

**GAINESVILLE PLANNING AND APPEALS BOARD  
MINUTES OF MEETING  
DECEMBER 8, 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 and Ryan Thompson

**Members Absent:**     Board Member Eddie Martin and Carmen Delgado

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

**Others Present:**      Council Members George Wangemann and Barbara Brooks

**MINUTES OF NOVEMBER 10, 2020**

Motion made by Board Member White  
Motion seconded by Board Member Thompson  
**Vote – 5 favor, 2 absent (Martin, Delgado)**

**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

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

The applicant is requesting to vary the local 75-foot stream buffer requirement to construct a pool/spa addition. The property includes a two-story home over a basement within the Chattahoochee Estates West subdivision. The home was built in 1994 prior to the local stream buffer requirements were adopted.

The proposed variance encroaches within the outermost 25-foot portion of the 75-foot impervious buffer. The total area of encroachment includes approximately 1,500± square feet of total area in the buffer which includes mostly the underground septic field lines that need to be relocated and a 164± square foot portion of the proposed pool/spa and deck.

The applicant is basing the hardship on the location of the existing septic system and the slope of the property as it slopes as much as 36' downward from the rear of the home to the creek branch which flows to Lake Knickerbocker.

Supporting Documents include a Statement of Hardship, Plat, Concept Plan, Soil Study and mitigation plan.

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.

**Applicant Presentation:** **Joe Diaz**, 3080 Stillwater Drive, stated he wants to install a pool for his wife and discovered at the time the house was built there was a 25foot setback from the stream which been increased over the years. Also, while developing the plans he has attempted to move the pool as far up to the house as not to impact the environment. Mr. Diaz said otherwise he would not make the request. He does not want to impact the environment and would not make the application if it would affect the stream or neighbors in any way. He mentioned he hired a soil scientist to develop a plan that would encroach no more than three or four feet within the impervious area to include the retaining wall for the pool which will be two feet beyond the fence shown in the photo. He said access to the pool will be from the back porch. He said the septic lines will be relocated underground and is the reason for hiring a soil scientist and verified it is good soil. He asked for approval of the variance request and will take necessary steps not to impact the stream and preserve the beautiful lake. He will be happy to answer any questions. Mr. Diaz stated the only neighbor is on the left side, Mr. Braswell, which he contacted and provided copies of all the work to be done, does not have any opposition to it.

**FAVOR:** None

**OPPOSE:** None

**REBUTTAL:** None

**Planning and Appeals Board Comments:** Board Member Thompson asked Mr. Diaz if he agreed with the two conditions placed on the application. Mr. Diaz stated he is not sure if he completely understands the second condition but will comply with all conditions.

**There was a motion to conditionally approve the request to vary the stream buffer requirement for a pool and septic field lines having a zoning of Residential-I-A (R-I-A) with the following conditions:**

**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.

Motion made by Board Member Thompson  
Motion seconded by Board Member Simmons  
**Vote – 5 favor, 2 absent (Martin, Delgado)**

**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

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

The applicant is proposing to annex the 0.15± acre subject property with a zoning of General Business (G-B). The property is surrounded by auto sales, furniture store and vacant land. The intent is to combine the property with the larger adjacent property to the north owned by the applicant's family estate. There is no use proposed for the property at this time.

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.

The property within the *Retail/Commercial* land use category and within the *Suburban Residential* Character Area which is supportive of the proposed zoning.

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.

**Applicant Presentation:** **Bambi Riley**, 2834 Browns Bridge Road, stated she is representing Pamela Eagar and her sister which are selling the estate for their deceased father, Reynold Skinner. She stated there is no proposed use at this time and wants the property all together in one piece.

**FAVOR:** None

**OPPOSE:** None

**Rebuttal:** None

**Planning and Appeals Board Comments:** None

**There was a motion to recommend conditional approval of the annexation request and establish zoning as General Business (G-B) with the following conditions:**

**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.

Motion made by Board Member Thompson

Motion seconded by Board Member White  
**Vote – 5 favor, 2 absent (Martin, Delgado)**

- 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

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

The applicant is proposing to annex the subject property with a zoning of Light Industrial (L-I) for sewer to construct industrial office/warehouse buildings.

The property includes two parcels zoned Agricultural Residential-III (AR-III) within Hall County which are considered unincorporated islands that borders White Sulphur Road, Navajo Circle and railroad right-of-way.

Surrounding uses include ACH Foam Technologies, Inc., Big Creek Foods, various Industrial office/warehouse uses. As well, there are few single-family homes across White Sulphur Road as well as residential subdivisions located on the west side of the railroad.

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. An approximate 350-foot sewer extension will be required along White Sulphur Road to serve the development.

The Future Development Map for the City of Gainesville places the subject property within the *Industrial* land use category. The property is also located within the Economic Development Gateways character area which appears to support the applicant's proposal which supports the proposed use.

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.

**Applicant Presentation:** Rex Baker, 200 Market Place, Suite 110, Roswell Georgia, stated as a developer they would like the ability to connect to the sewer and bring it to Navajo Circle with the city's participation. He said they were hoping to get some mitigation on the brick work and clarity if a sidewalk will be required. He was not sure if it was a pedestrian corridor, if the sidewalk could be removed from the conditions or if it is a generic clause. Mr. Baker said if it is part of the condition then would it be enforced and need to be installed before proceeding further. He said the building sizes as shown may be a little too large for the site and will be determined by the purchaser and designed specifically for them. Mr. Baker said they will do impact study, with possibly sharing driveways with two low traffic/building users. He stated he wasn't sure if the board could handle issues of zoning and cost sharing but would like to lower the brick standard if possible to wains-coating in the front and not on the side, but will enhance landscaping as desired in that area. He said he will be happy to answer any questions and is their intention to develop and sell to local

owner/users and thinks it will be people in Hall County and Gainesville that need a place for their business.

**FAVOR:** None

**OPPOSE:** None

**Rebuttal:** None

**Planning and Appeals Board Comments:** Chairman Carter asked Mr. Tate to answer the question about sidewalks being a requirement. Deputy Director Tate stated it would be evaluated through the planning review process specifically by Public Works Department. The property does not front a pedestrian corridor, and has no curb and gutter and sidewalks. Chairman Carter said the question about the brick being changed or material design might be more appropriate to address before City Council when Mr. Baker could have some renderings decide if it passes through the Planning Board.

**There was a motion to recommend conditional approval of the annexation request and establish zoning as Light Industrial (L-I) with the following conditions:**

**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.

Motion made by Board Member White

Motion seconded by Board Member Thompson

**Vote – 5 favor, 2 absent (Martin, Delgado)**

**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

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

The applicant is proposing to rezone the subject 0.48± acre property from O-I to N-B for the Cosmic Fox Trading Co., LLC retail store. 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.

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 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 for the 522 South Enota Drive property.

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.

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* which includes low-density and medium-density residential, and mixed-use / commercial.

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.

**Applicant Presentation:** Jennifer Walter, 2404 Candler Road, stated she is the owner/operator of Cosmic Fox Trading Company and started the business in 2019 after her father passed. Ms. Walter said Cosmic Fox opened at the location on Washington Street and is a place for people to feel welcome, purchase literature and have discussions about life. She would greatly appreciate consideration of the request and will maintain the integrity and beauty of the building which was originally owned by Doctor Nix from the late 1960's. She stated the floors and roof have been replaced, and wants to connect/support the community and make this her forever home.

**FAVOR:** None

**OPPOSE:** None

**Rebuttal:** None

**Planning and Appeals Board Comments:** None

**There was a motion to recommend conditional approval to rezone the subject property from Office and Institutional (O-I) to Neighborhood Business (N-B) with the following condition:**

**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.**

Motion made by Board Member Fleming  
Motion seconded by Board Member Simmons  
**Vote – 5 favor, 2 absent (Martin, Delgado)**

**ADJOURNMENT**

**There was a motion to adjourn the meeting at 6:04 p.m.**

Motion made by Board Member Thompson  
Motion seconded by Board Member Simmons  
**Vote – 5 favor, 2 absent (Martin, Delgado)**

Respectfully submitted,

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Doug Carter, Chairman

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Gwen Fleming, Recording Secretary