

**GAINESVILLE PLANNING AND APPEALS BOARD
MINUTES OF MEETING
APRIL 13, 2021**

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

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

Members Absent: None

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

Others Present: Council Members Barbara Brooks, George Wangemann and Sam Couvillon

MINUTES OF MARCH 9, 2021

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

NEW BUSINESS

A. Variance Request

- 1) Request from **Sanjuana Hernandez** to vary the rear yard setback requirement on a 0.29± acre tract located on the south side of Lenox Drive, north of Cannon Ridge Court (a/k/a **2584 Lenox Drive, SE**), having a zoning classification of Planned Unit Development (P-U-D).
Ward Number: Three
Tax Parcel Number(s): 15-022G-000-057
Request: Storage building

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

The applicant is proposing to vary the rear yard setback from 10-feet to 2-feet for a 440 square foot storage building that is partially under construction. The surrounding uses include single-family homes to the front and sides of the property and undeveloped property to the rear of the property. The property is 0.29 acre in size and is located within the Lenox Park subdivision zoned P-U-D which requires accessory buildings to be setback from the rear property line a minimum of 10-feet. The subject property contains a 1 ½ story single-family home built in 1999. The storage building is 1½ stories in height (10' to 12' deep by 40' wide) and is located approximately 100-feet from the rear of the existing home.

The applicant states the storage building is located close to the rear property line in order to allow space for grandchildren to play and for family activities. The applicant states they were unaware of the rear setback requirement and believes the building will have no impact on adjacent properties as it backs up to a wooded area.

The Planning Division staff is recommending **conditional approval** of this variance request based on the location of the existing home and the surrounding uses with one condition.

FAVOR: None

OPPOSE: None

Planning and Appeals Board Comments: None

There was a motion to conditionally approve the request to vary the rear yard setback requirement from 10-feet to 2-feet for a storage building having a zoning of Planned Unit Development (P-U-D).

Condition

The proposed storage building shall be limited to its current size and shall be constructed with an exterior siding to match the existing home.

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

B. Rezoning Request

- 1) Request from **Jim Chapman Communities** to rezone a 36.7± acres tract located on the southwest side of the intersection of Beverly Road and Limestone Parkway, having road frontage on the east side of Lakeview Drive and Old Lakeview Road (a/k/a **0 Beverly Road, NE**) from General Business (G-B) to Planned Unit Development (P-U-D).

Ward Number: Two
Tax Parcel Number(s): 01-083-002-003A
Request: 220-unit rental cottage community

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

The applicant is proposing to rezone the subject 36.7 acres property from G-B to P-U-D for a 220-unit rental cottage community. The property is located within the Limestone Parkway Overlay Zone and is adjacent to single-family homes and undeveloped property to the west, office and medical uses to the north and east and the adjacent Limestone Greenway mixed-used project to the south currently under development. According to the applicant the proposed cottages will provide market rate rental housing for all ages but are designed to accommodate the boomer generation that desires to downsize and millennials that can better afford to rent without the worries of maintenance. Maintenance of the cottages, yards, landscaped areas and common areas will be provided by a property management company. The projected completion date for the development is 2024.

Each cottage building will contain 3 to 4 units varying from 1 to 1½ stories in height. Individual units will range from 1,004 square feet to 1,426 square feet in size with 1 or 2 car garages. Approximately 70% of the units are planned for 2 bedrooms / 2 bathrooms and 30% of the units are planned for 3 bedrooms / 2.5 to 3 bathrooms. Amenities will include visitor parking spaced throughout the development, dog park, mail kiosk, clubhouse with a fitness center, kitchen and meeting space. Gated access is proposed from Limestone

Parkway and Beverly Road. A right in/out is proposed at the main entrance on Limestone Parkway. A right in/out and left-in is proposed on Beverly Road. The interior roads will be privately maintained with sidewalks. Trash pickup is to be provided by the City of Gainesville. According to the Traffic Study submitted with the proposal, the development is expected to generate approximately 1,622 new vehicular trips per day. Approximately 23 new entering and 78 exiting trips are expected in the morning with 75 entering and 44 exiting trips in the evening.

The Gainesville 2030 Future Development Map for the City of Gainesville places the subject property within the *Mixed-Use General* land use category and the *Park / Recreation / Conservation* land use category which are consistent with the location of the residential and open space proposed with the request. As well, the property is located within the *Limestone Medical Corridor* which allows for medium density residential. The overall gross density of the proposed development is *5.99 dwelling units per acre* which is consistent with the Comprehensive Plan.

Therefore, staff is recommending **conditional approval** of this rezoning request from General Business (G-B) to Planned Unit Development (P-U-D) based on the Comprehensive Plan and the adjacent mixture of uses with the following conditions:

1. The proposed development shall not exceed 210 residential units. The reduction of the 10 units may occur anywhere within the development to provide for additional passive green space or amenity space.
2. The proposal shall be generally consistent with the concept plan and architectural elevations provided with this rezoning application. In addition to what is shown on the applicant's architectural renderings/photographs, all roofs shall be constructed with architectural shingles and all exterior walls shall be constructed with a minimum 3-foot tall watermark of brick or stone material.
3. The proposed 50-foot wide vegetated buffer shall contain a mixture of existing and new evergreen trees where needed so as to provide for an effective buffer adjacent to the adjacent single-family residential properties. Evergreen buffer trees shall be planted around all proposed detention pond areas. The location, spacing, size and type of trees planted shall be subject to the approval of the Community and Economic Development Department Director.
4. There shall be no vehicular access permitted on Lakeview Drive and Old Lakeview Road.
5. All access point design for the subject property shall be submitted for review by the Gainesville Public Works Director and the Georgia Department of Transportation. The approval of said design shall be required prior to issuance of a land development permit. All required access/traffic/sidewalk improvements associated with the proposed development shall be at the full expense of the developer/property owner.
6. All streets within the development shall be privately maintained with a minimum pavement width of 24-feet. Minimum 5-foot wide sidewalks shall be provided on both sides of the street with a 2-foot grass beauty strip between the curb and the sidewalk.
7. An updated as-built survey/plat of the subject property, indicating existing conditions and all improvements shall be recorded prior to obtaining a Certificate of Occupancy for the last occupied residential unit.

Applicant Presentation: **Jim Chapman**, 2700 Cumberland Parkway, SE Atlanta GA, stated he has been a homebuilder and lot developer for his own company for 23 years in the

Atlanta area. He has concentrated for the last 15 years on active adult developments, age restricted, ranch style, gated communities that were for sale and two years ago started a community on the west side of Athens aimed at a high level work force active adults and seniors. Mr. Chapman gave a presentation on his background, leadership positions and awards his firm has won for builder of the year multiple times. He said he has the property under contract and said Mr. Tate did a wonderful job explaining so many things about the property. He stated the concept plan was amended and he met yesterday with the neighborhood off Lakeview with fifteen people opposed to this project and tried to answer their questions. He said the unit count was amended from 220 to 210 units and included certain traffic mitigations. Mr. Chapman said the neighborhood behind the project certainly doesn't want the community to have a lot of vehicular traffic traveling through their community. In an attempt to help with traffic, the development is limited to mostly right turning movements to address these concerns. He said also there would be an "R" cut concrete median at the Beverly Road entrance so you would be forced to take a right toward Limestone. A dedicated left turn lane on Beverly Road to enter the development is also proposed. The primary access is proposed from Limestone Parkway and the secondary access from Beverly Road. Mr. Chapman then referred to a site elevation plan within the PowerPoint presentation to help better understand the elevation of the development from Limestone Parkway which showed the development being mostly screened by the remaining tree foliage along Limestone Parkway. He stated it is 37 acres, 220 units and is fine with it being 210 units and excellent demographics, the rents will be the opposite of a Section 8 or low income housing and this community will attain the highest rents in the market simply because all the units are master on main and basically renting a small attached home that has a minimum of one car garage. He stated the gate systems should attract a large amount of single females that love a gate system, pull into a garage and their own home but does not attract a lot of families due to the size of the units and 70 percent of the units are only 1,000 square feet. He said 30 percent are three bedroom units with the third bedroom being upstairs in the attic area on the back with a dormer. He stated there is a pool, club house, fitness center, and dog park. He then explained the term "high level work force", attracts seniors and active adults, healthy people who want to live in a home and achieve the ultimate life maintenance free. Mr. Chapman showed photos of the exterior of the homes, explained the different floor plans and the parking spaces for each unit along with 75 parking spaces throughout the community, not counting the amenity building. He explained the club house layout with a leasing and management office with a manager on site, leasing person and two maintenance people. Any complaints would be addressed by the manager on site five days a week and someone else on the weekends. He said the rents will be somewhere from \$1,500 to \$1,600 for the 1,000 square foot 2 bedroom, and \$1,900 to \$2,000 for the 3 bedrooms and for the units with 2 car garages as much as \$2,100 to \$2,200. He stated he has renters by choice and could buy a home but choose to rent because of the maintenance free lifestyle of it. Mr. Chapman said the average age is 42, average occupant is 1.8 due to the design of the community and size of the units and said he appreciates the board's time.

OPPOSE: **Matt Bogart**, 574 Lakeview Drive, stated he moved here a year and a half ago from Florida. He stated he is not against the project itself but the traffic it will cause. He stated there is no left turn going north on Limestone Parkway into this development so you would need to go to Beverly Road and make a U-turn; however, there is traffic that feeds from Park Hill Drive and Quarry Street onto Lakeview Drive which feeds onto Beverly Road that will compete with making right turns onto Limestone Parkway while tenants are trying to make U-turns at the traffic light to come back to this development. He said it took him fifteen minutes to get to the meeting tonight during rush hour which is only about two miles away. He stated Lakeview Academy is right across the street from the development and last night

on Quarry Street there was 15 to 20 kids jogging. He said there is no shoulder on that road and this development would put more traffic onto Jesse Jewell Parkway from Quarry Street. He stated there is already a new development under construction with 30 homes/rental units for the Norton Companies that will dump that traffic onto Lakeview Drive, right across from the middle school. He said there is another 250 multi-family units that are also approved for the construction site that is currently under progress which will dump back onto Limestone Parkway right at the traffic light at Kroger. He stated he doesn't think this will improve the traffic situation here in the city but will only make it worse. He stated when you come home from the shopping area up on John Morrow Parkway, everybody will go up Quarry Street which is a street that can't be widened and is very narrow. He said currently the speed limit on Lakeview Drive and others is 30 MPH, along with Fairview Drive which has speed humps to prevent speeders. Mr. Bogart said these are all issues that will create traffic that will be unbearable, and speaking on behalf of most neighbors attending, they have a petition of 50 or 60 signatures and will all be at the next meeting. He said they don't disagree this is needed in Gainesville but Mr. Chapman didn't mention that the project in Athens is 9 miles from downtown and the Dawsonville location is 6.4 miles, so none of them in the immediate city limits. He stated this project will be within 2 miles of downtown Gainesville. He is very concerned with the traffic getting in and out and said people will start taking a shortcut through their neighborhood on a daily basis. Mr. Bogart said please consider these things, a different location would be great and gave examples of places for the project. He said these are some of the concerns and thanked the Board for their time and gave Chairman Carter copies of the petition of signatures.

Wendell Starke, 1750 Riverside Drive, stated he thinks it's a good project but a previous study asked for an improvement to the right turn from Beverly Road going onto Limestone Parkway and is hopeful that the same recommendation be implemented at this time for this project but seems to be ignored in this presentation. He suggested the right turn from Beverly Road onto Limestone Parkway be addressed by a traffic engineer.

Janet Cordery, 625 Robinhood Trail, stated her family has lived at the same location since 1963 when the neighborhood was built and before that her family has lived in the area for 250 years with great-grandparents who worked at the New Holland Mill. Ms. Cordery stated when she retired as a school teacher/professor/school psychologist who worked with disabled students in a college setting for 35 years, she moved back in 2017. She said it has changed a lot and agrees with everything Mr. Tate has pointed out but felt it was a lovely concept but is not needed and very disappointed with the request. Ms. Cordery stated she lives in a beautiful quiet neighborhood with wildlife and a creek and wants to improve the property. She would like to see the neighborhood remain quiet and peaceful, where the children play in the street. She has seen a lot of cars coming in and out, dead deer in the roads, very narrow roads, pollution, and speeders. She said she loves the city but does not want to see this project there on that beautiful ridge. She stated hundreds of trees have been lost, and it is a muddy mess with rain streaming down Lakeview Drive. Also, she said with 210/220 units times how many cars, school children, students practice running through the neighborhood all of which is very dangerous. She said she misses the owls, doesn't hear the frogs very much, a family of deer moved into the back and wants to stand up for the wildlife which Gainesville is known for its beautiful deer. She also felt the light pollution is getting very bad and does not want to see the concept here and is upsetting to a lot of the neighbors and thanked the Board for their time.

Meg McPeck, 1491 Robinhood Trail, stated she is part of the demographic that would probably rent one of these units but decided when she returned to Gainesville to purchase on Robinhood Trail in the home her family started. She wants to remind people that the

neighborhood provides an interesting snapshot of Gainesville and its diversity with neighbors of different cultures, young families checking on each other, consoling one another when someone's spouse passes away and thinks it offers an unique opportunity to be an example of a great neighborhood. She asked the Board to take into consideration the infrastructure of the neighborhood being able to sustain a new development like this. She said there are the cottages being built by Norton and wants to thrive as a neighborhood with children playing in the front yard, they don't have the infrastructure to even handle traffic that is there and is the reason for a lot of the frustration. Adding more traffic could possibly limit what they have to offer as a neighborhood in town as an example of Gainesville's growth. She hopes it's taken into consideration that the infrastructure is not there whether from what people say or the emails shared with Mr. Tate.

REBUTTAL: Mr. Chapman said the gentleman that pointed out the right turn lane from Beverly Road onto Limestone Parkway as referred to in the traffic study. Mr. Chapman stated he is open to exploring that and figuring out if it's a condition that needs attention.

Planning and Appeals Board Comments: Mr. Tate stated to the Board there are six separate emails from the neighborhood voicing concerns and some have spoken but wanted them to be aware of it.

There was a motion to recommend denial the request to rezone the subject property for a 220-unit rental cottage community from General Business (G-B) to Planned Unit Development (P-U-D).

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

C. Zoning Amendment Request

- 1) Request from **Tidal Wave Auto Spa** to amend the existing Planned Unit Development (P-U-D) zoning on a 7.76± acres tract located northeast of the intersection of Browns Bridge Road and McEver Road (a/k/a **1440 McEver Road, SW**).

Ward Number: Four
Tax Parcel Number(s): 08-016-002-041
Request: Express car wash facility

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

The applicant is proposing to amend an existing 7.76 acres property zoned Planned Unit Development (P-U-D) for the purpose of constructing a car wash. The property is located within the Gateway Corridor Overlay Zone and contains an internal access drive and detention pond. The adjacent uses include a RaceTrac gas station/convenience store, Cresswind Neighborhood, Gainesville Church of God, Recro Pharmaceutical, and Walmart Neighborhood Market. In 2005, the subject property was approved as part of a mixed-use PUD that included the adjacent Cresswind neighborhood and up to 80,000 square feet of retail/restaurant space. In 2008, the PUD zoning was amended to allow 40,000 square feet of retail space to include the RaceTrac gas station/convenience store and a future retail shopping center. The subject property has remained undeveloped for 13 years.

The proposal includes a tunnel car wash approximately 3,500 square feet in size. Parking and outdoor vacuum cleaners are to be located at the rear of the tunnel wash and access is proposed from three shared driveways which currently provide access to the subject property and the adjacent RaceTrac gas station/convenience store.

According to the Traffic Study submitted with the proposal, the proposed car wash is expected to generate approximately 1,512 (756 Enter / 756 Exit) new vehicular trips per day of which 60-70% are expected to be pass-by trips and not newly created trips. Approximately 28 new entering and 30 exiting trips are expected in the peak hour morning with 39 exiting and 39 entering trips in the peak hour evening. Coordination will be required with the Georgia Department of Transportation for the proposed request.

It is staff's opinion that the proposal is consistent with the Comprehensive Plan. The property is located within the *Retail/Commercial* land use category and the *Suburban Residential* Character Area which supports a mixture of uses including automotive related businesses.

The Planning Division staff is recommending **conditional approval** of this zoning amendment request based on the comprehensive plan and the adjacent uses with the following conditions:

1. The proposal shall be generally consistent with the concept plan and architectural elevations provided with this zoning amendment application and shall adhere to the exterior building material requirements of the Gateway Corridor Overlay Zone.
2. All access point design for the subject property shall be submitted for review by the Gainesville Public Works Director and the Georgia Department of Transportation. The approval of said design shall be required prior to issuance of a land development permit. All required access/traffic/sidewalk improvements associated with the proposed development shall be at the full expense of the developer/property owner.
3. The subject property shall have a minimum 35-foot wide vegetated buffer adjacent to the Cresswind neighborhood property line. The buffer shall contain a mixture of existing and new evergreen trees where needed so as to provide for an effective buffer. The location, spacing, size and type of trees planted shall be subject to the approval of the Community and Economic Development Department Director.
4. A minimum 8-foot tall opaque fence shall be provided along the edge of the rear parking lot and vacuum area. The fence shall consist of vinyl or composite material architecturally compatible with the proposed building.
5. The 10-foot wide frontage landscape area located along Browns Bridge Road and McEver Road shall contain a minimum 3-foot high landscaped berm subject to subject to the approval of the Community and Economic Development Department Director.
6. The signage for the proposed development shall be limited to one principal free-standing sign not to exceed 10-feet in height. All other standards shall meet the Neighborhood Business (N-B) zoning standards. An electronic message board sign shall not be permitted for the subject property.
7. The developer/property owner shall coordinate with the Cresswind Homeowner's Association (HOA) regarding the design, construction, security and maintenance of the connector trail to the adjacent residential development. Construction of the commercial portion of the trail shall commence no later than the completion of the trail within the adjacent Cresswind neighborhood.

Applicant Presentation: Attorney Steve Gilliam, 301 Green Street, said he is representing the applicant and introduced two gentlemen Marty Murphy who is the in-house development coordinator for the applicant, and Thomas Wells development consultant for the applicant. He said Mr. Wells will speak about the project and company, knows more about it to answer questions and Mr. Murphy is also available. Attorney Gilliam said he will close with a discussion of conditions that the staff has recommended and the language in them.

Thomas Wells, 4335 South Lee Street, Buford, GA, said Tidal Wave is under contract to purchase the entire 7.76± acres property and the majority of it will remain green space and only developing an acre and half or quarter which is on the actual pad that has already been constructed there beside RaceTrac. He spoke about the history of Tidal Wave, one of the earliest to begin the express tunnel carwash business and began operation in 2004. He said Scott Blackstock, the founder and president of Tidal Wave was awarded the Small Business of the Year for the State of Georgia in 2009. He shared the objective of Tidal Wave is to be the most attractive business, run the cleanest facility, and have the best operations, in their words wants to be the “Chick-Fil-A” of the carwash industry. He said operations from 8 am to 8 pm, closing at sunset in the winter months. Tidal Wave uses recycled water, takes rinse water and recycling it using it in wash water, then goes through an underground treatment system and filtered out before it enters back into the sewer system and none of the water off the wash area will enter into the storm water system. He stated Tidal Wave is really big in the communities where located, for example partners with booster clubs, athletic teams, churches raising money for a fund raiser and basically give to an organization a \$20 wash ticket, sell it for \$10 and the organization gets half of the \$10 so a win/win for the organization and people supporting them. He said also the third Friday in September of every year 100 percent of the proceeds goes toward a local charity, non-profit and because of some personal relationships of Mr. Blackstock focus on the charities serving those with special needs. Mr. Wells said the lot has been dormant growing weeds and collecting trash for the last thirteen years. He explained the entrance area and with no improvements on McEver Road or Highway 369, stated as you enter the tunnel will be on the front, exit and leave or can go to the self-serve vacuums. He said with the express tunnel system a person never leaves their car, no worrying about their valuables, very big on lighting and keeping the tunnel itself open and not claustrophobic. He stated this is a very successful business model that others are using and then spoke about the exterior materials of the building. He said there is a condition of a 10 feet high monument sign and no issues with that.

Attorney Gilliam said they would like to make changes to conditions 4, 6, and 7. He stated condition 4 would like it to state subject to the approval of the CEDD director because the vinyl fencing may create issues of maintenance which is consistent with condition number three regarding the trees and keep the language consistent. Attorney Gilliam said condition 6 regarding building signage shall meet the Neighborhood Business (N-B) standards and wants to clarify it so they are able to have two building signs. He then stated that condition 7 be deleted because there will be no commercial property there other than the carwash and RaceTrac and doesn't make sense for them to build a way for a golf cart to come from Cresswind to come to Tidal Wave to get a golf cart washed, so they are asking for condition 7 to be deleted and will be glad to answer any questions.

FAVOR: None

OPPOSE: Doug Geganto, 3211 Black Gum Lane, Cresswind Community, had the following concerns: Businesses should provide a service to the community; would cause more problems than solutions; traffic issues including additional traffic with new middle school; signalization issues with left turns; potentially cause more accidents; inconvenience for Cresswind residents because of traffic bottleneck; and business saturation with 6 car washes within a 3 mile radius.

Frank Hunter, 950 McEver Road, manager at Lakeside Carwash, stated people are driving fast and using RaceTrac as a cut through, and with the new school, it will make it more dangerous. Mr. Hunter said they are a family owned business operating 15 years in Gainesville, 4 years under his ownership. He said within 5 miles there are 11 facilities to clean vehicles. He stated that three years ago, Wash Rocket opened next to Best Buy which took 50 percent of his business, and this will be 1.5 miles from his facility and would be difficult for his business to survive.

Louis McClure, 3917 Bloomfield Way, Cresswind resident, asked if he could show a presentation and Chairman Carter said there was only a few minutes remaining. Mr. McClure stated he isn't against having a car wash at the location but wanted to mention some concerns not addressed. He said in the drawings for the car wash it shows an access through RaceTrac parking lot to Browns Bridge Road and does not have use permits from GDOT and is concerned about increase use as a cut-through. Mr. McClure then stated there is a retention pond behind it which will have more run-off with the addition of asphalt and will go into the storm drain system. He said on his presentation he had photos of the pond overgrown, gate was open, trees and shrubs, and the smell of petroleum products. He said with the addition of the car wash it will increase the amount of storm runoff going into the retention pond. He stated the pond has an overflow, then goes 65 feet down the hill by the right-of-way for the power company then into Lake Lanier to Cresswind marina. Mr. McClure stated he did not see anything in the staff report about environmental protections. He was opposed due to the increased traffic, cut-through issue and not sure if we are protecting our environment as well.

Brent Garrett, 1447 Bluff Valley Circle, owner of Extreme Clean Auto Spa, stated he has been doing business with the City of Gainesville for a long time with great deals on car washes and does not make any profit on those. He said he washed over 4,000 cop cars last year for free. Mr. Garrett does not see a benefit for another car wash within 200 yards of his carwash which has an express wash/self-service and touch-free wash with monthly memberships. He said he has two locations in town, rated over 4.4/4.5 on Google, and Facebook rated very well. He said they have been in business over 15 years in Gainesville with a location on Limestone Parkway which are kept very clean. He states we do not need a company that is not family owned, not taken care of and their reviews are not close to his car wash facility.

REBUTTAL: Attorney Gilliam stated this request is actually a down zoning from 80,000 square feet to 40,000 square feet of retail commercial which didn't work and so now they are proposing a car wash. He said there is nothing in rezoning or zoning laws/regulations with the COG or according to the State Supreme Court of Georgia that says over saturation of a business is a zoning consideration, it's not. Attorney Gilliam said the inter-parcel access was required by staff in the rezoning several years ago when RaceTrac came and is the position of staff now as we all want to see inter-parcel access and that is why it exists.

Thomas Wells stated the inter-parcel access was a previous requirement and is a standard recommendation to reduce the number of curb cuts onto the through roads. He said there is

an existing easement across Tidal Wave property, if it's developed, for RaceTrac and vice versa for some of the Tidal Wave customers back over to Browns Bridge Road. Mr. Wells said when the PUD was originally approved in 2005, it was for 80,000 square feet of retail, and in 2008 it was RaceTrac and 40,000 square feet of retail and the traffic impact analysis done actually analyzed for about 23,000 square feet of retail so it compared the Tidal Wave versus 23,000 square feet of retail. He said the difference is Tidal Wave has about 65 percent of cars entering or exiting/passing by and are not destination trips whereas a retail center, 75 percent of those cars are new trips. He said when comparing new trips verses passing trips Tidal Wave will produce fewer new trips on the road than if it was developed as 23,000 square feet or 40,000 square feet as already approved in the rezoning. He stated when the retention pond was constructed as a master retention pond both the Tidal Wave and RaceTrac projects go into this one pond and cannot speak to the maintenance issue but will certainly address it. He said the staff as well as the State of Georgia requires a certain level of water quality standards and retention standards to be met and will be taken care of.

Planning and Appeals Board Comments: **Board Member Thompson** asked about the proposed conditions being revised before voting.

Deputy Director Tate referred to the PowerPoint there are proposed amendments to the conditions which have been reviewed and which do not appear to reduce the quality of the development in terms of buffer fencing and vacuum noise and staff is good with the proposed changes. Mr. Tate said condition 7 is a carryover from the previous zoning amendment regarding the trail connectivity. Regardless, the existing zoning condition is still required for the RaceTrac property if Cresswind HOA decides to construct a trail to connect to the commercial property. Mr. Tate said that it has been determined the topography is very challenging, it is his understanding that Cresswind HOA at this point in time has no desire to construct a trail. Deputy Director Tate stated he is okay with deleting condition 7 in its entirety.

Board Member Simmons asked about the property being zoned for a restaurant and what has changed. He also asked how much traffic would there be if there was a restaurant at the location instead of a car wash.

Deputy Director Tate stated from a retail shopping center standpoint, there are typically additional uses that have to be accounted for in addition to a restaurant. Restaurant uses are generally high traffic generators in the AM peak hour if serving breakfast and during lunch and dinner hours. The traffic study stated about 70 percent of the traffic is pass-by background traffic such as vehicles stopping at RaceTrac and getting a car wash while there. He said in his professional opinion, the traffic calculations for a retail center that includes a restaurant would produce more traffic than a car wash.

There was a motion to recommend conditional approval of the zoning amendment request to allow for an express car wash facility with Planned Unit Development (P-U-D) zoning with the following revised conditions:

Conditions

- 1. The proposal shall be generally consistent with the concept plan and architectural elevations provided with this zoning amendment application and shall adhere to the exterior building material requirements of the Gateway Corridor Overlay Zone.**

2. All access point design for the subject property shall be submitted for review by the Gainesville Public Works Director and the Georgia Department of Transportation. The approval of said design shall be required prior to issuance of a land development permit. All required access/traffic/sidewalk improvements associated with the proposed development shall be at the full expense of the developer/property owner.
3. The subject property shall have a minimum 35-foot wide vegetated buffer adjacent to the Cresswind neighborhood property line. The buffer shall contain a mixture of existing and new evergreen trees where needed so as to provide for an effective buffer. The location, spacing, size and type of trees planted shall be subject to the approval of the Community and Economic Development Department Director.
4. A minimum 6-foot tall opaque fence or a row of evergreen trees shall be provided along the rear parking lot and vacuum area subject to the approval of the Community and Economic Development Department Director.
5. The 10-foot wide frontage landscape area located along Browns Bridge Road and McEver Road shall contain a minimum 3-foot high landscaped berm subject to subject to the approval of the Community and Economic Development Department Director.
6. The signage for the proposed development shall be limited to one principal free-standing sign not to exceed 10-feet in height and two building signs which shall meet the Neighborhood Business (N-B) zoning standards.

Motion made by Board Member Martin
Motion seconded by Board Member White
Vote – 5 favor, 2 oppose (Fleming, Delgado)

ADJOURNMENT

There was a motion to adjourn the meeting at 6:58 p.m.

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

Respectfully submitted,

Doug Carter, Chairman

Gwen Fleming, Recording Secretary