

**GAINESVILLE PLANNING AND APPEALS BOARD
MINUTES OF MEETING
MARCH 8, 2022**

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 and Carmen Delgado

Members Absent: Board Member Ryan Thompson

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

Others Present: Council Members Barbara Brooks and George Wangemann

MINUTES OF FEBRUARY 8, 2022

There was a motion to approve the minutes as presented.

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

OLD BUSINESS

NEW BUSINESS

A. Rezoning Request

- 1) Request from **Interface Properties, LLC** to rezone a 6.6± acres tract located on the southwest side of the intersection of Dawsonville Highway and Beechwood Boulevard (a/k/a **989 Dawsonville Highway, NW**) from Residential-I (R-I), Residential-II (R-II) and General Business (G-B) to General Business (G-B).

Ward Number: One

Tax Parcel Number(s): 01-115-002-002E

Request: Retail, drive-through restaurant and auto service

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

The property is currently zoned Residential-I (R-I), Residential-II (R-II) and General Business (G-B). The property is located within the Gateway Corridor Overlay Zone and contain a church building previously occupied by Trinity Baptist Church. Adjacent uses include numerous commercial retail, restaurant and service uses fronting Dawsonville Highway as well as residential uses off of Beechwood Boulevard. The applicant is proposing to consolidate the 6.6± acres property under one zoning of General Business (G-B) for a 3,751± square foot fast food drive-thru restaurant and a 2,086± square foot auto (lube) service use. No specific use has been identified for the remainder of the property known as Phase II. Access is proposed from Dawsonville Highway as well as near an existing driveway cut on Beechwood Boulevard. A Traffic Study was completed for the proposed development of which a summary is provided in the staff recommendation report.

The proposed use is consistent with the purpose and intent of the Comprehensive Plan as the property is located within the *Retail/Commercial* land use category and within the *Suburban Commercial* Character Area.

The Planning Division staff is recommending **conditional approval** of this rezoning request with G-B zoning, based on the Comprehensive Plan and the adjacent residential and non-residential land uses.

Applicant Presentation: **Tyler Smith**, 340 Jesse Jewell Parkway, represents the applicant and also present was Patrick Bentley from High Point Real Estate. Mr. Smith stated the property is currently owned by Chattahoochee Baptist Association and the purpose was to consolidate the zoning to a General Business (G-B) zoning category. He said it is a commercial corridor on all sides except for the west which is residential. He stated the adjacent residential property will be at a lower in grade of approximately 20 to 30 feet once developed. The development will consist of a fast food restaurant and an oil change facility. He then explained phase two at the rear of the property will be developed at a later time and agrees with all conditions including the prohibited uses mentioned by Mr. Tate. He said there will be access at Dawsonville Highway with a cut at Beechwood Boulevard and hopefully inter-parcel access with McEver Corners Shopping Center.

FAVOR: None

OPPOSE: **Christine Osasu**, 1738 Lanier Springs Drive, presented a petition containing signatures and said more than 70 percent of the neighbors are opposed to the request. She spoke about accidents on Dawsonville Highway, traffic concerns at Beechwood Boulevard, noise, safety, property values decreasing, litter and asked the board to consider not allowing an entrance to the development on Beechwood Boulevard.

Brooke Reid, 1756 Beechwood Boulevard, stated she was speaking on behalf of her mother's residence. She submitted an open records request from the police department which showed a high number of wrecks on Dawsonville Highway at and near Beechwood Boulevard. Her other concern was the proposed entrance/exit at Beechwood Boulevard and the amount of traffic it might bring. She said the church never had access and is opposed to the development.

Rebuttal: Mr. Smith stated there will be a vegetated buffer planted to buffer the development from the residential uses. There would be only one driveway onto Dawsonville Highway and one driveway onto Beechwood Boulevard for the project similar to the neighboring Olive Garden restaurant which provides additional access the Beechwood residents to access the existing signalized intersection. Mr. Smith gave a brief review the traffic study which stated the proposal would have minimal traffic impacts to Beechwood Boulevard along with the prohibited uses.

PLANNING AND APPEALS BOARD COMMENTS: Board Member Simmons asked about how many homes were in the area and was told approximately sixty-five and then asked the name of the proposed restaurant. Mr. Smith stated he could not reveal the name due to confidentiality. Vice-Chair Fleming asked if Phase II would be retail and if it would be subdivided and need to come back through the planning board. Chairman Carter stated on a commercial project with a large amount of acreage was normal not to know all the tenants at the beginning but over time filled in within the parameters of the rezoning. Chairman Carter said the front lots are usually the first to have users/tenants.

Deputy Director Tate stated if the property is rezoned then it could be subdivided and developed for different types of uses that could include such uses as a daycare center, kennel, lodging services, office, retreat center, self-storage facility or animal hospital. Mr. Tate stated the board is charged to determine if the proposed use entirety is consistent with the Comprehensive plan while giving consideration to any impact to the adjacent and nearby properties. He explained that GDOT plans to redesign the existing median cut at Beechwood Boulevard and Dawsonville Highway with an R-Cut median that would allow a dedicated left turning movement off of Dawsonville to Beechwood Boulevard. He stated the development would be limited to right turning movements from the proposed driveway on Dawsonville Highway and from the intersection of Beechwood Boulevard/ Dawsonville Highway. The staff proposed zoning conditions restrict the proposed development to a single driveway on Dawsonville Highway, a single driveway on Beechwood Boulevard and the possibility of an inter-parcel access driveway connecting the development to the neighboring McEver Corners shopping center.

Board Member Simmons asked if Ms. Osasu understood or was confused about the exits. Ms. Osasu stated she understood but was mostly concerned with the traffic trying to get out of the neighborhood and had been stuck for more than 30 minutes at the shopping center across the street at one point. She also asked about noise and traffic from self-storage unit/buildings in a residential area. Chairman Carter stated a self-storage facility generates the least amount of traffic for a development.

There was a motion to recommend conditional approval to rezone the subject property for retail, drive-through restaurant and auto service from Residential-I (R-I), Residential-II (R-II) and General Business (G-B) to General Business (G-B) with the following conditions:

Conditions

- 1. The proposed buildings shall be generally consistent with the standards depicted on the concept plan and architectural elevation provided with this rezoning application and shall adhere to the Gateway Corridor Overlay Zone standards.**
- 2. Prohibited uses for the subject property shall include group homes, crisis centers, adult novelty stores, adult entertainment centers, pawn shops, dollar-type stores, massage parlors, tobacco or vaping stores, tire stores, auto parts stores, gas station/convenience store, auto body shops, automobile sales establishments, marine sales or repair stores, automated or non-automated car washes, truck stops, coin-laundry facilities, tattoo parlors, psychics, fortune tellers, clairvoyants and the like.**
- 3. A mixture of evergreen and deciduous buffer trees shall be planted at the top of the grade between Beechwood Boulevard adjacent to the proposed building/parking lot/service areas. In addition, the frontage landscape strip at the street grade of Beechwood Boulevard shall be planted with trees, shrubs and sod similar to the adjacent Olive Garden restaurant property. The location, size and type of landscaping /trees shall be subject to the approval of the Community and Economic Development Department Director.**
- 4. An electronic message board / changeable copy sign shall not be permitted.**
- 5. Free-standing signage shall not be allowed along Beechwood Boulevard.**

6. **The subject property shall be limited to one driveway on Beechwood Boulevard and one driveway on Dawsonville Highway as generally depicted on the concept plan. In addition, an inter-parcel access drive shall be permitted to connect with the adjacent McEver Corners shopping center located south of the subject property.**
7. **Prior to a permit being issued, the developer/property owner shall exhaust all reasonable measures to provide for inter-parcel vehicular access with the adjacent McEver Corners shopping center property located south of the subject property as determined by the Gainesville Public Works Director. Documentation shall be provided to the City of Gainesville in this regard.**
8. **All access point design for the subject property shall be submitted for review by the Georgia Department of Transportation in conjunction with the Gainesville Public Works Director. 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 developer/property owner.**

Motion made by Board Member White

Motion seconded by Board Member Martin

Vote – 5 favor, 1 oppose (Simmons), 1 absent (Thompson)

ADJOURNMENT

There was a motion to adjourn the meeting at 5:56 p.m.

Motion made by Board Member Martin

Motion seconded by Board Member Delgado

Vote – 6 favor, 1 absent (Thompson)

Respectfully submitted,

Doug Carter, Chairman

Gwen Fleming, Recording Secretary