

**GAINESVILLE PLANNING AND APPEALS BOARD
MINUTES OF MEETING
NOVEMBER 9, 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, Kelvin Simmons, Eddie Martin and Ryan Thompson

Members Absent: Board Member Carmen Delgado

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

Others Present: Council Members Barbara Brooks and George Wangemann

MINUTES OF SEPTEMBER 14, 2021

There was a motion to approve the minutes as presented.

Motion made by Board Member Thompson

Motion seconded by Board Member White

Vote – 6 favor, 1 absent (Delgado)

OLD BUSINESS

NEW BUSINESS

A. Annexation Requests

- 1) Request from **Koch Foods of Gainesville, LLC** to annex a 0.572± acre tract located on the northwest side of the intersection of Industrial Boulevard and Mitchell Street (a/k/a **966 Industrial Boulevard**) and to establish zoning as Heavy Industrial (H-I).

Ward Number: Four

Tax Parcel Number(s): 00-050-001-007

Request: Poultry processing plant expansion

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

The applicant is proposing to annex a 0.572± acre tract with a zoning of Heavy Industrial (H-I) and to rezone a 0.55± acre tract from Residential-II (R-II) to Heavy Industrial (H-I). The intent is to bring the subject property and the adjacent property owned by Koch Foods under on jurisdiction with a zoning of Heavy Industrial (H-I) in the city. The surrounding uses include mostly heavy industrial poultry processing uses and the Melrose Apartments (Public Housing) to the north. The adjacent Good News at Noon property was recently purchased by the applicant as part plant expansion. Good News at Noon has begun the process of building a new facility at the corner of Dorsey Street and Pearl Nix Parkway less than a half mile from the current site. The 0.572± acre subject property is zoned Heavy Industrial (I-II) in the County and is part of an existing unincorporated county island currently being used for truck parking for Koch Foods. The 0.55± acre subject property is zoned R-II and consists of three parcels and a small strip of right-of-way. Presently, the property contains part of a parking lot and a duplex rental home that will be demolished as part of the redevelopment. The applicant intends to redevelop the entire 10.0± acres campus owned by Koch Foods for a new poultry

processing plant which includes all of Mitchell Street. The existing facility is approximately 74,000 square feet in size and the new facility will range from approximately 170,000 to 183,000 square feet in size. The new facility includes space for poultry processing, freezer, office, employee and truck parking. Driveway access will be provided for delivery trucks off of Industrial Boulevard and Davis Street which is designed to better separate truck and employee parking off of Davis Street.

It is staff's opinion the proposal is consistent with the Comprehensive Plan. The subject property is located within the *Industrial* land use category and the Economic Development Gateways character area. This category includes areas containing or planned for a wide range of office, business, light industrial, manufacturing, transportation research and development uses.

The Planning Division staff is recommending **conditional approval** of the annexation and rezoning request based on the Comprehensive Plan and the adjacent industrial uses.

Applicant Presentation: William Fasulo, 4703 Hiawatha Drive, stated the goal is to build a state-of-the-art facility to do business, the current location is land-locked. Mr. Fasulo said the plan is to build the new facility and vacate the current one.

FAVOR: None

OPPOSE: None

PLANNING AND APPEALS BOARD COMMENTS: None

There was a motion to recommend conditional approval of the annexation request with a zoning of Heavy Industrial (H-I).

Conditions

1. All access point design for the subject property shall require review and approval by the Gainesville Public Works Department Director. All required access/traffic/sidewalk improvements associated with the proposal shall be at the full expense of the property owner.
2. The proposed redevelopment of the subject property shall meet the Gainesville Unified Land Development Code standards including but not limited to access, parking, stormwater, landscaping, fencing and signage.
3. An updated as-built survey/plat combining the subject property and adjacent properties owned by applicant shall be required.

Motion made by Board Member Thompson

Motion seconded by Board Member Martin

Vote – 6 favor, 1 absent (Delgado)

- 2) Request from the **Atlanta Botanical Garden, Inc.** to annex a total of 17.032± acres to include a 10.237± acres tract located on the northwest side of the intersections of Lake Hill Drive and Randall Street and Lake Hill Drive and Gary Street; and a 6.795± acres tract located on the west side of the cul-de-sac of Barrett Street, having road frontage on the north side of Riverbend Circle (a/k/a **115 Barrett Street, 102, 104 and 106 Gary Street;**

213, 301, 303 and 305 Lake Hill Drive; 0, 100, 101, 102, 103, 104, 105, 106, 107, 109 and 111 Randall Street; 0 Riverbend Circle) and to establish zoning as Planned Unit Development (P-U-D).

Ward Number: Two

Tax Parcel Number(s): 00-093-001-003A, 005, 020, 021, 022, 023, 027, 028, 029, 030, 031, 032, 033, 034, 035, 036, 037, 038, 039, and 040

Request: Atlanta Botanical Garden expansion

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

The Atlanta Botanical Garden is proposing to annex 17.032± acres and rezone 20.695± acres with a zoning of Planned Unit Development (P-U-D). The properties are located west of Cleveland Highway and the surrounding uses include property owned by the Atlanta Botanical Gardens, single-family homes, apartments and various office, retail and services off of Cleveland Highway. The parcels to be annexed are part of a larger unincorporated island zoned Residential-I (R-I) in Hall County which includes 18 parcels totaling 10.2± acres and all of Gary Street and part of Randall Street just west of Lake Hill Drive. The second tract to be annexed includes two parcels totaling 6.8± acres located at the end of Barrett Street and on the northside of Riverbend Circle. The properties to be rezoned consist of a 13.6± acres tract zoned General Business (G-B) located on the west side of Lake Hill Drive and a 7.0± acres tract zoned Residential-II (R-II) located at the end of Roper Hill Road. The intent is to combine all of the properties with the adjacent 167.99± acres ABG campus which was originally annexed in 2003. Presently, the existing Atlanta Botanical Gardens campus includes a 2,000 seat amphitheater, visitor center, greenhouse, numerous gardens, exhibits and parking. The proposal includes previously approved uses/facilities and additional parking, access and a 30,000 square foot future event center. As well, the long term plan includes providing access to Roper Hill Road.

It is staff's opinion the proposal is consistent with the Comprehensive Plan. The subject property is located both within the *Parks/Recreation/Conservation* land use category and the *Low- Medium Density Residential* land use category and within the *Limestone Medical Corridor* character area and the *Traditional Neighborhoods* character area which supports parks and recreation facilities, permanently designated open space, and conservation areas, including buffers also along waterways and other environmental features.

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

Applicant Presentation: **Bradley Dunckel**, Rochester & Associates, 425 Oak Street stated also present is Art Fix from Atlanta Botanical Garden and they will be glad to answer any questions.

OPPOSE: **Alex Mathes** 1532 Enota Avenue, stated he lives in the Cry Creek subdivision on the eastern portion of the 168 acres which backs up to the alternative access area. He said after researching online for information, read the applicant's narrative and believes it seemed to be recycled from phase one of the original Botanical Garden and offered no specific information as to the future plans of the alternative access, specifically the 7.07 acres to be rezoned. Mr. Mathes requested the applicant provide information regarding rezoning area which is on the back of his property, is very steep, rugged and are two perennial streams that flows directly into Cry Creek. He said that he hopes the applicant will be requesting stream variances from EPD for any type of construction over the streams. Mr. Mathes hopes the applicant will reduce the footprint and understands they are a membership driven

conservation organization and generate an enormous amount of money, and hopes they do their due diligence. Also, he hopes they work with adjacent land owners to minimize disturbance such as a gated road, install nighttime lights so there are no illuminating lights in his back yard, and hopes the gardens will be forthcoming and transparent about potential future uses. He stated it is a large tract close to the city of Gainesville, Lake Lanier and residential areas, needs a fence enclosure to keep out deer and large mammals. He stated concern for large mammals being pushed out into adjacent neighborhoods and possible a strike hazard onto Highway 129 causing risk to the public. He stated to recap he hopes the applicant to be more forthcoming of proposed actions.

Alison Toller, 1531 Enota Avenue, stated she lives on the cul-de-sac of the property to be rezoned and reason for purchasing her house was it is on a quiet and protected street, one street subdivision and near Enota Elementary School. She said the Botanical Gardens is behind her property and understood would likely always remain green space and more reason to buy the property. Mrs. Toller's concern was the rezoned property and creating a road, bringing a public area into their backyard, and the use of the road has not been disclosed. She said currently there is only deer and kids playing in the back yard. Mrs. Toller's request is to deny the rezoning request 7.07 acres or table until there are more specific plans such as traffic level, what it might look like and could have a realistic expectation as to the road and purpose of it, if it would be heavily traveled. She said it is not in keeping with the neighborhood and has concerns of devaluation of their property.

PLANNING AND APPEALS BOARD COMMENTS: Chairman Carter stated the property to be rezoned is currently zoned R-II which is multi-family zoning in the City of Gainesville and could allow for apartments to be placed on the property. Chairman Carter stated the concerns were Cry Creek, potential road/sidewalk, streams, EPD, stream variances, gates and lights were some of them.

REBUTTAL: Mr. Dunckel stated changing from a master plan to a land development permit plan some details will be addressed and worked out at that time. He stated there are aware of stream buffers which will be avoided and will put the road at a minimal 75-feet away from the property line that forms the back of Mr. Mathes property. He said there might be topography challenges and understands the road will only be used for event situations giving a back access for some of the traffic in the other direction. He stated there are no plans to further develop the green space, bulk of the property and the organization is conservation and education focused. Mr. Dunckel believes the purchase of the properties will allow the botanical garden to place the parking in an area that has been previously developed either partially or fully developed before. He said they are trying to avoid any large scale disturbance like a parking lot into the main area of the garden.

Art Fix, 1345 Piedmont Road, stated he is the Atlanta Botanical Garden Chief Operating Officer and the plan is incorporation into the city and have the same zoning classification. Mr. Fix said the vision short-term and long-term is to provide approximately 300 parking spaces in the first phase. He stated the second phase would include an additional 300 spaces on the northern section where houses are currently located and provide close to 700 parking spaces total. He said the amphitheater holds approximately 2,000 people so should allow sufficient quantity to allow access to the venue with egress using Lake Hill Road, parking will be closed off from Lake Hill Road at the entrance drive. He said the parking will be closed off from Lake Hill during normal hours but only used as egress during concert activity. Mr. Fix said the normal traffic flow will continue to be Sweetbay Drive, the main entrance. He stated at some point in time, they might consider an eatable garden/children's garden to teach about plants

which could be ten to fifteen years from now. He said Rochester & Associates did include some of those elements for the big picture and to think ahead but not in the short-term plan.

There was a motion to recommend conditional approval of the annexation request with a zoning of Planned Unit Development (P-U-D).

Conditions

1. The development plan and architectural plan for the proposed access, parking lot and event center must be reviewed and approved by the Community and Economic Development Director prior to the issuance of a permit.
2. A Uniform Sign Plan as identified within Section 9-18-7-4 of the Unified Land Development Code shall be required from the developer and is subject to approval by the Community and Economic Development Director. All signs shall be located outside of utility areas and shall not block visibility of vehicular traffic.
3. The proposed parking, event center and all other facilities within the subject property shall be sufficiently screened from the adjacent residential uses. The vegetated buffer areas shall be a minimum of 50-foot wide and the location, size and type of vegetation shall be approved by the Community and Economic Development Director.
4. All access point design for the subject property shall require review and approval by the Gainesville Public Works Department Director in conjunction with the Georgia Department of Transportation if required. All required access/traffic/sidewalk improvements associated with the proposal shall be at the full expense of the property owner/applicant. There shall be no vehicular access allowed from Barrett Street or Riverbend Circle.
5. An updated as-built survey/plat combining the subject property and adjacent properties owned by applicant shall be required.

Motion made by Board Member Martin

Motion seconded by Board Member White

Vote – 6 favor, 1 absent (Delgado)

- 3) Request from **Caballero Holdings, LLC** to annex a total of 140.77± acres to include a 44.91± acres tract located at the northeast side of the terminus of Floyd Road; a 80.8± acres tract located on the north side of Eberhart Cemetery Road; a 9.467± acres tract, 4.397± acres tract and a 1.996± acres tract located southwest of the intersection of Jesse Jewell Parkway and Old Cornelia Highway (a/k/a **0 Eberhart Cemetery Road; 2465 Floyd Road, SE; 2166, 2170 and 2210 Old Cornelia Highway**) and to establish zoning as Planned Unit Development (P-U-D).

Ward Number: Three

Tax Parcel Number(s): 15-022-000-001B, 003 (Part); 15-033B-000-022, 024 and 026A

Request: Master planned mixed-use development

Chairman Carter stated Deputy Director Tate received notification the applicant would like to table their request to the December 14, 2021, Planning and Appeals Board meeting.

There was a motion to table the annexation request to the December 14, 2021, Planning and Appeals Board meeting.

Motion made by Board Member Thompson
Motion seconded by Board Member Simmons
Vote – 6 favor, 1 absent (Delgado)

B. Rezoning Requests

- 1) Request from the **Atlanta Botanical Garden, Inc.** to rezone a total of 20.695± acres to include a 13.625± acres tract located on the west side of Lake Hill Drive, having road frontage on the north side of Barrett Street; and a 7.07± acres tract located on the northwest side of the cul-de-sac of Roper Hill Road (a/k/a **103 Gary Street, NE; 1662 Roper Hill Road, NE**) from Residential-II (R-II) and General Business (G-B) to Planned Unit Development (P-U-D).
Ward Number: Two
Tax Parcel Number(s): 00-093-001-042; 01-084-004-005
Request: Atlanta Botanical Garden expansion

There was a motion to recommend conditional approval to rezone the subject property from Residential-II (R-II) and General Business (G-B) to Planned Unit Development (P-U-D) with the following conditions:

Conditions

1. The development plan and architectural plan for the proposed access, parking lot and event center must be reviewed and approved by the Community and Economic Development Director prior to the issuance of a permit.
2. A Uniform Sign Plan as identified within Section 9-18-7-4 of the Unified Land Development Code shall be required from the developer and is subject to approval by the Community and Economic Development Director. All signs shall be located outside of utility areas and shall not block visibility of vehicular traffic.
3. The proposed parking, event center and all other facilities within the subject property shall be sufficiently screened from the adjacent residential uses. The vegetated buffer areas shall be a minimum of 50-foot wide and the location, size and type of vegetation shall be approved by the Community and Economic Development Director.
4. All access point design for the subject property shall require review and approval by the Gainesville Public Works Department Director in conjunction with the Georgia Department of Transportation if required. All required access/traffic/sidewalk improvements associated with the proposal shall be at the full expense of the property owner/applicant. There shall be no vehicular access allowed from Barrett Street or Riverbend Circle.
5. An updated as-built survey/plat combining the subject property and adjacent properties owned by applicant shall be required.

Motion made by Board Member Martin
Motion seconded by Board Member Thompson
Vote – 6 favor, 1 absent (Delgado)

- 2) Request from **Koch Foods of Gainesville, LLC** to rezone a 0.55± acre tract located between Davis Street and Industrial Boulevard, southwest of Queen City Parkway (a/k/a

911, 913 and 919 Davis Street, SW; 950 Industrial Boulevard, SW) from Residential-II (R-II) to Heavy Industrial (H-I).

Ward Number: Four

Tax Parcel Number(s): 01-030-009-001 and 002; 00-030-009-002 (Part)

Request: Poultry processing plant expansion

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

Conditions

- 1. All access point design for the subject property shall require review and approval by the Gainesville Public Works Department Director. All required access/traffic/sidewalk improvements associated with the proposal shall be at the full expense of the property owner.**
- 2. The proposed redevelopment of the subject property shall meet the Gainesville Unified Land Development Code standards including but not limited to access, parking, stormwater, landscaping, fencing and signage.**
- 3. An updated as-built survey/plat combining the subject property and adjacent properties owned by applicant shall be required.**

Motion made by Board Member Thompson

Motion seconded by Board Member Simmons

Vote – 6 favor, 1 absent (Delgado)

C. Zoning Amendment Request

- 1) Request from **Caballero Holdings, LLC** to amend an existing Planned Unit Development (P-U-D) zoning totaling 981.661± acres located east of Lanier Parkway (I-985), south of the intersection of Old Cornelia Highway and Dana Drive, south of Floyd Road and east of its terminus, having road frontage on the east side of Lenox Drive (a/k/a **0, 2490 and 2544 Floyd Road, SE; 0 Lenox Drive, SE; 0 Old Cornelia Highway, SE**).**

Ward Number: Three

Tax Parcel Number(s): 15-021-000-164; 15-022-000-003M, 004, 034 and 086;
15-033-000-001

Request: Master planned mixed-use development

Chairman Carter stated Deputy Director Tate received notification the applicant would like to table their request to the December 14, 2021, Planning and Appeals Board meeting.

There was a motion to table the zoning amendment request to the December 14, 2021, Planning and Appeals Board meeting.

Motion made by Board Member Martin

Motion seconded by Board Member White

Vote – 6 favor, 1 absent (Delgado)

D. Code Amendment Request

- 1) Request from the **City of Gainesville** to amend the Unified Land Development Code for the City of Gainesville, Georgia to amend Table 9-5-1 of Article 9-5 entitled "Permitted and Special Uses for Residential Zoning Districts"; to amend Table 9-6-1 of Article 9-6 entitled "Permitted and Special Uses for Nonresidential Zoning Districts"; to amend Section 9-10-2-5 entitled "Single-Family Attached Dwelling (Fee-Simple Townhouse); to amend Section 9-10-3-5 entitled "Private Swimming Pools"; to amend subsection (c) of Section 9-21-1-12 entitled "Recommendations on text amendments"; to amend subsection (d) of Section 9-22-2-18 entitled "Action by Governing Body".

Chairman Carter stated Deputy Director Tate would like to withdraw the request at this time.

There was a motion to approve the withdrawal of the code amendment request.

Motion made by Board Member Fleming
Motion seconded by Board Member Martin
Vote – 6 favor, 1 absent

ADJOURNMENT

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

Motion made by Board Member Martin
Motion seconded by Board Member White
Vote – 6 favor, 1 absent

Respectfully submitted,

Doug Carter, Chairman

Gwen Fleming, Recording Secretary