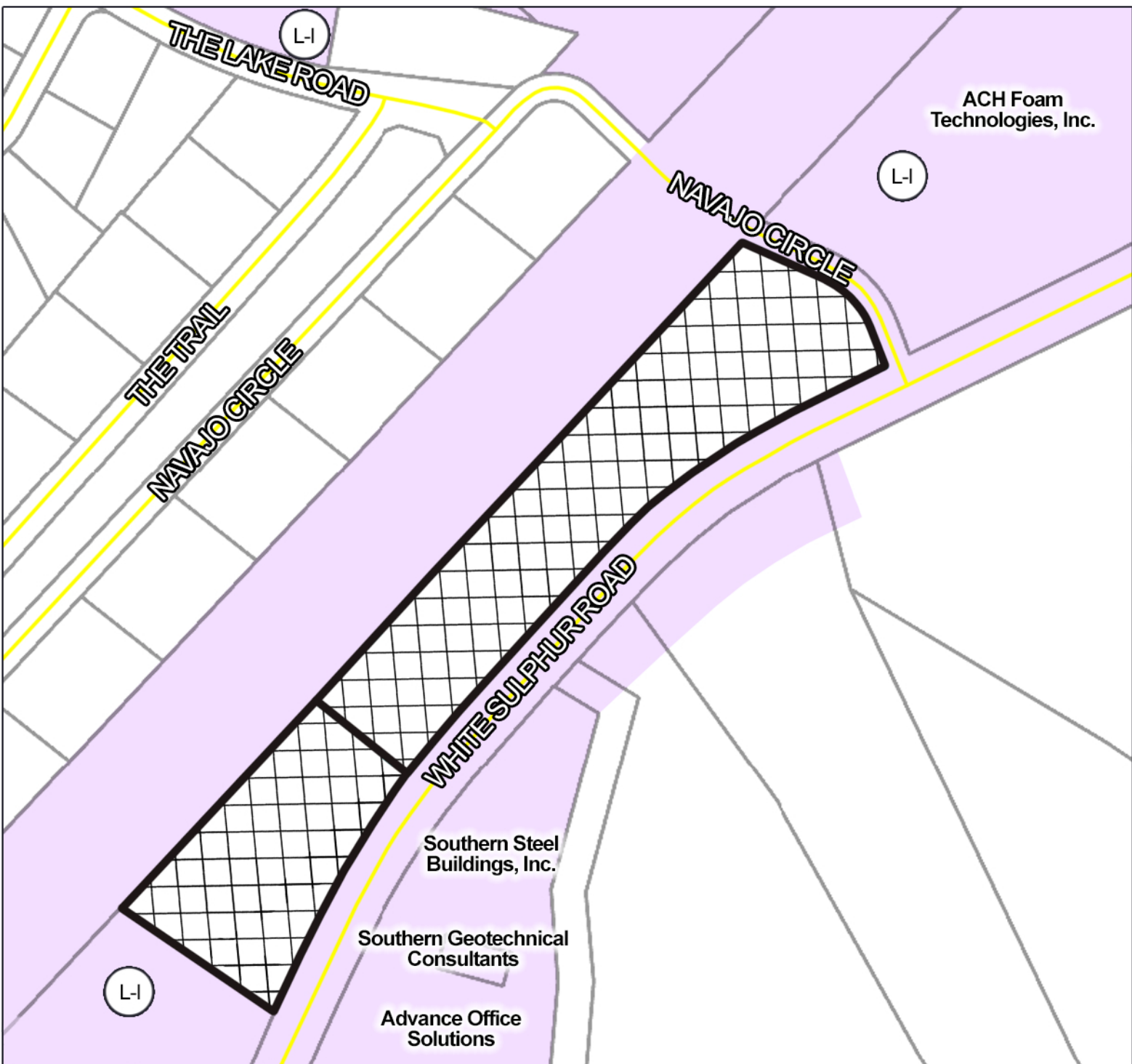
Based on the Comprehensive Plan and the adjacent industrial uses, the proposal appears to reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to unrestricted use of property.

▪ **Staff Recommendation**

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

Conditions

- 1. The approved uses for the property shall be limited to light industrial uses to include office, warehouse, storage, distribution, further processing, assembly and fabrication.**
- 2. The front exterior facade of the proposed buildings facing right-of-way shall be constructed with brick or stone, excluding window and door areas. The sides of the exterior facades shall be constructed with a minimum 3-foot high watermark of matching brick or stone.**
- 3. An electronic message board sign shall not be permitted for the subject property.**
- 4. Prior to a permit being issued for the subject property, a Traffic Impact Study shall be required if determined necessary by the Gainesville Public Works Department Director and the Georgia Department of Transportation (GDOT).**
- 5. 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, if determined necessary, shall be at the full expense of the developer/property owner.**



Applicant:		NEMROD OVIS, LLC		 Subject Property	
		ANNEXATION REQUEST			
Request:		Annex 6.07 +/- acres and establish zoning as Light Industrial (L-I) for industrial office/warehouse			
Subject Property Address:		Tax Parcel:		 CITY OF GAINESVILLE COMMUNITY AND ECONOMIC DEVELOPMENT	
0 White Sulphur Road		09-113-000-073 09-113-000-074			
Meeting Date: 12/8/2020		Map Prepared: 11/3/2020		Page 34 of 51	



Applicant: NEMROD OVIS, LLC		Subject Property Aerial from 2018
ANNEXATION REQUEST		
Request: Annex 6.07 +/- acres and establish zoning as Light Industrial (L-I) for industrial office/warehouse		
Subject Property Address: 0 White Sulphur Road	Tax Parcel: 09-113-000-073 09-113-000-074	CITY OF GAINESVILLE COMMUNITY AND ECONOMIC DEVELOPMENT
Meeting Date: 12/8/2020 Map Prepared: 11/3/2020		



NARRATIVE REPORT
REQUEST FOR ANNEXATION & REZONING REQUEST
GWINNETT COUNTY, GEORGIA

RE: 6.0 acres located On White Sulphur Road - Parcel ID 09113 000073 & 09113 000074

Nemrod Ovis, LLC (the "Applicant") respectfully submits this Narrative Report to the City of Gainesville City Council in support of an application for annexation and rezoning to LI zoning classification.

The parcel is planned and intended to be developed as small light-industrial office/warehouses. The building sizes will possibly range from 10,000 sf – 20,000 sf and typical heights of around 20 feet. The proposed use is consistent with recent industrial growth in the immediate vicinity and with adjacent properties. The property was graded for development around 2003. The proposed use will not have any adverse impacts to the environment and the current stormwater management regulations will be followed. The proposed use will have a positive impact on the local economy by increasing tax revenue and creating employment opportunities. The property is adjacent to a railroad but there is no intention to have rail spurs. The railroad is between this property and nearby residential areas.

It does not appear that adjacent properties within the city limits are in any overlay or protection areas. The setbacks used for the concept plan are for the City's LI zoning. Signage will concur with City of Gainesville regulations. It is not anticipated that these proposed buildings will be used for retail space. As shown on the Concept Plan submitted in support of this application, access to the development is provided with 4 driveways along White Sulphur Road and Navajo Circle

Sincerely,

James Irvin, PE
Engineer for Applicant
Foothills Land Design, LLC



- LEGEND
- IPF - IRON PIN FOUND
 - IPS - IRON PIN SET 1/2" REBAR
 - AIF - ANGLE IRON FOUND
 - P-L - PROPERTY LINE
 - R-W - RIGHT OF WAY
 - C-L - CENTERLINE
 - X- - FENCE
 - W- - POWER LINE
 - M- - WATER METER
 - LL- - LAND LOT
 - LL- - LAND LOT LINE
 - WM- - WATER METER
 - PP- - POWER POLE
 - CT- - CRIMP TOP
 - OT- - OPEN TOP
 - RB- - REBAR
 - T- - TELEPHONE LINE

PLAT FOR
SCOTT CLARK
GAINESVILLE DISTRICT G.M.D. 411
HALL COUNTY, GEORGIA
6.00 ACRES TOTAL

COURSE	BEARING	DISTANCE
L-1	S 65°35'59"E	59.00'
L-2	S 64°37'13"E	69.00'
L-3	S 59°29'52"E	31.05'
L-4	S 49°30'03"E	27.72'
L-5	S 34°37'51"E	24.70'
L-6	S 28°06'45"E	43.47'
L-7	S 22°04'45"E	17.96'
L-8	S 20°13'01"E	128.22'
L-9	S 64°35'03"W	63.79'
L-10	S 62°08'50"W	63.79'
L-11	S 58°55'54"W	71.14'
L-12	S 53°26'44"W	74.81'
L-13	S 50°11'57"W	48.69'
L-14	S 46°16'47"W	65.27'
L-15	S 44°10'02"W	43.92'
L-16	S 42°06'00"W	63.46'
L-17	S 42°02'04"W	69.82'
L-18	S 41°26'46"W	71.59'
L-19	S 41°00'38"W	59.39'
L-20	S 38°17'35"W	62.45'
L-21	S 35°41'03"W	39.63'
L-22	S 35°08'01"W	29.92'
L-23	S 33°17'24"W	35.71'
L-24	S 32°04'03"W	30.66'
L-25	S 30°53'08"W	48.95'
L-26	S 27°24'52"W	35.22'
L-27	S 26°02'28"W	60.77'
L-28	S 25°49'04"W	35.63'
L-29	S 24°06'30"W	10.27'

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE TO WITHIN 1 FOOT IN 10000 FEET.

THIS SURVEY IS SUBJECT TO ANY AND ALL EASEMENTS, R/W'S, ETC., OF RECORD AND NOT OF RECORD, ABOVE OR BELOW GROUND.

THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH AND IS SUBJECT TO ANY AND ALL DISCLOSURES THAT A TITLE SEARCH MAY PRODUCE.

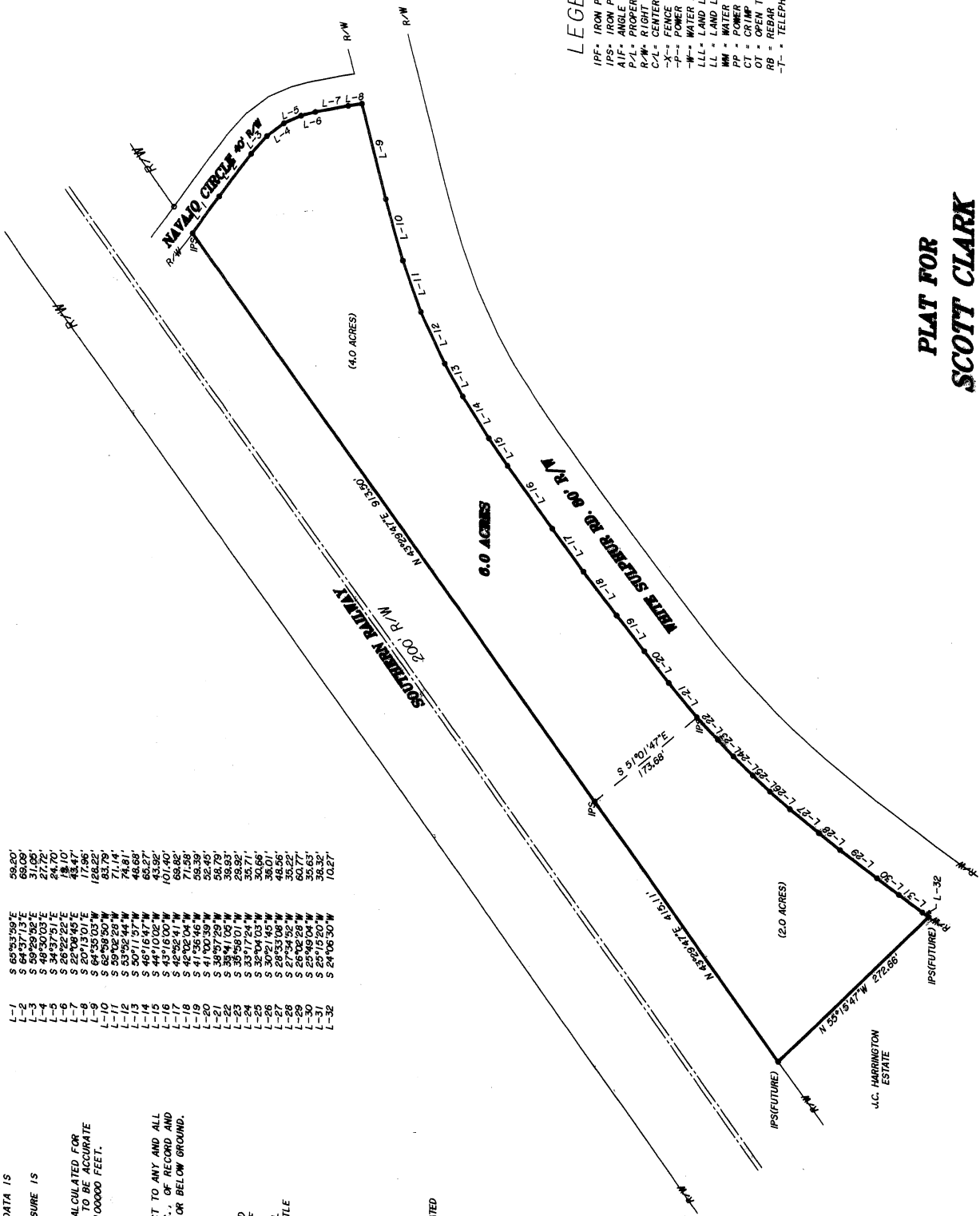
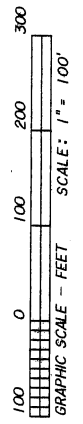
EQUIPMENT USED:
NIKON DTM-450/EDM

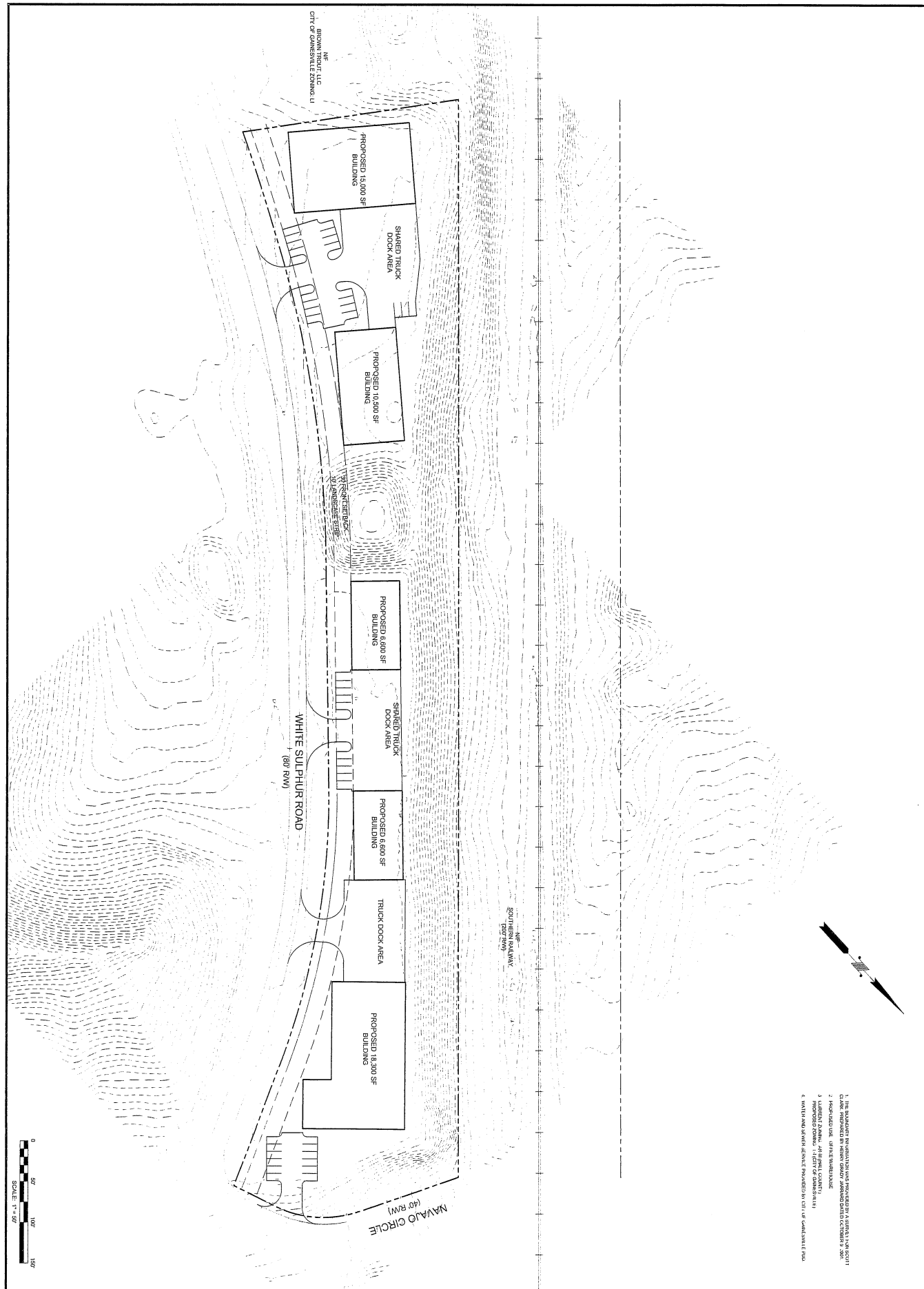
TO WHOM IT MAY CONCERN:
THIS PROPERTY IS NOT LOCATED IN A FLOOD HAZARD AREA.



SURVEYOR:
HENRY G. JARRARD #1182
322 GUN ST. NW, SUITE 3
GAINESVILLE, GA. 30601
PHONE - (770) 534-3421

DATE(S) SURVEYED: FEB/07-08/2000
DATE(S) DRAWN: FEB/12/2000
DATE(S) SURVEYED: 10/03/01
DATE(S) DRAWN: 10/09/01
REVISED TO SHOW ADDITIONAL ACRES



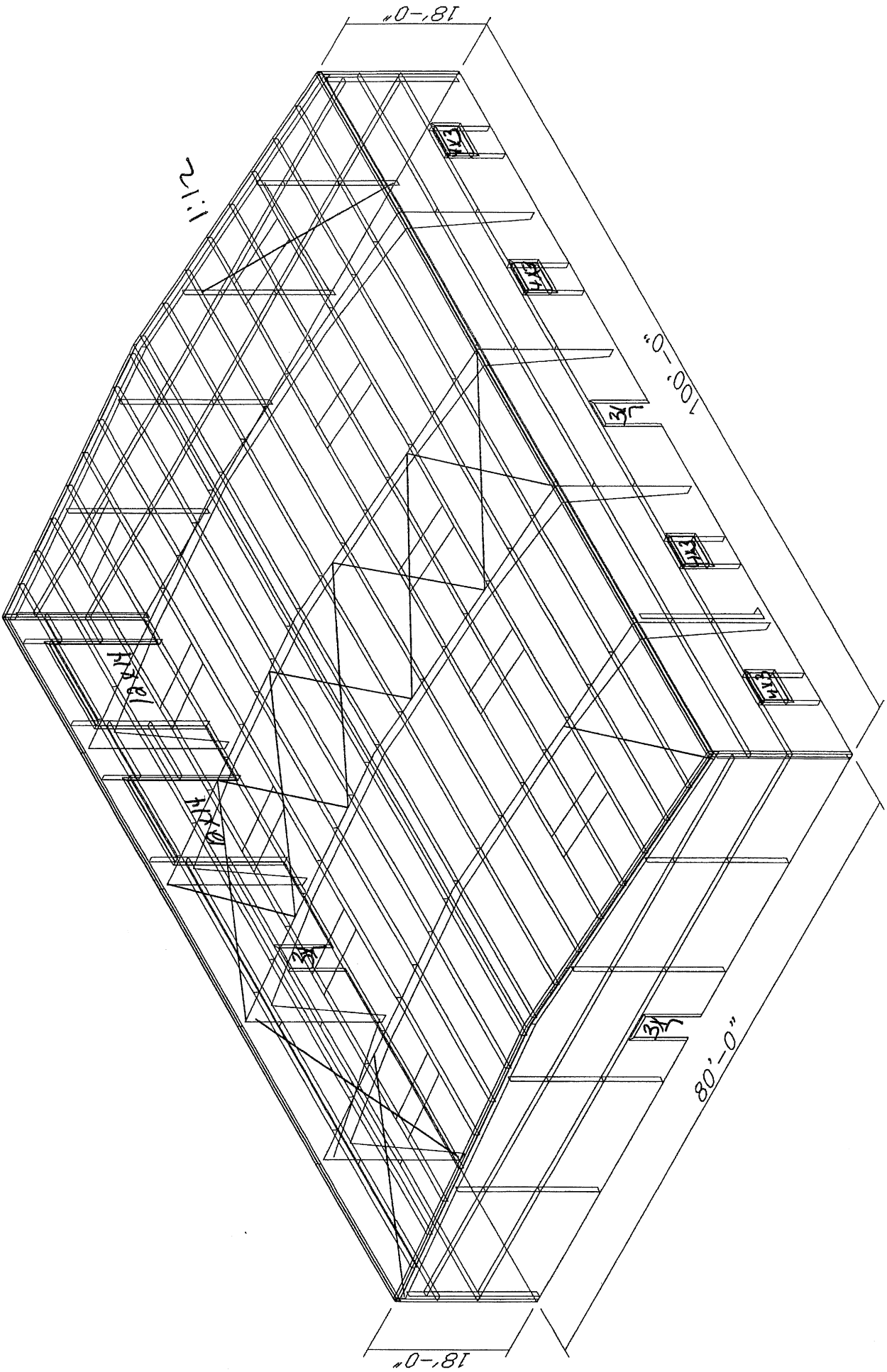


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SHEET: 1	CORRECT LEVEL: 8.0000 DATE: OCTOBER 27, 2020 SCALE: 1" = 50' 1	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">REVISIONS</th> <th>DATE</th> </tr> <tr> <th>NO.</th> <th>DESCRIPTION</th> <th></th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>	REVISIONS		DATE	NO.	DESCRIPTION																										REZONING/ ANNEXATION PLAN CLARK PROPERTY WHITE SULPHUR ROAD GMD 411 HALL COUNTY, GA	DEVELOPER SCOTT CLARK 3747 NEWPORT DRIVE GAINESVILLE, GA 30506	164 PROFESSIONAL PARK DRIVE BALDWIN, GA 30011 PHONE: (770) 778-0067 FAX: (770) 778-0066 www.foothills.com	 Page 38 of 51
REVISIONS		DATE																																		
NO.	DESCRIPTION																																			





Date Submitted: 12/1/2020

Presenter: Matt Tate

Item of Business: Request from **Jennifer Walter** to rezone a 0.48± acre tract located on the east side of South Enota Drive, south of Robinhood Trail (a/k/a **522 South Enota Drive, NE**) from Office and Institutional (O-I) to Neighborhood Business (N-B).
 Ward Number: Three
 Tax Parcel Number(s): 01-064-002-028
 Request: Retail store

Meeting Date: 12/8/2020

Purpose of Request:

The applicant is proposing to rezone the subject property to occupy the existing building for the Cosmic Fox Trading Co., LLC retail store. The store offers a variety of spiritually themed goods and literature and will be owner operated with no additional employees. Business hours are Tuesday thru Saturday from 11 a.m. to 6 p.m. The property includes an existing 2,500 square foot building and 13 parking spaces that was previously occupied as a Chiropractors office and counseling office. No changes are proposed to the exterior of the building except for signage and the applicant recently replaced the roof. The surrounding uses include various professional offices, medical offices, retail and restaurant uses within Sherwood Plaza shopping center and single-family homes to the rear off of Vine Street.

History/Background:

Facts & Issues for Consideration:

Department Recommendation:

Planning staff recommended approval with one condition. 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
☐ Architectural Rendering	Backup Material
☐ Letter of Opposition	Backup Material

**GAINESVILLE PLANNING and APPEALS BOARD
STAFF RECOMMENDATION**

Applicant Jennifer Walter
Property Owner Lucy Bedelle Nix, Nancy Mae Nix and Ernest G. Nix, Jr.
Location 522 South Enota Drive, NE
Request Rezone from O-I to N-B
Size 0.48± acre
Ward Three
Proposed Use Retail store
Planning Division Staff Recommendation **Approval, with condition**
Date December 8, 2020

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

The applicant is proposing to rezone the subject property to occupy the existing building for the Cosmic Fox Trading Co., LLC retail store. The store offers a variety of spiritually themed goods and literature and is owner operated with no additional employees. Business hours are Tuesday thru Saturday from 11 a.m. to 6 p.m. The property includes an existing 2,500 square foot building and 13 parking spaces that was previously occupied as a counseling office and a Chiropractors office. No changes are proposed to the exterior of the building except for signage and the applicant recently replaced the roof. The applicant recently relocated her business from Washington Street and does not currently have a valid Certificate of Occupancy or Business License from the 522 South Enota Drive property. The surrounding uses include various professional offices, medical offices, retail and restaurant uses within Sherwood Plaza shopping center and single-family homes to the rear off of Vine Street.

▪ **Adjacent Land Use and Zoning**

Location	Use	Zoning
North	Professional and medical offices; Exterminating business	Office and Institutional (O-I)
South	Georgia Poultry Foundation; Medical Offices; Walgreens	Office and Institutional (O-I)
East	Single-family homes	Residential-I (R-I)
West	Sherwood Plaza Shopping Center; Dollar Tree retail store; Wendy's restaurant	Regional Business (R-B)

▪ **Other Departmental Comments**

There were no departmental comments regarding this request.

▪ **Zoning History**

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

2018 – A request by Atlas Development, LLC to rezone a 1.13± acres tract located at 1351 Park Hill Drive from Residential-II (R-II) to Office and Institutional (O-I) for a medical office was approved with conditions.

2017 – A request by JH Homes, Inc. to rezone a 21.87± acres tract located at 1024, 1030 and 1037 Pearce Way NE; and 0 South Enota Drive NE from Office and Institutional (O-I) to Residential-II (R-II) for 65 residential townhomes was approved with conditions.

2017 – A request by Hanh My Thi Doan for a special use within Office and Institutional (O-I) on a 0.52± acre tract located at 502 South Enota Drive for a nail salon was denied.

2016 – A request by O'Reilly Automotive Stores, Inc. to rezone a 1.29± acre tract located at 1446 Park Hill Drive from Office and Institutional (O-I) to Neighborhood Business (N-B) for an auto parts store was approved with conditions.

2014 – A request by Beehive Homes of Gainesville to rezone a 2.0± acre tract located at 1351 Park Hill Drive from Residential-I (R-I) to Residential-II (R-II) for an assisted living facility 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 proposed use appears suitable in view of the zoning and development of the adjacent and nearby properties. The subject property contains a small office building constructed in 1970 that is similar in scale with other nearby office and commercial buildings. The property most recently functioned as a counseling office and Chiropractors office. While the east side of South Enota Drive is dominated by office and service uses, commercial uses are within the immediate area including Walgreens, Dollar Tree, Wendy's restaurant and other restaurant uses within the Sherwood Plaza shopping center. Nearby single-family residential uses are located along secondary streets such as Vine Street to the east.

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

The property and exterior of the building are to remain mostly unchanged. Given the limited number of employees and business hours, the proposed use should have minimal effects on the nearby properties. Traffic generated from the retail store should be minimal as no changes to the existing driveway or parking lot are required.

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

It is staff's opinion that the proposed development is consistent with the Comprehensive Plan. The Future Development Map for the City of Gainesville places the subject property within the *Mixed-Use General* land use category which includes areas containing or planned for a mixture of land uses including office, neighborhood retail, and residential. The types of non-residential uses that are desirable in this area would include restaurants, specialty retail, and low-intensity office.

According to the Character Area map for the City of Gainesville, the subject property is located within the *Traditional Neighborhoods* Character Area specifically within the *Northern Neighborhoods subarea*. The vision for this 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.

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

The subject property is zoned Office and Institutional (O-I) which allows for primarily office uses and limited retail in the form of custom order shop with no onsite inventory. The proposed Neighborhood Business (N-B) zoning is the least intense commercial zoning district that permits general retail uses. If the request is denied, the existing structure would retain its ability to be used separately for primarily professional office purposes.

(5) Will the proposed use cause an excessive or burdensome use of public facilities or services, including but not limited to streets, schools, water or sewer utilities, and police or fire protection?

The proposed use should cause no excessive or burdensome use of public facilities or services over and above any previous use of the property. The subject property currently utilizes various City services; including police/fire protection, and water and sewer utilities.

The City of Gainesville Fire Station #2 is located approximately 1.8 miles from the subject property off of Cleveland Highway.

Based on the nature of the request, there will be no adverse impacts to the school system.

Access and traffic patterns should remain unchanged. According to the Institute of Transportation Engineers (ITE) Trip Generation Handbook (9th Edition), the proposed use on average could generate 15.5± new trips per weekday.

(6) Is the proposed use supported by new or changing conditions not anticipated by the Comprehensive Plan or reflected in the existing zoning on the property or surrounding properties?

The subject property has functioned as an office for 50 years. The subject property will continue to be used for nonresidential purposes due to the location of Northeast Georgia Medical Center and the need to provide various services to the outlying residential properties. While staff supports the proposed neighborhood scale retail use, more aggressive commercial uses such as a gas station or auto repair shop would be out of character with the immediate area.

(7) Does the proposed use reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to unrestricted use of property?

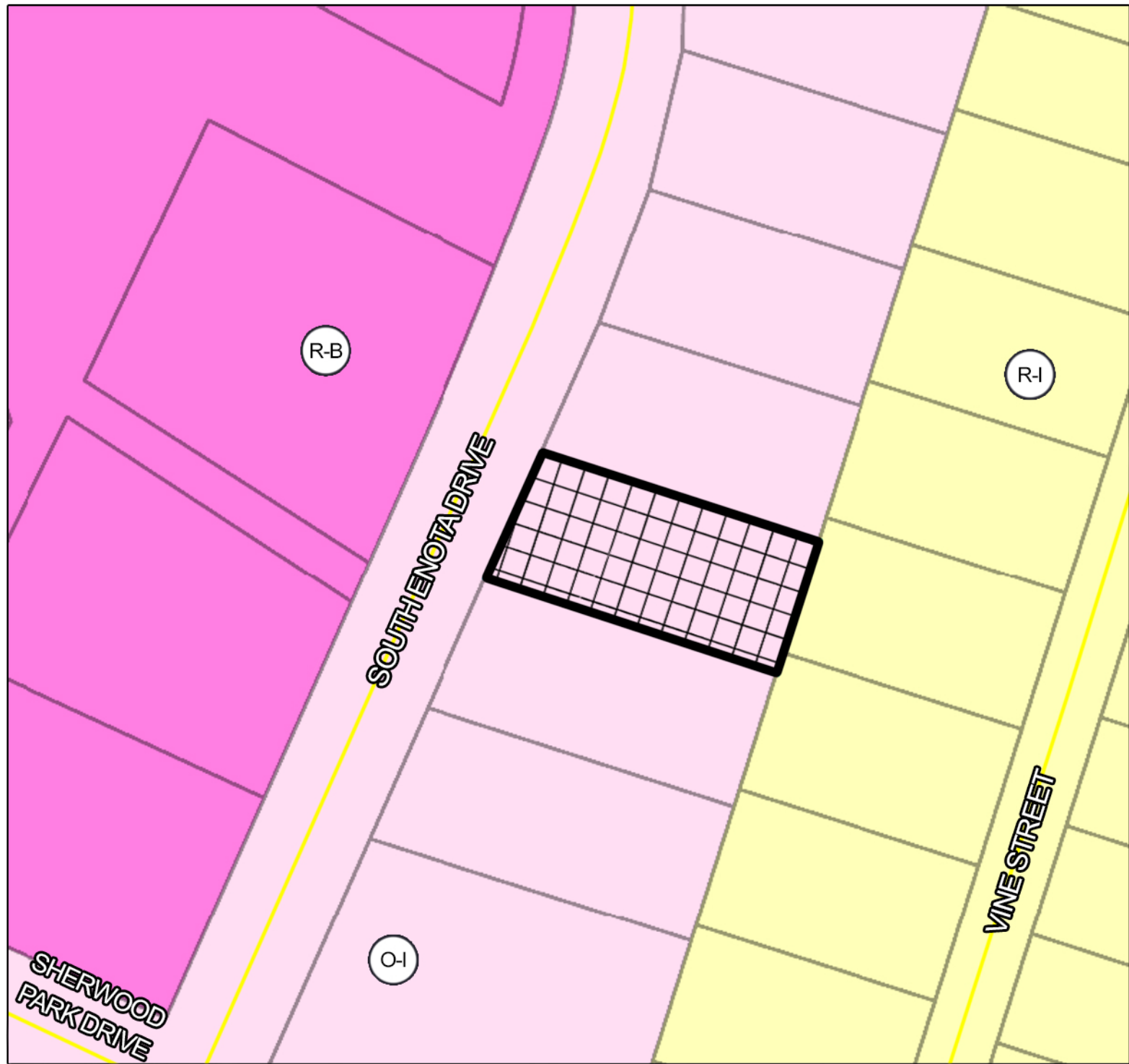
The proposal reflects a reasonable balance between the promotion of the public health, safety, morality, and general welfare and the right to unrestricted use of property. The proposed use appears to be reasonable given the property's proximity to non-residential and residential uses, as well as the fact that the existing building can be reused for the proposed use with little to no impact to the adjacent uses.

▪ **Staff Recommendation**

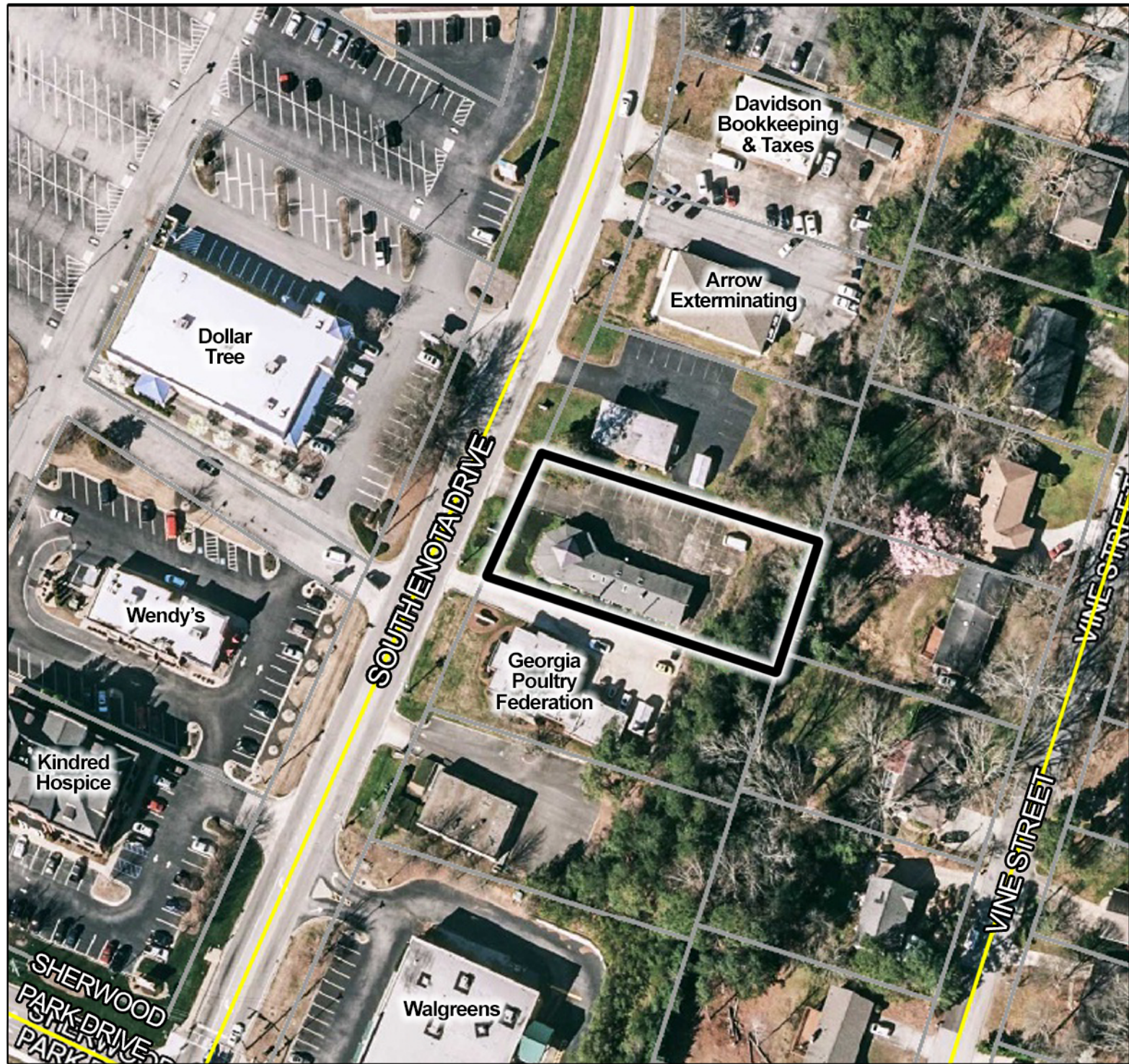
The Planning Division staff is recommending **conditional approval** of this rezoning request, based on the Comprehensive Plan and the adjacent and nearby mixture of uses.

Condition

The subject property shall be limited to the proposed retail use and those uses permitted within the Office and Institutional (O-I) zoning district.



Applicant: JENNIFER WALTER		 Subject Property 
REZONING REQUEST		
Request: Rezone a 0.48 +/- acre tract from Office and Institutional (O-I) to Neighborhood Business (N-B)		
Subject Property Address: 522 South Enota Drive	Tax Parcel: 01-064-002-028	 CITY OF GAINESVILLE COMMUNITY AND ECONOMIC DEVELOPMENT
Meeting Date: 12/8/2020 Map Prepared: 11/12/2020		



Applicant:		JENNIFER WALTER		 Subject Property Aerial from 2018
		REZONING REQUEST		
Request:		Rezone a 0.48 +/- acre tract from Office and Institutional (O-I) to Neighborhood Business (N-B)		
Subject Property Address:		Tax Parcel:		 CITY OF GAINESVILLE COMMUNITY AND ECONOMIC DEVELOPMENT 
522 South Enota Drive		01-064-002-028		
Meeting Date: 12/8/2020		Map Prepared: 11/12/2020		Page 47 of 51

To whom it may concern,

Re: 522 South Enota Drive NE Gainesville, GA 30501 (plat attached)

522 South Enota Drive NE, Gainesville, GA, originally an orthodontist office that served the great community of Gainesville from the late 60s until the late 90's; has since been leased out to other office type companies including an Attorney, Family Counseling Center and a Chiropractor.

On this date of October 30, 2020, it is my proposal and dearest wish that 522 South Enota Drive NE be granted a rezoning that will allow for Cosmic Fox Trading Co LLC to conduct business in this beautiful building.

Cosmic Fox Trading Co LLC is a woman owned small business that offers a wide variety of spiritually themed goods and literature. From Christianity to Buddhism. All products contained within Cosmic Fox Trading Co are pure in nature and appeal to support the spiritual growth and well being of our great community for all who wish to shop with us. Some products that we carry include clothing, tapestries, crystals, incense, candles, statues and jewelry. Within one and one half years time, Cosmic Fox Trading Co - original location of 950 Washington Street Suite F in Gainesville, GA, has earned the love and respect of many great residents of Gainesville and other neighboring towns.

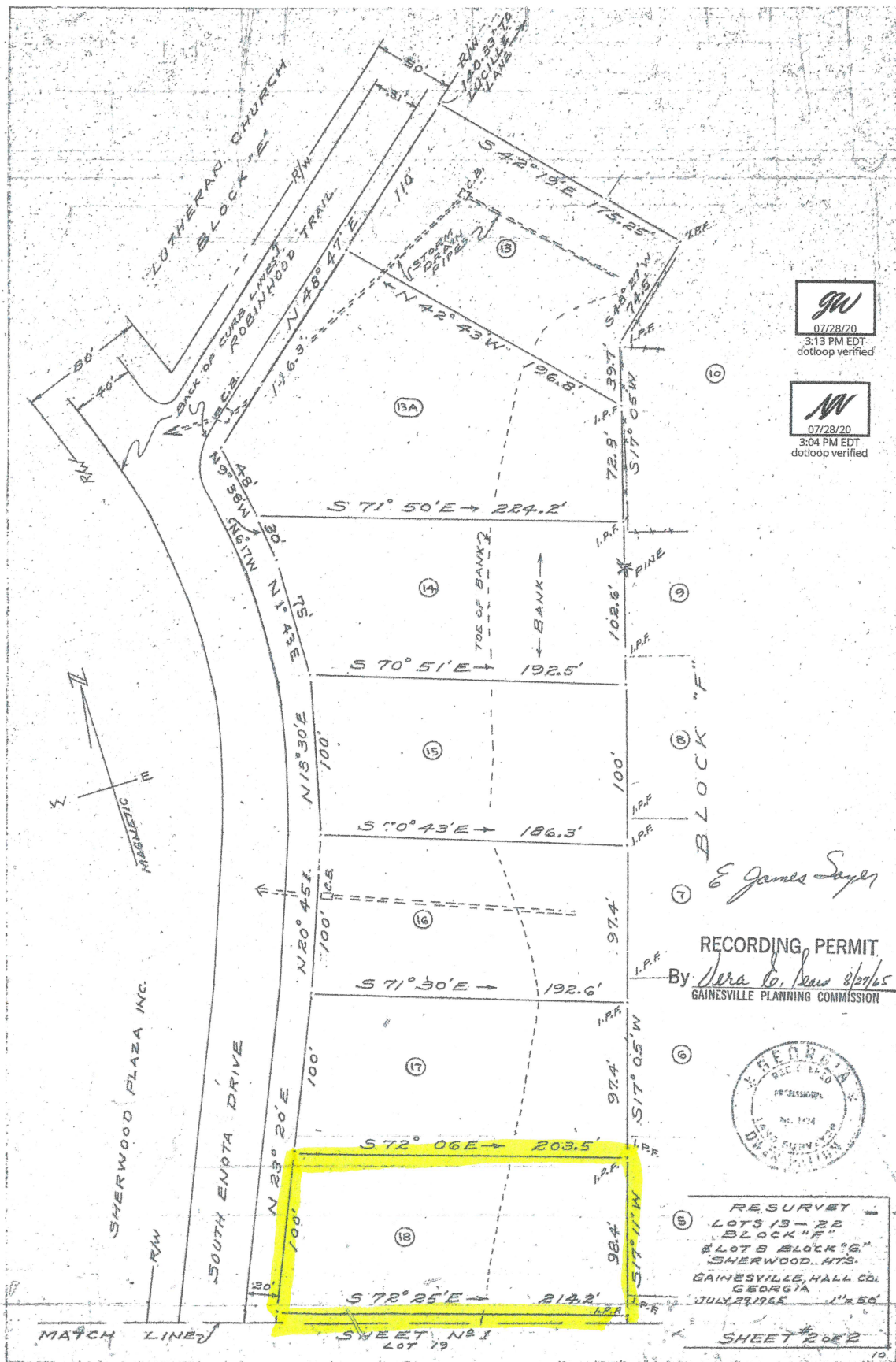
The mission of Cosmic Fox Trading Co is to provide a peaceful loving environment where our customers can purchase goods and literature to help support and develop their own unique spiritual journey. Fun fact, Enota itself is a Native American word for "Place for Spiritual Gathering".

Cosmic Fox Trading Co is owner operated with no additional employees. Business hours of Cosmic Fox Trading Co are Tuesday through Saturday from 11am to 6pm. Current retail traffic is trending at usually no more than 2 to 10 patrons inside of our shop at any given time. Maximum number of patrons that Cosmic Fox has ever experienced at one time in the past 16 months was approximately 14 patrons. This was a rare occurrence on a Saturday and has not happened since.

Currently, the property located at 522 Enota is a whole and complete building that requires no infrastructure changes and is only lacking in minor parking lot lighting. In my proposal to rezone this building to allow for my retail store to flourish, I would like to place 4 to 5 soft outdoor lights, facing the parking lot so that my customers will be able to navigate to their vehicles during winter time when it becomes darker earlier than usual. It is my understanding that this would not pose an interference with any neighboring entities as the parking lot is side facing and hidden from the road. Additionally, there is dense greenery between the back lot of 522 Enota and the residential lots that lie behind the building. Additionally, the proposed parking lot lighting would be facing the back side the adjacent building that of which currently supports one flood light on the back left corner.

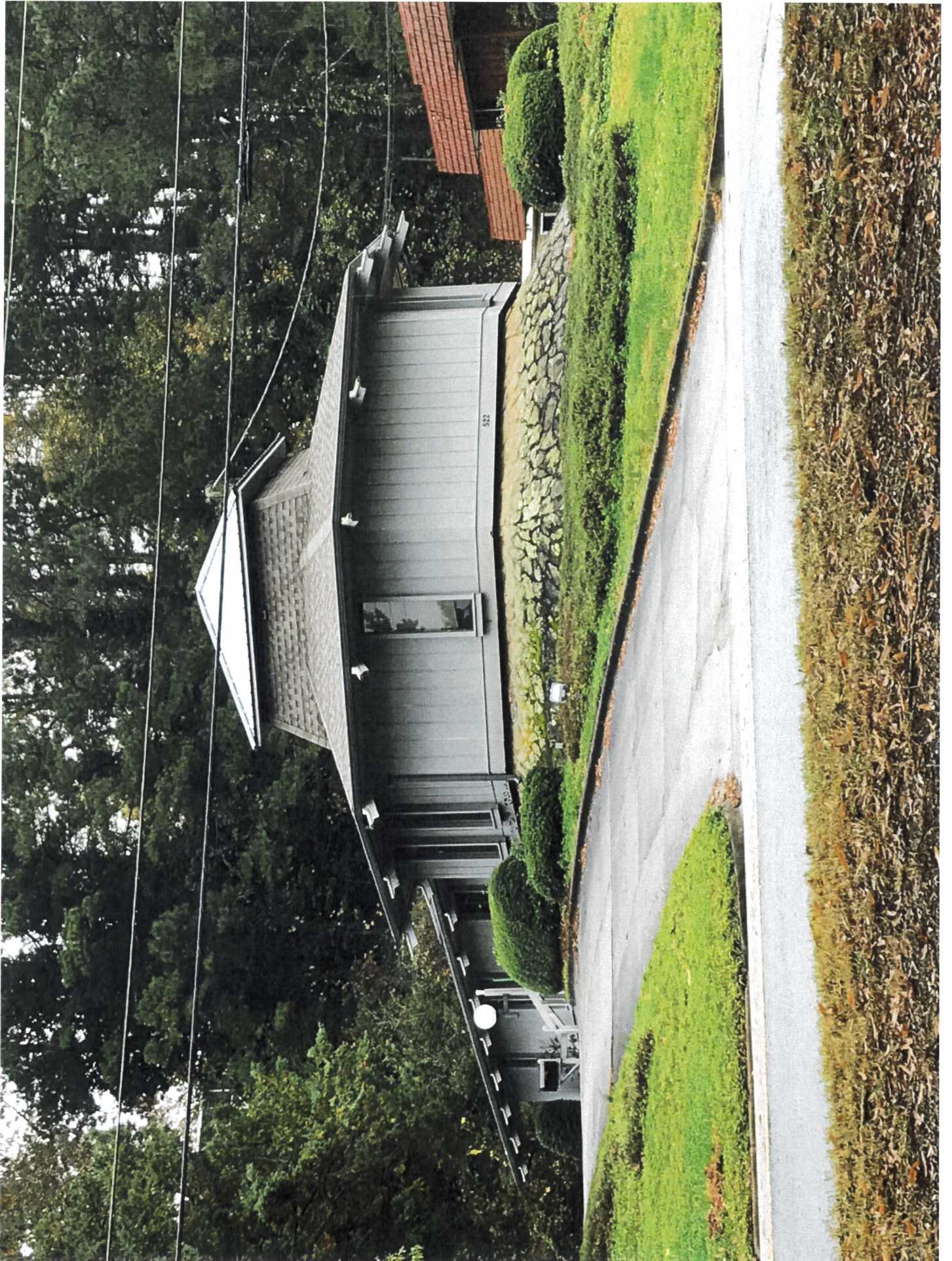
522 Enota is wheel chair accessible with a ramp. Additionally, the parking lot at 522 South Enota Drive NE has 13 parking spaces which is far more than adequate for the nature of my business and my anticipated traffic at any given time.

Provided that my description is whole and complete, I thank you dearly for your time and consideration. Should you require any additional information, I am more than happy to report back.



Recorded Aug. 27, 1965

N. Hardy Watson, Clerk



Dr. Bill Morrison
Optometrist

Board certified:
Diagnostic &
therapeutic
pharmaceutical agents

Treatment of
anterior eye diseases

Member: American
Optometric Association

Georgia Optometric
Association

Northeast Georgia
Optometric Association

Georgia State Board
of Examiners in Optometry

Gainesville Hall
County Chamber of
Commerce

Speaker & lecturer
locally and statewide



Bill Morrison, O.D.

Gainesville Vision Clinic

*Specializing in family eye care
for over three generations*

- Comprehensive
& unhurried eye
health examinations

- Glaucoma &
cataract testing

- Experienced treatment
of eye infections
& allergies

- Foreign object
removal

- Prescription
eyeglass
& hard-to-fit
contact lenses

- Post-op
cataract care

- Laser Vision
Correction
Pre & Post OP Care

- Over 1000
designer frames
for adults & children

- One-hour service
on most contacts
& eye wear

- On-site optical lab

- Over 8000 contact
lenses in stock

- Disposable,
extended wear,
bifocal & astigmatic
contact lenses

- Contacts that
change your eye color

- No-line bifocals

- Tints, UV filters,
anti-reflective coating

- 24-Hour
emergency care

November 24, 2020

**Gainesville Planning & Appeals Board
P.O. Box 2496
Gainesville, GA 30503**

RE: Request to rezone from Office & Institutional (O-1) to Neighborhood Business (N-B) for a Retail Store.

Dear Members,

I am asking you to please consider voting "No" on this request for the following reasons:

- 1. The only commercial businesses along Enota are Walgreens, Dollar Tree, and Wendy's. The original intent of the Gainesville Unified Land Development Code is to keep this area (O-1) and not commercial.**
- 2. Along Enota Avenue presently are 4 churches, 3 Assisted Living quarters, Enota Elementary School, 30-40 residential homes, and numerous professional offices (dentists, CPA's, dermatologists, allergists, eye doctors, etc). All of these are correctly placed within the Office and Institutional District.**
- 3. When Walgreens was approved several years ago there was a discussion that if Walgreens was approved then any applicant in the future will mention that Walgreens was approved and thus why shouldn't another applicant nearby be approved. That is exactly what is happening now with the applicant Jennifer Walter.**
- 4. In my opinion this precedent must be stopped. We have been in this district since 1982 and certainly don't want it to become commercialized.**

Thank you for your consideration.

Sincerely,

Bill Morrison, OD