

**GAINESVILLE PLANNING AND APPEALS BOARD
MINUTES OF MEETING
APRIL 12, 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, Carmen Delgado and Ryan Thompson

Members Absent: None

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 MARCH 8, 2022

There was a motion to approve the minutes as presented.

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

OLD BUSINESS

NEW BUSINESS

A. Annexation Request

- 1) Request from **Carl Volle** to annex a 0.40± acre tract located on the south side of Meadowlark Lane, east of the intersection of Cleveland Highway and Meadowlark Lane (a/k/a **1646 Meadowlark Lane**) and to establish zoning as Residential-II (R-II).
Ward Number: Two
Tax Parcel Number(s): 00-084-006-001(Part)
Request: Single-family lot

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

The applicant is proposing to annex the subject 0.40± acre property with a zoning of Residential-II (R-II) for sewer in order to construct a single-family home. The property is currently zoned Agricultural Residential-III (AR-III) within unincorporated Hall County and is adjacent to the city limits to the west. The property is located within the Limestone Overlay Zone and the adjacent uses include single-family homes, apartments, mini-warehouses and the Glory 1330 Radio station. The proposed home will be a minimum of 1,200 square feet of heated living area (3BR/2BA) and will include a one car carport.

The City of Gainesville places the subject property within the *Low-Medium Residential* land use category and the Limestone Medical Corridor Character Area which includes areas containing or planned for single-family detached or semi-detached housing.

The Planning Division staff is recommending **conditional approval** of this annexation request with Residential-II (R-II) zoning, based on the Comprehensive Land Use Plan and the adjacent residential land uses.

Applicant Presentation: **Carl Volle**, 4529 Montclair Circle stated he would like to annex and rezone the property for a single-family home and connect to city sewer. He said the home would be similar to the homes currently being constructed.

FAVOR: None

OPPOSE: None

PLANNING AND APPEALS BOARD COMMENTS: None

There was a motion to recommend conditional approval of the annexation request for a single-family lot and establish zoning as Residential-II (R-II) with the following conditions:

Conditions

1. The development shall be limited to one single-family home.
2. The development shall be generally consistent with the site plan and pictures provided with this annexation application. In addition, the roof shall be constructed with architectural shingles and the front and sides of the home shall be constructed with a minimum 3-foot tall watermark of brick or stone material.
3. The front and side yards of the home shall be sodded with grass.
4. An updated as-built boundary survey/plat of the subject property, indicating new property boundaries, shall be recorded prior to obtaining a Certificate of Occupancy.

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

B. Rezoning Requests

- 1) Request from **West Ridge Storage, LLC** to rezone a 3.69± acres tract located on the east side of West Ridge Road, northeast of its intersection with E. E. Butler Parkway (a/k/a **891 West Ridge Road, SE**) from Regional Business (R-B) to Light Industrial (L-I).
Ward Number: Three
Tax Parcel Number(s): 01-055-000-046
Request: Climate controlled self-storage

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

The applicant is requesting to rezone the subject 3.69± acres property from R-B to L-I for a climate controlled self-storage facility. Property is located on the east side of West Ridge Road across from Cargill. Other adjacent uses include QT gas station, Athens Hwy. Package store, Kag Food Products and the Black and Cooley Drive neighborhood in the county. The proposed facility is two-stories in height and approximately 101,000 square feet

in size that will include 1,500 square feet of office space. The anticipated hours of operation of the office will be from 8:00 A.M. to 6:00 P.M. Exterior materials will include a mixture of brick, EIFS, glass and metal and a standing seam metal roof. Stormwater will be provided onsite behind the building which will be buffered from residential property located off of Black Drive. A single access driveway is proposed from West Ridge Road. The property is mostly wooded with no structures.

It is staff's opinion that the proposal is consistent with the Comprehensive Plan. The property is located within the *Industrial land use category* and within the *Economic Development Gateways character area* which includes a wide range of office, business, light industrial, manufacturing, research and commercial uses.

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

Applicant Presentation: Attorney Steve Gilliam, 340 Jesse Jewell Parkway, Suite 300, stated he represents the applicant and spoke only of the items Deputy Director Tate did not mention. Mr. Gilliam stated the traffic will be minimal, there will be no children to teach, no odors or noise, security lighting will be non-spill, buffers/landscape in rear near the single-family house and all conditions are acceptable.

FAVOR: None

OPPOSE: None

PLANNING AND APPEALS BOARD COMMENTS: None

There was a motion to recommend conditional approval to rezone the subject property for climate controlled self-storage from Regional Business (R-B) to Light Industrial (L-I) with the following conditions:

Conditions

1. 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.
2. The proposal shall be generally consistent with the standards depicted on the concept plan and architectural elevation provided with this rezoning application.
3. A vegetated buffer consisting of a mixture of evergreen buffer trees shall be planted at the top of the grade between the subject property and the adjacent single-family property located at 915 Black Drive. The trees shall be a minimum installation height of 7 feet. The location, size and type of landscaping/trees shall be subject to the approval of the Community and Economic Development Department Director.
4. Signage shall only be permitted on West Ridge Road. An electronic message board changeable copy sign shall not be permitted.

5. **Access shall only be permitted on West Ridge Road as generally depicted on the concept plan. All access point design for the subject property shall require approval by the Gainesville Public Works Director. All required access / traffic / sidewalk and improvements associated with the proposed development shall be at the full expense of the developer/property owner.**

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

- 2) Request from **523 Park Street, LLC** to rezone a 0.31± acre tract located on the north side of Park Street and east of the intersection of Park Street and Boulevard (a/k/a **523 Park Street, NE**) from Residential-I (R-I) to Residential-II (R-II).
Ward Number: Two
Tax Parcel Number(s): 01-038-003-015
Request: Accessory carriage house apartment

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

The applicant is proposing to rezone the subject property from R-I to R-II for an accessory carriage house apartment. The property is 0.31 acre in size and contains a 2,372 square foot home that was recently remodeled by the applicant. In 2017, the property was rezoned from R-II to R-I by the previous owner for the existing single-family use. The adjacent uses include a single-family home, duplex home, Norton Agency offices and Brenau University. The proposed accessory apartment is one-story and will include 1,245 square feet of heated floor space and a one car garage to be located to the rear of the existing home. The existing driveway will be shared by both residences. According to the code, the heated floor area for accessory apartments should not exceed 900 square feet in size, or half of the size of the principle dwelling, whichever is less. The proposed accessory carriage house apartment is 1,245 square feet in size (375 square feet larger), but appears to be in scale with the surrounding structures.

The Future Development Map for the City of Gainesville places the subject property within the *Low-Medium Residential* land use category which includes areas containing or planned for single-family detached or semi-detached housing and is located within the *Traditional Neighborhoods* Character Area specifically within the *Northern Neighborhoods* subarea which allows low-density and medium-density residential, and mixed-use / commercial.

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

Applicant Presentation: **Jon Canada**, 4306 Cleveland Highway, Canada Builders, stated he represents the owner/occupant Dr. Ethan Rogers. Mr. Canada said they are proposing to build a carriage house at the rear of the structure which will not exceed 1,245 square feet on one level with an attic space. He stated they have invested in the area by renovating/restoring the character of older homes in the area and keeping the small town feel in the area which is attractive to many families. Mr. Canada stated it is a very good project for the area which is a good investment by keeping people in Gainesville to raise their family. He said they would appreciate the board's support for the rezoning.

FAVOR: None

OPPOSE: None

PLANNING AND APPEALS BOARD COMMENTS: None

There was a motion to recommend conditional approval to rezone the subject property for an accessory carriage house apartment from Residential-I (R-I) to Residential-II (R-II) with the following conditions:

Conditions

- 1. The proposed accessory carriage house apartment shall be generally consistent with the standards depicted on the concept plan and architectural elevation provided with this rezoning application and shall not exceed 1,245 square feet in size.**
- 2. A vegetated buffer consisting of a mixture of evergreen buffer trees shall be required adjacent to the property located at 529 Park Street. The trees shall be a minimum installation height of 7 feet. The location, size and type of landscaping/trees shall be subject to the approval of the Community and Economic Development Department Director.**

Motion made by Board Member Martin

Motion seconded by Board Member Simmons

Vote – 7 favor

C. Zoning Amendment Requests

- 1) Request from **Lane & Block, LLC** to amend an existing Planned Unit Development (P-U-D) zoning on a 60.71± acres tract located at the west side of the intersection of Jesse Jewell Parkway and Limestone Parkway, having road frontage on the east side of Lakeview Drive (a/k/a **0 Limestone Parkway**).

Ward Number: Two

Tax Parcel Number(s): 00-082-003-001

Request: Mixed-use development

Chairman Carter stated Deputy Director Tate met with the applicant and they asked to table the zoning amendment request to the June 14, 2022, Planning and Appeals Board meeting.

There was a motion to table the zoning amendment request until the June 14, 2022, Planning and Appeals Board meeting for a mixed-use development with Planned Unit Development (P-U-D) zoning.

Motion made by Board Member Thompson

Motion seconded by Board Member Martin

Vote – 7 favor

- 2) Request from **Angela Zubar** to amend an existing Planned Unit Development (P-U-D) zoning totaling 3.29± acres located at the southwest side of the intersection of Pemmican Run and Bruce Drive, west of McEver Road (a/k/a **2475 Pemmican Run, NW**).

Ward Number: Five

Tax Parcel Number(s): 08-005-000-038

Request: Special event facility / Wine tasting room

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

The applicant is proposing to amend an existing 3.29± acres property zoned Planned Unit Development (P-U-D) to allow a special event facility, outdoor pavilion and wine tasting room. The property is located on the southwest side of Pemmican Run and is adjacent to Lake Lanier. The surrounding uses include single-family home owned by the applicant, the Pemmican Point subdivision, Bay Point subdivision, Waters Edge subdivision across the cove and a gas station/retail strip center. The property received zoning approval in 2007 for a 56-unit condominium/townhome development that was never developed. The property contains no structures. The proposal includes three buildings and outdoor space including a 9,150 square foot event center, 2,000 outdoor pavilion and a 2,000 square foot tasting room. A total of 100 private parking spaces will be provided with access from Pemmican Run. The proposed special event facility is designed to have a maximum capacity of 200 guests and be available to rent 7 days a week. The tasting room will operate Thursday, Friday and Saturday with an anticipated 5 to 20 daily visitors.

The property within the *Medium-High Density Residential* land use category which includes areas containing or planned for single-family or multi-family housing and within the *Suburban Residential* Character Area which allows for primarily residential uses, public / institutional, commercial, and parks / recreation / conservation, and mixed-use where appropriate.

The Planning Division staff is recommending **denial** of this request based on the Comprehensive Plan and the adjacent residential uses.

Applicant Presentation: Angela Zubar, 4318 Marble Arch Way, Flowery Branch, stated she is requesting an amendment to the existing PUD zoning. Mrs. Zubar stated the proposed venue would be a better transition to the area and growth of the city and less intense on the neighborhood and lake than the 56 condo/townhomes that were proposed. She said currently the only indoor event space is at Lake Lanier Island's Convention Center which tax dollars goes to Gwinnett County but this event center would bring tax dollars to Hall County and the City of Gainesville. She said local businesses such as hotels, restaurants and the square would benefit from it also bringing visitors from surrounding areas to discover all the growth that Gainesville has to offer and believes it would bring the community together with a tasting room/venue where the hours would be controlled and scheduled. She said traffic would be limited to the start and finish of the events compared to continuous traffic with a townhome development. Mrs. Zubar stated they have worked with an experienced design firm giving the building a residential feel and a beautiful landscape enhancing the lake. She said they own the house adjacent to the property and the reason they purchased it was to prevent the 56 unit townhomes which would add 24/7 traffic with more impact on the lake with a large community dock. Mrs. Zubar said with the area growing, the need and want for a community space is evident and will promote public health and well-being. After speaking with neighbors on Pemmican Run and Bruce Lane she had good feedback and also attended a neighborhood meeting answering questions and addressed concerns with positive feedback from the majority. She said after an article in the Times they had encouraging texts with support from the community. Mrs. Zubar had two letters of support from neighbors on Pemmican Run along with a couple of supporters at the meeting. She spoke about a concern from neighbors being the access point at the venue and got Surveyor Chris Patton make a new location for the driveway with a right turn out only. She stated police officers are required by law to attend events which will help direct traffic. She said during events the music will be inside the building, buffered by trees on the Corps line and noise will not be an issue. She stated nothing will be permitted on the dock and currently there is no dock. Mrs. Zubar stated lighting was

another concern which will not be an issue since there will not be large light poles and only low profile lighting to light the path to parking and buildings. She said they have been planting trees between Pemmican Run and the venue and more to be done. She stated they are in full agreement with the conditions recommended by the staff.

FAVOR: Mike Smith, 2640 Pemmican Run, stated he agrees with the applicant about the current zoning being very high density housing and not appropriate for the area and thinks it was a mistake made previously. He said the use of the modified PUD zoning would be better suited for a subdivision neighborhood and would like for it to be a single-family home. Mr. Smith said due to the value of the property and location that he supports the applicant's efforts and restrictions mentioned. He said Mrs. Zubar has been very open to the neighbors and is a friendly neighborhood, quiet, mostly retired folks and preferred to keep it that way and believes the applicant is trying to do the same thing. He said the conditions are the same things as discussed with neighbors and would like to see recommendations for decreasing traffic, noise and light pollution codified by the Board in the recommendations. He then gave the board members an edited copy of emails between Mrs. Zubar and himself regarding their discussions and things she agreed with. He said the points are highlighted which staff has already recommended although they are recommending denial but has a long list of conditions, but thinks it is appropriate, needs to be residential style as much as possible and the conditions help accomplish it. Mr. Smith stated there was no mention of traffic control in the conditions but is glad to know the driveway will be moved down but would like to see it in writing along with an island median that forces right turns out with a left turn sign going in. He said it will keep more traffic out of the neighborhood and surrounding areas by funneling the flow on and off McEver Road, which is better for the applicant and neighborhood. He believes most of the neighbors agree with these points with some opposing because they don't want anything to go in there. His concern is if this request doesn't get approved there might be very high density housing which will be worse for the area. He asked the board to approve the request with written conditions as in his handout and staff recommendations.

Dawn Mumpower, 4307 Marble Arch Way, Flowery Branch, stated she is a longtime resident and loves Gainesville and Hall County. She doesn't like taking her business elsewhere but in 2016 she took her daughter to get married in Fulton County which was a loss of visitors staying in Hall County and Gainesville. He believes it would be a great opportunity to get visitors to the community, bring in tax dollars and help young folks to keep money here. Mrs. Mumpower said she has viewed the plans and thinks they are amazing. She has been a mortgage banker for 30 years and is not against housing but believes the community is missing the ability to stay in the community to visit a tasting room and nice venue for events. She thanked the board for the growth in downtown Gainesville and understands there is a new venue too but not on the lake. She said the nearest is Lake Lanier but no inside facility to host an event. Mrs. Mumpower believes the applicant wants the best for everyone and is kind and considerate and wants the environment to be healthy.

OPPOSE: Denise Cullom, 2722 Bruce Drive, stated her property is across the lake and believes it is not the best fit for the residential area. She said the 56 condos previously approved were for Mrs. Zubar's current residential property along with the other property which was higher acreage, when the two properties were combined. Mrs. Cullom said the Hall County traffic study in 2021 of the two intersections with the highest accident rates were McEver and Browns Bridge Road including McEver at Home Depot and the only two ways to access the venue are those two main intersections. Her concern is people drinking at a winery and wedding venue. The other concern was noise traveling across the lake with music until 11 p.m. which is concerning for Bruce Drive and Pemmican Run and other subdivisions across the lake.

Robert Shipley, 2710 Bruce Drive, stated his property is adjacent to the subject property and believes he is more impacted by it. He said he loves a good party but not one seven days a week. He said in regards to the low lighting mentioned by the applicant, the vehicles coming in will be shining on his house, noise can't be prevented and if anyone wants an event center then have them put it next to their property. He said traffic concerns has been expressed and the water runoff will make the silt fill into the lake. He then asked the neighbors present that oppose the request to stand and 10 of them stood up. He thanked the board to not allow the venue.

Rebuttal: Mrs. Zubar stated there are trees along the Corps line of approximately two acres between Mr. Shipley's and their property. She said Mr. Shipley's house is further away from the property line but his garage is closer as far as car lights shining in the windows. Mrs. Zubar stated she is sensitive to noise and traffic but the noise will be inside the building buffered by a wall along with the trees on the Corps line. She said there will be no burden to the school systems as would condo units, and it would not be seven days a week event space. She stated the first year would be focused on Friday, Saturday and Sunday's with possibly 80 special events for the year.

PLANNING AND APPEALS BOARD COMMENTS:

There was a motion to recommend denial of the zoning amendment request for a special event facility / wine tasting room with Planned Unit Development (P-U-D) zoning.

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 6:12 p.m.

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

Respectfully submitted,

Doug Carter, Chairman

Gwen Fleming, Recording Secretary