

1. CALL TO ORDER

2. MINUTES

A. April 12, 2021 PAB Meeting Minutes

3. OLD BUSINESS

4. NEW BUSINESS

A. Variance Requests

- (1) Request from **Gainesville Dental Group, LLC** to vary the front yard setback requirement on a 0.54± acre tract located on the south side of Spring Street, west of Race Street (a/k/a **412 Spring Street, SE**), having a zoning of General Business (G-B).

Ward Number: Four
Tax Parcel Number: 01-008-001-002
Request: Medical office building

B. Rezoning Requests

- (1) Request from **Ricky and Janice Hames** to rezone a 0.24± acre tract located on the south side of Oak Street, east of the intersection of Ridgewood Terrace, Woods Mill Road, Rainey Street and Oak Street (a/k/a **721 Oak Street, NW**), from General Business (G-B) to Residential-I (R-I).

Ward Number: Four
Tax Parcel Number: 01-026-001-012
Request: Single-family residence

C. Special Use Requests

- (1) Request from **Jeff Arkema** for a special use on a 1.77± acres tract located on the north side of Browns Bridge Road, east of McEver Road (a/k/a **2888 Browns Bridge Road, SW, Suite E**), having a zoning of Regional Business (R-B).

Ward Number: Four
Tax Parcel Number: 08-015-006-025
Request: Automotive styling center

5. MISCELLANEOUS

6. ADJOURNMENT



CITY OF GAINESVILLE

AGENDA REQUEST

Date Submitted: 4/18/2022
Presenter: N/A
Item of Business: April 12, 2021 PAB Meeting Minutes
Meeting Date: 5/10/2022

Purpose of Request:

The purpose of this request is to allow the Planning and Appeals Board to approve the minutes from the referenced meeting.

History/Background:

Facts & Issues for Consideration:

The draft minutes were reviewed by the Office & Records Coordinator and the Community Development Deputy Director.

Department Recommendation:

Approval of the minutes as presented.

Department Director:

Rusty Ligon

If funding is involved, are funds approved within the current budget?

N/A

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
 Draft Minutes	Minutes

GAINESVILLE PLANNING AND APPEALS BOARD
DRAFT 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

Date Submitted: 5/5/2022

Presenter: Matt Tate

Item of Business: Request from **Gainesville Dental Group, LLC** to vary the front yard setback requirement on a 0.54± acre tract located on the south side of Spring Street, west of Race Street (a/k/a **412 Spring Street, SE**), having a zoning of General Business (G-B).
 Ward Number: Four
 Tax Parcel Number: 01-008-001-002
 Request: Medical office building

Meeting Date: 5/10/2022

Purpose of Request:

The applicant is proposing to vary the front yard setback requirement from 40-feet to 15-feet for a two-story, 7,000± square foot medical office building. The property is vacant of structures but contains an existing asphalt driveway and parking lot. The applicant is basing the hardship on the location of the existing parking lot and the remaining area to construct the building. The adjacent uses include the Georgia Power office, Bank of America and various professional and medical offices.

History/Background:

Facts & Issues for Consideration:

Department Recommendation:

Planning staff recommended approval with one condition. See the Staff Recommendation report for details.

Department Director:

Rusty Ligon

If funding is involved, are funds approved within the current budget?

N/A

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
☐ Staff Recommendation Report	Report
☐ Location Maps	Backup Material
☐ Statement of Hardship	Backup Material
☐ Survey	Backup Material
☐ Site Plan	Backup Material
☐ Architectural Rendering	Backup Material

**GAINESVILLE PLANNING and APPEALS BOARD
STAFF RECOMMENDATION**

Applicant and Property Owner..... Gainesville Dental Group, LLC
Property Owner Georgia Power Company
Location..... 412 Spring Street, SE
Request..... Vary the front yard setback from Spring Street
Size 0.54± acre
Ward..... Four
Proposed Use..... Medical office building
Planning Division Staff Recommendation **Approval, with condition**
Date..... May 10, 2022

▪ **Request**

The subject property is zoned General Business (G-B) which requires a 40-foot front yard setback. The applicant is proposing to vary the front yard setback along Spring Street from 40-feet to 15-feet for a two-story, 7,000± square foot medical office building.

▪ **Background Information and Existing Conditions**

The property is vacant of structures but contains an existing asphalt driveway and parking lot. The adjacent uses include the Georgia Power office, Bank of America and various professional and medical offices.

▪ **Significant Factors**

The Ordinance requires that the applicant's claim for hardship must be based on the size or shape of the lot, its topography, or other physical characteristics inherent in the lot itself and not on the desired aesthetics. Further, the Code states that a variance shall not be granted as a convenience to the applicant or as a way to gain any advantage or interest over similarly zoned properties.

The applicant is basing the hardship on the location of the existing parking lot and the remaining area to construct the building.

In December of 2021, a similar front yard setback variance from 40-feet to 0-feet was approved by the Planning and Appeals Board for a property located at 430 Broad Street for a restaurant.

▪ **Other Departmental Comments**

There are no other departmental comments for this request.

▪ **Supporting Documents**

Statement of Hardship, Plat, Site Plan, Architectural Rendering.

▪ **Analysis**

(1) Are there extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography?

The property is flat and is of normal shape and size.

(2) Would the application of the Unified Land Development Code to this particular piece of property create an unnecessary hardship?

The purpose of the building setback requirement is to provide for uniformity of building placement, sufficient access, as well as to provide for adequate separation from neighboring properties for fire safety. The 40-foot front yard setback requirement would be out of character with the adjacent buildings fronting Spring Street which are within 15-feet of the front property line.

(3) Are there conditions that are peculiar to the property which adversely affect its reasonable uses or usability as currently zoned?

The property is zoned for General Business (G-B) which allows for office and commercial uses. The subject property has zero foot (0') side and rear yard setbacks due to the adjacent properties being zoned for commercial purposes. The location of the parking lot to the rear of the building appears to provide for both a logistical need and an aesthetic need.

(4) Would relief, if granted, cause substantial detriment to the public good or impair the purposes and intent of this ordinance?

The proposed restaurant building would not appear to cause detriment to the public good or impair the purpose of the ordinance. The surrounding area includes numerous buildings located very close to Spring Street given that their age and proximity to downtown. The proposed location of the building should not impact fire safety requirements or create building separation issues.

(5) There must be a proved hardship by showing beyond a doubt the inability to make a reasonable use of the land if the zoning ordinance were applied literally.

While there appears to be no physical hardship other than the location of the existing parking lot, the request appears to be reasonable based on the similar location of adjacent structures.

(6) The hardship cannot be self-created; e.g., as in a case where the lot was purchased with the knowledge of an existing restriction.

The applicant was made aware of the front yard setback requirements during their due diligence process. According to the applicant, the lot is under contract to purchase with a contingency on the variance.

▪ **Staff Recommendation**

The Planning Division staff is recommending **conditional approval** of this variance request based on the similar location of the adjacent buildings and the location of the existing parking lot.

Condition

The proposal shall be generally consistent with the concept plan and architectural rendering provided with this variance application.



STREET

GAINESVILLE

Bank of America

O-I

2 Dog Cafe

SPRING STREET

Peoples
Financial
Corporation

Georgia
Power

G-B

RACE STREET

Northside
Imaging

Joyce
Merck
Florist

BROAD STREET

EEBUTLER PARKWAY

Applicant: **GAINESVILLE DENTAL GROUP, LLC**

VARIANCE REQUEST

Subject Property Address:
412 Spring Street, SE

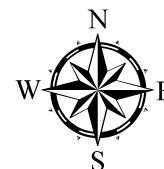
Tax Parcel:
01-008-001-002

Request:

Vary front yard setback requirement from 40-feet to 15-feet on a 0.54+/-
acre tract zoned General Business (G-B) for a medical office building



Subject Property



Meeting Date: 05/10/2022

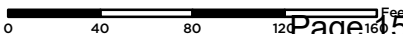
Map Prepared: 04/13/2022

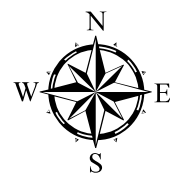
0 40 80 120 160 Feet

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SCALE: 1" = 83'



Applicant: GAINESVILLE DENTAL GROUP, LLC		Request: Vary front yard setback requirement from 40-feet to 15-feet on a 0.54+/- acre tract zoned General Business (G-B) for a medical office building	
VARIANCE REQUEST			
Subject Property Address: 412 Spring Street, SE	Tax Parcel: 01-008-001-002	 Subject Property	Aerial from 2021
Meeting Date: 05/10/2022	Map Prepared: 04/13/2022		SCALE: 1" = 83'
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Variance Request

STATEMENT OF HARDSHIP

The Gainesville Planning and Appeals Board has the authority, in specific cases, to grant variances from the terms of the Unified Land Development Code of the City of Gainesville, Georgia, when the variance will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the Unified Land Development Code will, in specific cases, result in unnecessary hardship and so that the resolution shall be observed, public safety and welfare secured, and substantial justice done. The authority to grant such variances shall be limited to those instances where a hardship is clearly established as required by the Unified Land Development Code. Variances may be granted only upon a finding by the Gainesville Planning and Appeals Board that:

Describe how each situation listed below relates to your application.

1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography. (The hardship must relate to the physical character of the lot and not to a personal or economic hardship.)
The parcel in question is only 0.54 acres. The lot presently has parking space on it and a 20' driveway. The present available acreage to build on parcel is approx. 72'W x 100'L (see attached map). The Applicant plans on building a 50'W x 70'L 2 story office building. This is not possible with front setback.

2) The application of the requirements of this resolution to this particular property would create an unnecessary hardship.
The front setback requirement for this G-B zoned property is 40'. This front setback requirement would not allow the Applicant to build the size medical office building it needs to meet its clinical and office space needs.

3) There are conditions that are peculiar to the property which adversely affect its reasonable use or usability as currently zoned.
The conditions unique to this property are the existing parking spaces already in place and the drive without a structure. Again this limits building space to approx. 72'W x 100'L. The zoning issue is only front setback issue. The proposed variance request to 15' front setback would address Applicant's n

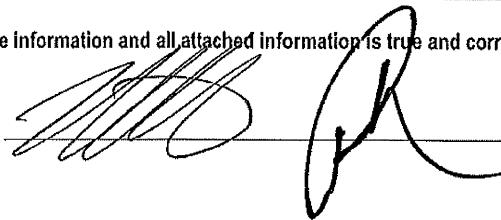
4) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this Ordinance. For example, granting the variance would not confer any special privilege that is denied by this regulation to other property in the same zoning district. Such conditions are not the result of any actions of the property owner.
The variance would not cause detriment to the public good or confer special privilege on this property over others in the area. This variance would actually put this proposed building to be virtually the same front setback as buildings on either side of this property that have same zoning.

5) There must be a proved hardship by showing beyond a doubt the inability to make a reasonable use of the land if the zoning ordinance were applied literally.
Please see responses to questions 1 & 3. The buildable acreage for this property is approx. 72'W x 100'L. The new medical office building will require more parking (See Concept Plan) by code. If front setback stays at 40', then largest building would be 50'W x 45'L. This is too small to address clinical and office space needs.

6) The hardship cannot be self-created; e.g., as in a case where the lot was purchased with the knowledge of an existing restriction.
It is not self created.

I hereby certify that the above information and all attached information is true and correct.

Signature of Applicant



Date 3-30-22

eFiled & eRecorded
DATE: 12/10/2019
TIME: 1:36 PM
PLAT BOOK: 00678
PAGE: 00117
RECORDING FEES: \$8.00
PARTICIPANT ID: 6783366241
CLERK: Charles Baker
Hall County, GA
NOTE: by ch

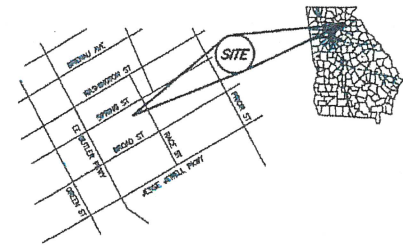
COORDINATE SYSTEM INFORMATION TABLE

AVERAGE ELEVATION: 1248.18
STATE PLANE A.C. SCALE FACTOR: 0.999912346
COMPUTED ELEVATION FACTOR: 0.99990299
COMBINED FACTOR: 0.9998050
GA VERT ZONE: NAD83 (2011), NAVD 83

CONTROL	STATE PLANE
60d NAIL SET (CP 1) EL=1245.36	N 1564895.80 E 2400341.37
60d NAIL SET (CP 2) EL=1251.00	N 1564808.69 E 2400522.93

PLAT ABBREVIATIONS

IPF - Iron Pin Found
IPS - Iron Pin Set
RF - Rebar Found
CHF - Conc. Monument Found
PKNS - PK Nail Set
#RF - #4 Rebar Found
#RS - #4 Rebar Set
CNS - Corner not set
OTF - Open Top Pipe Found
P/L - Property Line
R/W - Right of Way
C/L - Centerline
F/L - Fenceline
T/L - Transmission Line
TM - Tax Map
DB - Deed Book
PB - Plat Book
MF - Map File No.
N.T.S. - Not to Scale
P.O.C. - Point of Commencement
P.O.B. - Point of Beginning
INT - Intersection
UGP - Underground Power
OHP - Overhead Power
GPC - Georgia Power Company
GM - Gas Meter
WM - Water Meter
AC - Air Conditioner
M.B.L. - Minimum Building Line
FD - Found
PP - Power Pole



LOCATION MAP - NOT TO SCALE

UTILITY LEGEND	MONUMENTATION LEGEND
Sanitary Manhole	Iron Pin Set
Storm Manhole	Iron Pin Found
Water Meter	Monument Set
Water Valve	Monument Found
Gas Valve	Computed Point
Gas Meter	Control or Traverse Point
Light Pole	Geodetic Control Point
Power Pole	
Dec. Meter	
Fire Hydrant	
Sign	

REFERENCES:

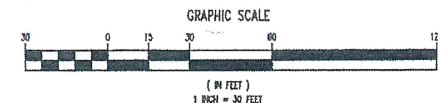
- Deed Book 535 Pages 219-220.
- Deed Book 535 Pages 553-554.
- GPC Map File # N-73-5.
- Plat Book 55 Page 100.
- Plat Book 69 Page 202.
- Deed Book 656, Pages 71

Survey Accuracy Statement

- The benchmark control data on which this plat is based was obtained using Global Positioning System (GPS) and has a positional uncertainty due to random errors in measurement of 0.033 feet at the 95% level of confidence based on the Root Mean Square Error (RMSE) method of calculation. Equipment used to obtain horizontal and vertical coordinate positions was a Trimble R10 in a 1 hour static session utilizing NGS-OPUS corrections.
- Distances are ground in US Survey foot.

Surveyors Certification

This plat is a representation of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated herein. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION. AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyors certify that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Regulation for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.



GEORGIA POWER CO., ATLANTA, GA.
Land Department

BOUNDARY SURVEY FOR
GEORGIA POWER COMPANY
GAINSVILLE DISTRICT OFFICE

LAND LOT 148, 9TH DISTRICT, HALL COUNTY, GEORGIA

DR. TR. Checked TOOLE
SCALE DATE
1" = 30' OCT. 21, 2019

DRAWING NUMBER

P485-12

TOOLE SURVEYING COMPANY
308 4th STREET, AUGUSTA, GA 30901
706-722-4115



N/F
PEOPLES LOAN & FINANCE CORP.
TAX PARCEL 01008 001003
DB 557, PG 18

Line #	Length	Direction
L1	103.93	N58°08'09"E
L2	8.20	S31°03'47"E
L3	103.92	S57°12'57"W
L4	9.87	N31°19'45"W

N/F
FOLEY FAMILY ENTERPRISES LLC
TAX PARCEL 01008 001012
DB 5100, PG 125
DB 922, PG 249

N/F
BROAD STREET DEVELOPMENT GROUP
TAX PARCEL 01008 001013
DB 2965, PG 345

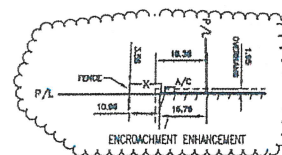
SURVEY CLOSURE STATEMENT

The Field Data upon which this plat is based has a closure precision of one foot in 63,817 feet, and an angular error of 2" per angle point, and was adjusted using COMPASS rule.

This Plat has been calculated for closure and is found to be accurate within one foot in 263,206 feet.
Linear Measurement obtained using LEICA TS06
Angular Measurement obtained using LEICA TS06
Field Work completed 10/14/19

F.I.R.M. FLOOD NOTE:

THIS PROPERTY IS NOT LOCATED IN A 100 YR. F.I.R.M. FLOODPLAIN, (BY GRAPHIC PLOTTING ONLY) ACCORDING TO F.I.R.M. FLOOD MAP OF HALL COUNTY, GA. COMMUNITY-PANEL NO. 13139C0187G, PANEL 187 of 377, DATED APRIL 4, 2018.



PROJECT INFORMATION:

SITE ADDRESS: 412 SPRING ST GAINESVILLE, GA 30501
PARCEL ID: 01008 001002

TOTAL AREA= 0.54 ACRE

ZONING: G-B

DESIGN STANDARDS:

EXISTING SETBACK REQUIREMENTS:

FRONT BSL: 40'
SIDE BSL: 0'
REAR BSL: 0'

PROPOSED SETBACK REQUIREMENTS:

FRONT BSL: 15'

PARKING REQUIREMENTS:

1 SPACE PER 250 SQ FT OF BUILDING
7000 SQ FT = 28 SPACES REQUIRED

PARKING PROVIDED: 21 SPACES W/ ADDITIONAL
OVERFLOW PARKING ON ADJACENT PARCEL (EASEMENT
REQUIRED)

REFERENCES:

PROPERTY BOUNDARY INFORMATION FROM A SURVEY FOR
GEORGIA POWER COMPANY COMPLETED ON OCTOBER 21, 2019
BY TOOLE SURVEYING COMPANY.

TOPOGRAPHY INFORMATION FROM HALL COUNTY GIS
DEPARTMENT.

CONTOUR INTERVAL=2'

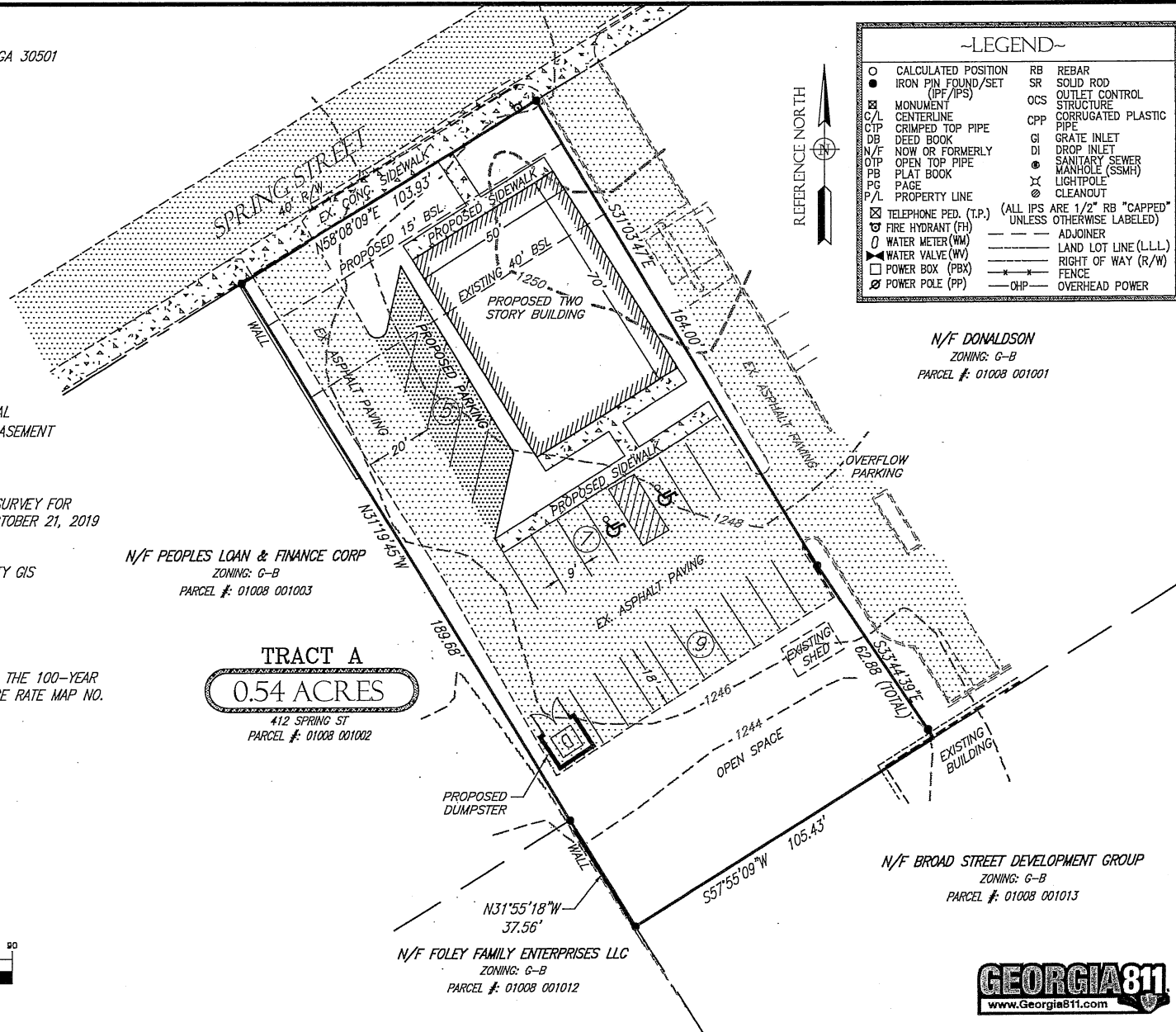
FLOOD NOTE:

NO PORTION OF THIS SITE IS LOCATED WITHIN THE 100-YEAR
FLOOD PRONE AREA AS PER FLOOD INSURANCE RATE MAP NO.
13139C0187G, DATED 4/4/2018.

GRAPHIC SCALE



(IN FEET)
1 inch = 30 ft.



GEORGIA811
www.Georgia811.com

DES DAVIS
ENGINEERING & SURVEYING
133 PROMINENCE COURT
SUITE 210
DAWSONVILLE, GA 30534
PHONE: (706) 265-1234
FAX: (706) 348-9177
DAVISENGINEERS.COM

DESCRIPTION

DATE

REVISION

VARIANCE EXHIBIT FOR:
GAINESVILLE DENTAL GROUP
LAND LOT 148
9th DISTRICT
CITY OF GAINESVILLE
HALL COUNTY, GEORGIA

DRAWN BY: MAP
CHECKED BY: JMD
LAND LOT: 148
DISTRICT: 9th
SECTION: -
CITY: GAINESVILLE
COUNTY: HALL
DATE: 3/16/2022

SHEET NO.

1 of 1

PROJECT NO.

22-088



Date Submitted: 5/5/2022

Presenter: Matt Tate

Item of Business: Request from **Ricky and Janice Hames** to rezone a 0.24± acre tract located on the south side of Oak Street, east of the intersection of Ridgewood Terrace, Woods Mill Road, Rainey Street and Oak Street (a/k/a **721 Oak Street, NW**), from General Business (G-B) to Residential-I (R-I).
 Ward Number: Four
 Tax Parcel Number: 01-026-001-012
 Request: Single-family residence

Meeting Date: 5/10/2022

Purpose of Request:

The applicant is proposing to rezone the property from General Business (G-B) to Residential-I (R-I) for a single-family residence. The property is vacant but previously contained an older single-family home that was demolished seven years ago. The proposed two-story home is approximately 2,740 square feet in size with a two car garage. One access driveway is proposed from Oak Street. Adjacent uses include a vacant lot, Towne Creek Apartments, and professional offices.

History/Background:

Facts & Issues for Consideration:

Department Recommendation:

Planning staff recommended approval with one condition. See the Staff Recommendation report for details.

Department Director:

Rusty Ligon

If funding is involved, are funds approved within the current budget?

N/A

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
☐ Staff Recommendation Report	Report
☐ Location Maps	Backup Material
☐ Narrative	Backup Material
☐ Survey	Backup Material
☐ Home Elevation and Footprint	Backup Material

**GAINESVILLE PLANNING and APPEALS BOARD
STAFF RECOMMENDATION**

Applicant and Property Owner..... Ricky and Janice Hames
Location..... 721 Oak Street, NW
Request..... Rezone from G-B to R-I
Size 0.24± acre
Ward..... Four
Proposed Use..... Single-family residence
Planning Division Staff Recommendation **Approval, with condition**
Date..... May 10, 2022

▪ **Applicant's Proposal and Background Information**

The applicant is proposing to rezone the property for a single-family home. The occupant of the home will be the new buyer upon rezoning the property. The proposed home will be two-stories with a two car garage and anticipated to be over 2,500 square feet in size. The attached picture provided with the application is only intended to represent the general scale and quality of construction. The architectural style of the home has not been finalized at this time.

The property is vacant of structures but previously consisted of an abandoned single-family home that was demolished seven years ago.

▪ **Adjacent Land Use and Zoning**

Location	Use	Zoning
North	Oak Street Plaza -Office and Retail	General Business (G-B)
South	Towne Creek Apartments	Planned Unit Development (P-U-D)
East	Vacant lot	General Business (G-B)
West	Towne Creek Apartments	Planned Unit Development (P-U-D)

▪ **Other Departmental Comments**

There were no other departmental comments for this request.

▪ **Zoning History**

The following zoning actions have taken place in the immediate area during the last ten years:

2022 - A request by Fred and Olivia Skey to rezone a 0.65± acre tract located at 352 Northside Drive, NW from General Business (G-B) and Office and Institutional (O-I) to Office and Institutional (O-I) with a special use was conditionally approved for a single-family residence.

2021 - A request by Dave Odom to rezone a 0.50± acre tract located at 341 and 361 Oak Street, NW, from General Business (G-B) to Planned Unit Development (P-U-D) was conditionally approved for mixed-use residential and commercial.

2020 – A request by Juan Luna for a special use within Neighborhood Business (N-B) zoning on a 1.66± acres tract located at 0, 903, 915, 919, 921, 925 and 927 Washington Street, NW was conditionally approved for twenty apartments.

2018 – A request by KRM 2016, LLC for a special use within Neighborhood Business (N-B) zoning on a 0.82± acre tract located at 520 Washington Street, NW was conditionally approved for five duplex apartments.

▪ **Staff Analysis**

(1) Is the proposed use suitable in view of the zoning and development of adjacent and nearby property?

The adjacent properties consist of a mixture of residential and nonresidential uses and are zoned Planned Unit Development (P-U-D) and General Business (G-B). The subject property has historically been occupied for single-family residential purposes which is consistent with the proposal.

(2) Will the proposed use adversely affect the existing use or usability of adjacent or nearby property?

The proposed single-family home will restore the subject property to its original use. Given the small scale of the proposal, there should be no adverse effects to the adjacent or nearby properties. However, the proposed rendering of the home submitted with the application is considered more of a traditional suburban style home which would be out of character with the area. *Staff believes a Modern farmhouse or Craftsman style home would be more suitable for the area.*

(3) Is the proposed use compatible with the purpose and intent of the Comprehensive Plan?

The Gainesville Future Development Map for the City of Gainesville places the property within the *Mixed-Use General* land use category. Land uses allowed in the *Mixed-Use General* category include office, neighborhood retail and residential.

According to the Character Area map for the City of Gainesville, the subject property is located within the *Central Core* Character Area. The vision for this area is to continue to evolve as the symbolic heart of the city and should strive for a more sustainable mixture of uses. Recent and ongoing public improvements Downtown have begun a long-term transition to more diverse land uses and redevelopment opportunities. Land uses supported in this Character Area include mixed-use, medium-density residential, multi-family residential, commercial, parks / recreation / conservation.

(4) Are there substantial reasons why the property cannot or should not be used as currently zoned?

The property is zoned General Business (G-B) and is only 10,500± square feet in size. A zoning of G-B requires a minimum lot size of 15,000 square feet. Therefore, the property is considered legal nonconforming based on its size. The property might be able to be developed for commercial purposes, but would be limited based on the setback, parking and stormwater requirements. A zoning of R-I would allow the proposed home to be converted back to its original use of single-family residential and would bring it into conformance with R-I lot size standards.

(5) Will the proposed use cause an excessive or burdensome use of public facilities or services, including but not limited to streets, schools, water or sewer utilities, and police or fire protection?

City water, sewer and public safety services are currently provided to the property. Gainesville Fire Station #1 off of Queen City Parkway is located approximately 1.2± miles from the subject property.

Any future impact to the school system would be minimal given that only one home is proposed. Centennial Elementary and Gainesville High School Campus are located about 0.5± mile from the property to the west.

The proposal will slightly increase ingress and egress turning movements on Oak Street but will be insignificant.

(6) Is the proposed use supported by new or changing conditions not anticipated by the Comprehensive Plan or reflected in the existing zoning on the property or surrounding properties?

The Comprehensive Plan identifies the need for quality housing within and near the downtown area. New housing may be in the form of attached and detached housing. It is anticipated that nearby residential properties close to downtown will continue to be desirable based on the walkability to nearby shopping, restaurant, entertainment and service uses. Public uses are also located close by which include the library, parks, trails and schools.

(7) Does the proposed use reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to unrestricted use of property?

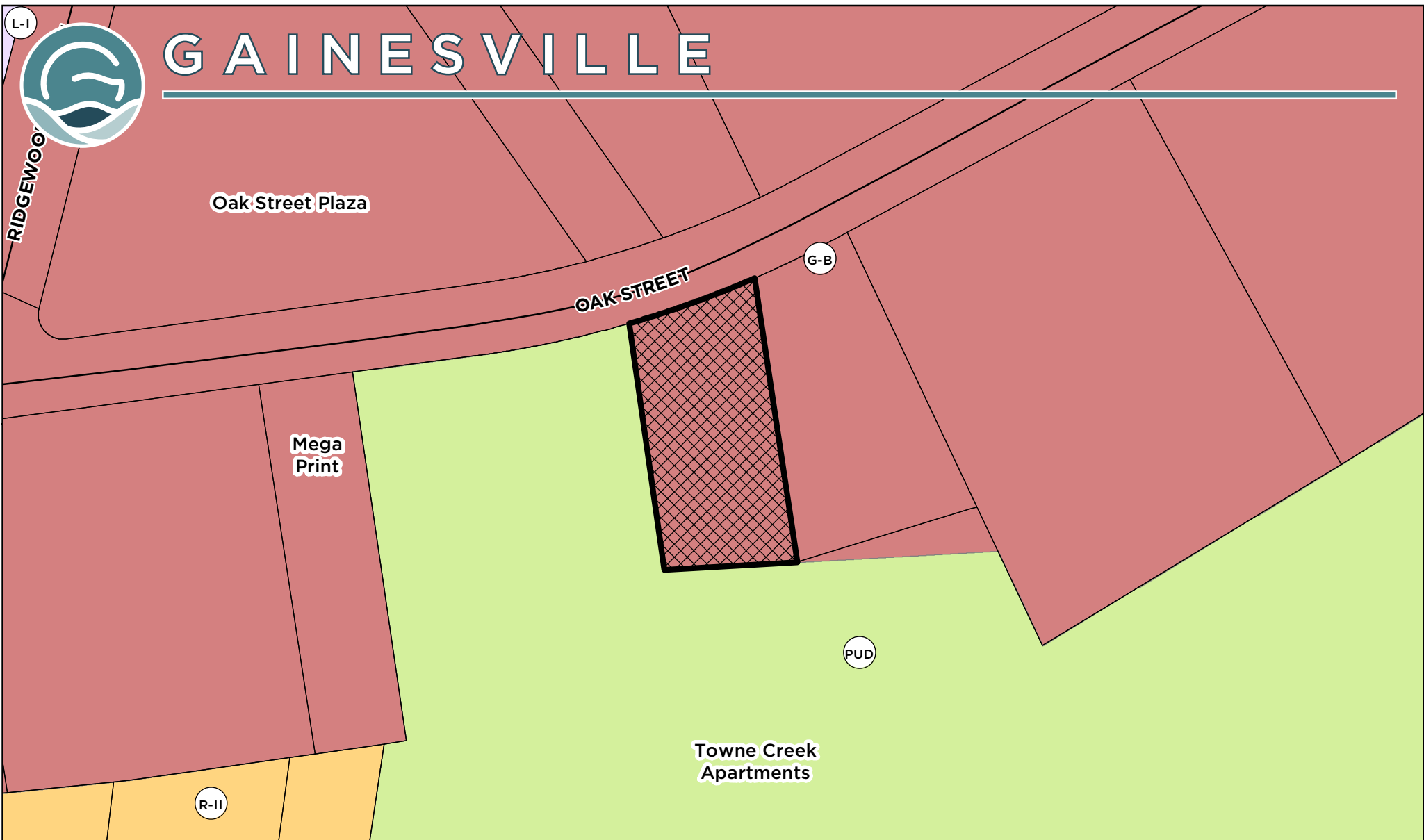
Based on the Comprehensive Plan and the adjacent mixture of uses, the proposal with the recommended zoning condition, appears to reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to unrestricted use of property.

▪ **Staff Recommendation**

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

Condition

The style of the proposed single-family home shall consist of Craftsman or Modern Farmhouse architecture and shall require review and approval by the Community and Economic Development Department Director.



Applicant:		RICKY & JANICE HAMES		Request:		Rezone a 0.24+/- acre tract from General Business (G-B) to Residential-I (R-I) for a single-family residence	
		REZONING REQUEST					
Subject Property Address:		Tax Parcel:		 Subject Property			
721 Oak Street, NW		01-026-001-012					
Meeting Date: 05/10/2022		Map Prepared: 04/13/2022				Page 24 of 40 SCALE: 1" = 75'	



GAINESVILLE

RIDGEWOOD

Oak Street Plaza

OAK STREET

Mega
Print

Towne Creek
Apartments

Applicant:

RICKY & JANICE HAMES

REZONING REQUEST

Subject Property Address:

721 Oak Street, NW

Tax Parcel:

01-026-001-012

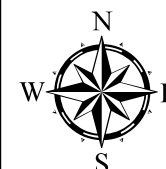
Request:

Rezone a 0.24+/- acre tract from General Business (G-B) to Residential-I (R-I) for a single-family residence



Subject Property

Aerial from 2021



Meeting Date: 05/10/2022

Map Prepared: 04/13/2022

0 40 80 Feet
Page 25 of 40

SCALE: 1" = 75'

04/25/22

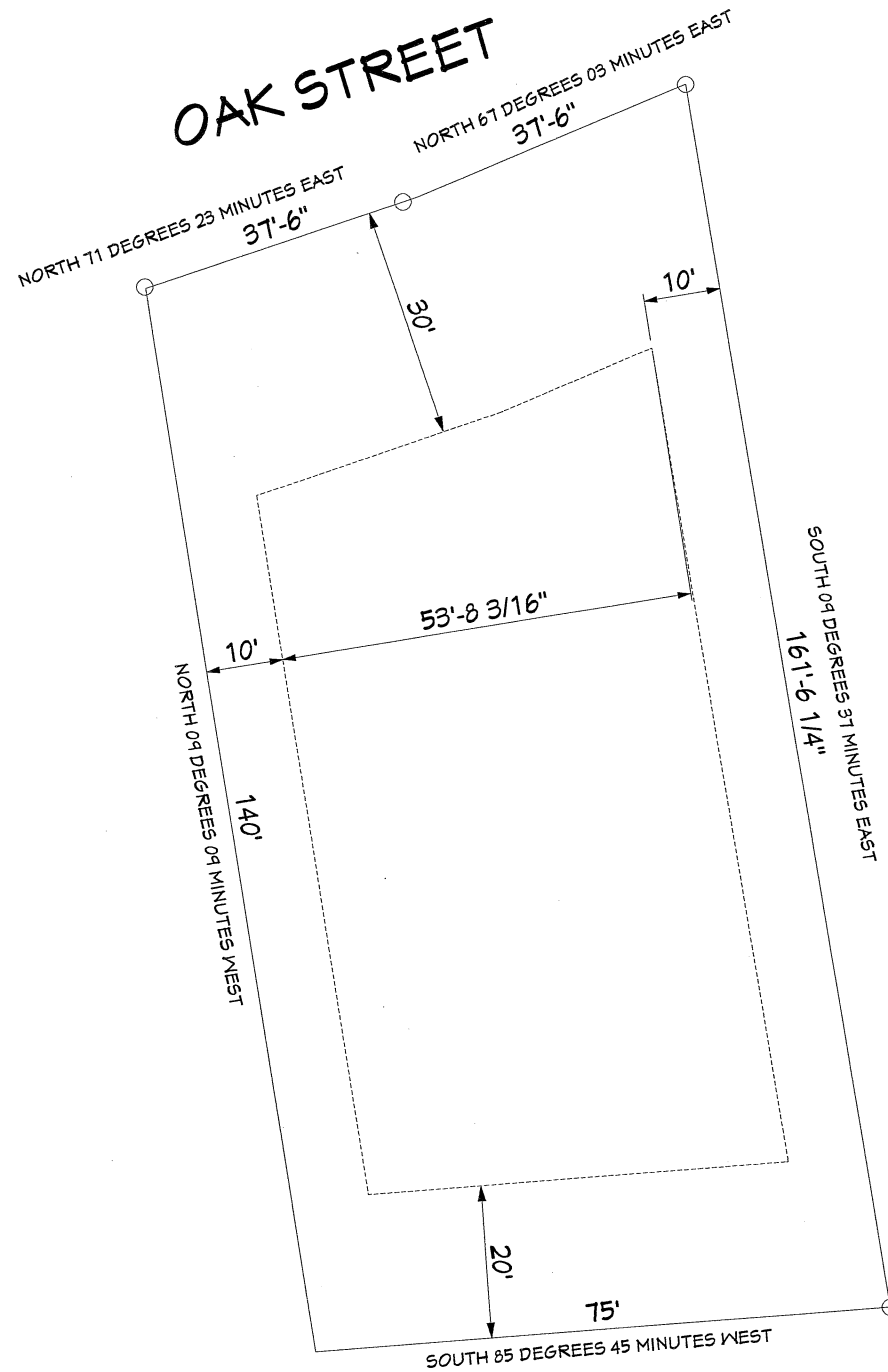
RE 721 Oak Street, Gainesville GA 30501

To whom it may concern.

As the buyer of the subject property, our plan is to build a home that will fit in with the historical homes that were originally constructed along Oak Street. The intent is to construct a two-story home with a two car garage. The home is anticipated to be over 2,500 square feet in size. The attached picture provided with the application is only intended to represent the general scale and quality of construction. The architectural style of the has not been finalized at this time.

Thank you in advance,

Erasto Arroyo-Rodriguez



PROJECT:

BACHMAN & ASSOCIATES
 ARCHITECTS - LANDSCAPE ARCHITECTS - BUILDERS
 915 GLENWOOD DRIVE, GAINESVILLE, GA. 30601 (770) 534-0552

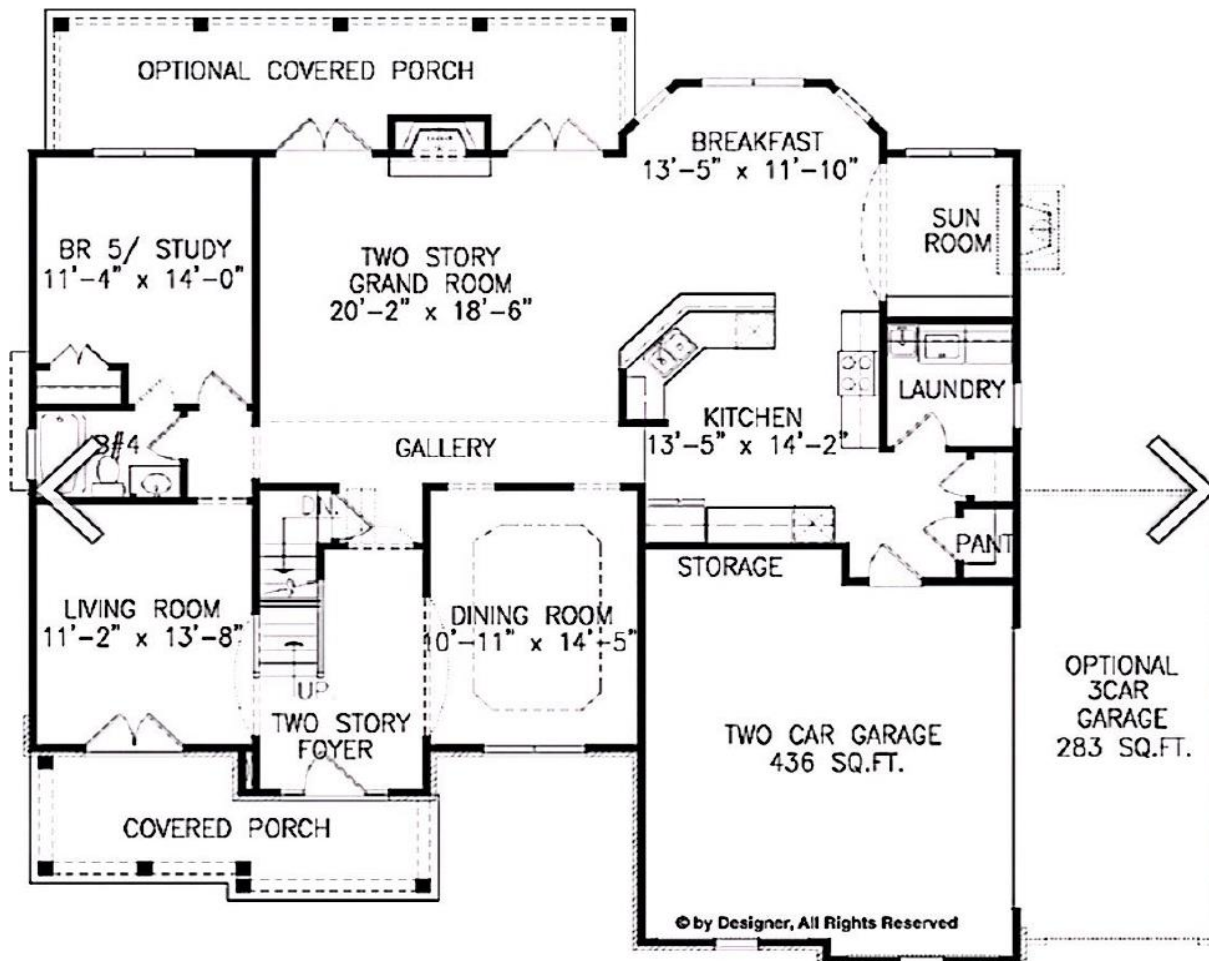
REV.

DATE

SHEET



Elevation



Footprint

Date Submitted: 5/5/2022

Presenter: Matt Tate

Item of Business: Request from **Jeff Arkema** for a special use on a 1.77± acres tract located on the north side of Browns Bridge Road, east of McEver Road (a/k/a **2888 Browns Bridge Road, SW, Suite E**), having a zoning of Regional Business (R-B).

Ward Number: Four
Tax Parcel Number: 08-015-006-025
Request: Automotive styling center

Meeting Date: 5/10/2022

Purpose of Request:

The applicant is proposing a special use to allow for "Tint World" which is an auto styling center that provides services such as window tinting, vehicle wraps, protective films and coatings, detailing, lighting and window graphics, security system and alarms, remote starters, audio and electronics, auto and marine parts and accessories. The business location includes 8,640 square feet of space within the existing shopping center which was the previous site of the Family Dollar retail store. The anticipated business hours are Monday thru Saturday from 8:00 A.M. to 6:00 P.M. with a total of 6 employees. Renovations to the building will be required to the interior as well as a drive-up ramp and rollup door at the rear of the building for vehicles being serviced. Adjacent uses include Walmart Neighborhood Market, Mexican restaurant, dental office, Little Caesars Pizza, mini-warehouses, and Waffle House restaurant.

History/Background:

Facts & Issues for Consideration:

Department Recommendation:

Planning staff recommended approval with two conditions. See the Staff Recommendation report for details.

Department Director:

Rusty Ligon

If funding is involved, are funds approved within the current budget?

N/A

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
☐ Staff Recommendation Report	Report
☐ Location Maps	Backup Material
☐ Narrative	Backup Material
☐ Survey	Backup Material
☐ Interior Pictures	Backup Material
☐ Exterior Pictures	Backup Material

GAINESVILLE PLANNING and APPEALS BOARD
STAFF RECOMMENDATION

Applicant Jeff Arkema
Property Owner Polestar GA Gainesville, LLC
Location 2888 Browns Bridge Road, SW, Suite E
Request Special use within R-B zoning
Total Acres 1.77± acres
Ward Four
Proposed Use Automotive styling center
Planning Division Staff Recommendation **Approval, with conditions**
Date May 10, 2022

▪ **Applicant's Proposal and Background Information**

The applicant is proposing a special use to allow for “Tint World” which is an auto styling center that provides services such as vehicle and marine window tinting, vehicle wraps, protective films and coatings, detailing, lighting and window graphics, security system and alarms, remote starters, audio and electronics, auto and marine parts and accessories. The business location is within Suite E of the existing shopping center which includes 8,640 square feet of space which was the previous site of the Family Dollar store. The anticipated business hours are Monday thru Saturday from 8:00 A.M. to 6:00 P.M. with a total of 6 employees. Renovations to the building will be required to the interior as well as a drive-up ramp with a rollup door in the rear of the building for vehicles being serviced. Any noise will be minimal and contained within the building so as not to interfere with the adjacent businesses. Adjacent uses include Walmart Neighborhood Market, Mexican restaurant, Dental office, Little Caesars Pizza, and Waffle House restaurant.

▪ **Adjacent Land Use and Zoning**

Location	Use	Zoning
North	Midgard Self Storage	General Business (G-B)
South	Waffle House Hall County Government Center	Regional Business (R-B) Office and Institutional (O-I)
East	Grace Family Dentistry, Gorditas and Burritos Mexican restaurant, Little Caesars Pizza Xtreme Clean Auto Spa, Midgard Self Storage	Regional Business (R-B) General Business (G-B)
West	Walmart Neighborhood Market	Regional Business (R-B)

▪ **Other Departmental Comments**

There were no other departmental comments for this request.

▪ **Zoning History**

The following zoning actions have taken place in the immediate area during the last ten years:

2022 – A request by McKinley Homes US, LLC, for a special use on a 7.74± acres tract located at 2920 Florence Drive was approved with conditional Office and Institutional (O-I) zoning for 70 residential townhomes.

2021 - A request by Adventures Real Estate, LLC to rezone a 17.028± acres tract located at 2520 Browns Bridge Road from Residential-I-A (R-I-A) to General Business (G-B) was conditionally approved for an automotive related facility.

2021 – A request by Pamela Eagar to annex a 0.15± acre tract located at 2834 Browns Bridge Road with a zoning of General Business (G-B) was conditionally approved for no proposed use.

2020 – A request by CenterPoint Integrated Solutions to annex a 7.81± acres tract located at 2602 Browns Bridge Road with a zoning of General Business (G-B) was conditionally approved for a CarMax Auto Superstore.

2020 – A request by Gainesville City Board of Education to rezone a 16.67± acres tract located at 1263 and 1279 McEver Road, SW from Residential-I (R-I) to Office and Institutional (O-I) was conditionally approved for a new middle school.

2020 – A request by Gainesville City Board of Education to annex a 5.931± acres tract located at 2550 and 2560 Gould Drive with Office and Institutional (O-I) zoning with a special use was conditionally approved for a new middle school and existing single-family home.

2020 – A request by Mauricio Ortega to annex a 0.51± acre tract located at 23 Cherrywood Drive with Residential-I (R-I) zoning was approved for sewer for a single-family home.

2018 – A request by Tyler Land Holdings to amend a 2.98± acres tract located at 1209 and 1229 Hillside Gardens Lane zoned Planned Unit Development (P-U-D) was conditionally approved for a boat sales dealership.

2017 – A request by Pro Building Systems to annex a 0.516± acre tract located at 2431 S Smith Road was approved with conditional General Business (G-B) zoning for an auto collision center.

2017 – A request by Manor Lake Development, LLC for a special use on a 9.24± acres tract located at 2900 McEver Road was approved with conditional Office and Institutional (O-I) zoning for an assisted living facility.

2015 – A request by the Roman Catholic Archdiocese of Atlanta to amend a 14.233± acres tract located at 2436 S. Smith Road and zoned Planned Unit Development (P-U-D) was conditionally approved for a church.

2015 – A request by the Roman Catholic Archdiocese of Atlanta to amend and rezone a 4.899± acres tract located at 0 S Smith Road from Residential-I (R-I) to Planned Unit Development (P-U-D) was conditionally approved for a church.

2013 – A request by Foote & Miller Properties, LLC to annex a 2.72± acres tract located at 2420 Browns Bridge Road was approved with General Business (G-B) zoning for sewer for an existing auto dealership.

2012 – A request by Rescate 2000, Inc. for a special use on an 8.19± acres tract located at 2920 Florence Drive was approved with conditional Office and Institutional (O-I) zoning for a daycare center.

▪ **Staff Analysis**

(1) Is the proposed use suitable in view of the zoning and development of adjacent and nearby property?

The surrounding uses include office and commercial uses zoned Regional Business (R-B), General Business (G-B) and Office and Institutional (O-I). Specifically, the property is located within a commercial shopping center. It appears the proposed use is suitable given the adjacent and nearby uses.

(2) Will the proposed use adversely affect the existing use or usability of adjacent or nearby property?

The proposed automotive styling center is not unlike other auto service uses located along Browns Bridge Road including the adjacent gas station and car wash. In general, the existing suite within the shopping center is sufficient to provide for rear access and parking of vehicles being serviced. Given there is an adjacent family dentistry office, reducing the impacts of sound from power tools and audio equipment installation may be necessary.

(3) Is the proposed use compatible with the purpose and intent of the Comprehensive Plan?

The Future Development Map for the City of Gainesville places the subject property within the *Retail/ Commercial* land use category which includes commercial service activities such as grocery stores, banks, restaurants, theatres, hotels, and automotive related businesses. Commercial uses may be located as a single use in one building or grouped together in a shopping center.

According to the Character Area map for the City of Gainesville, the subject property is located within the *Suburban Residential* Character Area. Land uses allowed in the *Suburban Residential Character Area* include low-density residential, medium-high density residential, multifamily residential, public / institutional, commercial, and parks / recreation / conservation, mixed-use.

(4) Are there substantial reasons why the property cannot or should not be used as currently zoned?

The existing zoning of Regional Business (R-B) will remain but requires special use approval for the proposed auto related use. Property zoned R-B is intended for the development of a shopping center on an established lot a minimum 4.0 acres in size.

(5) Will the proposed use cause an excessive or burdensome use of public facilities or services, including but not limited to streets, schools, water or sewer utilities, and police or fire protection?

Public water, sewer and public safety currently serve the subject property and are sufficient. Existing public safety services currently respond to the adjacent and nearby properties. Gainesville Fire Station #4 is located approximately 2.0± miles away off of Memorial Park Drive.

The increase in traffic will be negligible above the existing traffic turning movements on Browns Bridge Road. According to the Institute of Transportation Engineers (ITE) Trip Generation Handbook (9th Edition), there is no auto styling center type use listed. However, an auto parts/ maintenance/ repair use on average could generate 535± new trips per weekday (50% entering, 50% exiting), 38± A.M. peak hour trips and 56± P.M. peak hour trips.

The proposed use is nonresidential and should have no impacts on the Gainesville City School System.

(6) Is the proposed use supported by new or changing conditions not anticipated by the Comprehensive Plan or reflected in the existing zoning on the property or surrounding properties?

It is staff's opinion the proposed use is consistent with the Comprehensive Plan. Many of the properties located along this segment of Browns Bridge Road consists of non-residential uses including numerous auto-related uses. It is expected non-residential growth will continue in this area.

(7) Does the proposed use reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to unrestricted use of property?

Based on the Comprehensive Plan and the adjacent nonresidential uses, the proposed special use request appears to reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to unrestricted use of property.

Special Use Criteria

(1) The type of street providing access to the subject property is adequate to serve the proposed Special Use.

Browns Bridge Road and McEver Road are arterial roads which are adequate to serve the proposed use.

(2) Access into and out of the property adequately provides for traffic and pedestrian safety, the anticipated volume of traffic flow, and access by emergency vehicles.

According to GDOT, no additional vehicular or pedestrian access improvements are necessary at this time for the proposed use.

(3) Public facilities such as schools, water or sewer utilities, and police or fire protection are adequate to serve the Special Use.

Existing public facilities are adequate to serve the proposed use. Police and Fire currently serve the subject property.

(4) Refuse, service, parking and loading areas on the property are located and screened to protect other properties in the area from such adverse effects as noise, light, glare or odor.

The existing shopping center refuse, service, parking and loading areas are adequate to serve the proposed use. Lighting is currently provided within the existing shopping center. Buffering any noise produced from automotive power equipment and audio/video installation may be necessary so as not to disturb the adjacent dentist office.

(5) The hours and manner of operation of the Special Use have no adverse effects on other properties in the area.

The anticipated business hours are Monday thru Saturday from 8:00A.M. to 6:00 P.M. which appear to be normal hours of operation.

- (6) The height, size and location of the buildings or other structures proposed on the property are compatible with the height, size or location of buildings or other structures on neighboring properties.

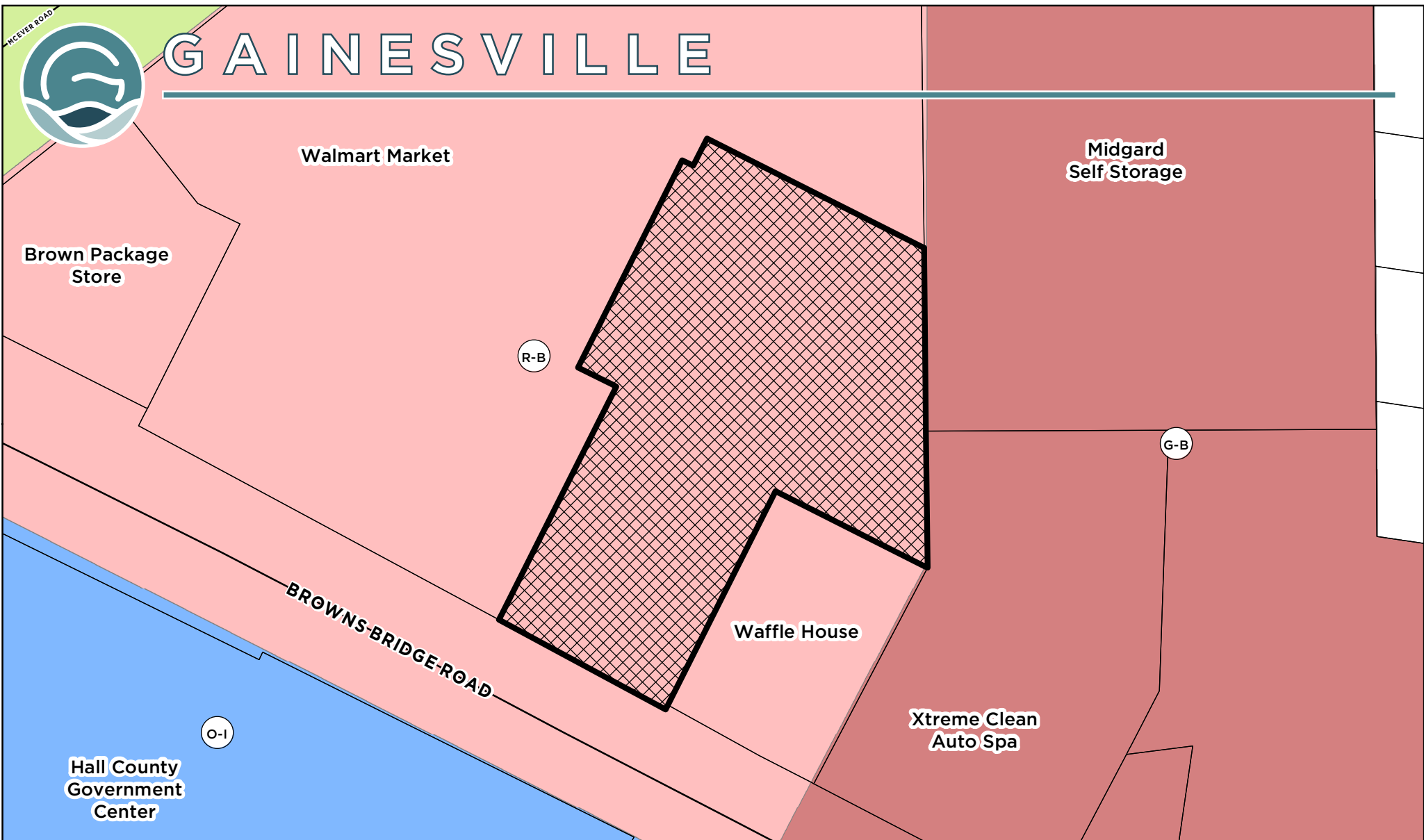
The existing building will remain mostly the same and will not be increased in size or height. Renovations to the building will be required to the interior as well as a drive-up ramp with a rollup door in the rear of the building for vehicles being serviced.

▪ **Staff Recommendation**

The Planning Division staff is recommending **conditional approval** of the special use request based on the Comprehensive Plan and the adjacent nonresidential uses.

Conditions

1. The applicant/business owner shall provide noise control measures adjacent to the suite occupied by Grace Family Dentistry. This may include soundproofing material or other measures where necessary per the approval of the Community and Economic Development Department Director.
2. Vehicles shall not be stored on the premises except for those being serviced.



Applicant: JEFF ARKEMA		Request: Special use on a 1.77+/- acres tract within Regional Business (R-B) zoning for an automotive styling center	
SPECIAL USE REQUEST			
Subject Property Address: 2888 Browns Bridge Road SW, Suite E	Tax Parcel: 08-015-006-025	 Subject Property	
Meeting Date: 05/10/2022	Map Prepared: 04/13/2022	Page 36 of 40 SCALE: 1" = 100'	



GAINESVILLE



Applicant:

JEFF ARKEMA

Request:

Special use on a 1.77+/- acres tract within Regional Business (R-B) zoning for an automotive styling center

SPECIAL USE REQUEST

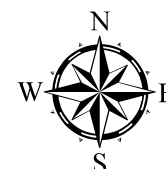
Subject Property Address:
2888 Browns Bridge Road SW,
Suite E

Tax Parcel:
08-015-006-025



Subject Property

Aerial from 2021



Meeting Date: 05/10/2022

Map Prepared: 04/13/2022

0 50 100 Feet
Page 36 of 40

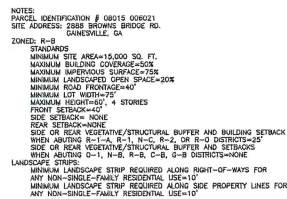
SCALE: 1" = 100'

Jeff Arkema Narrative

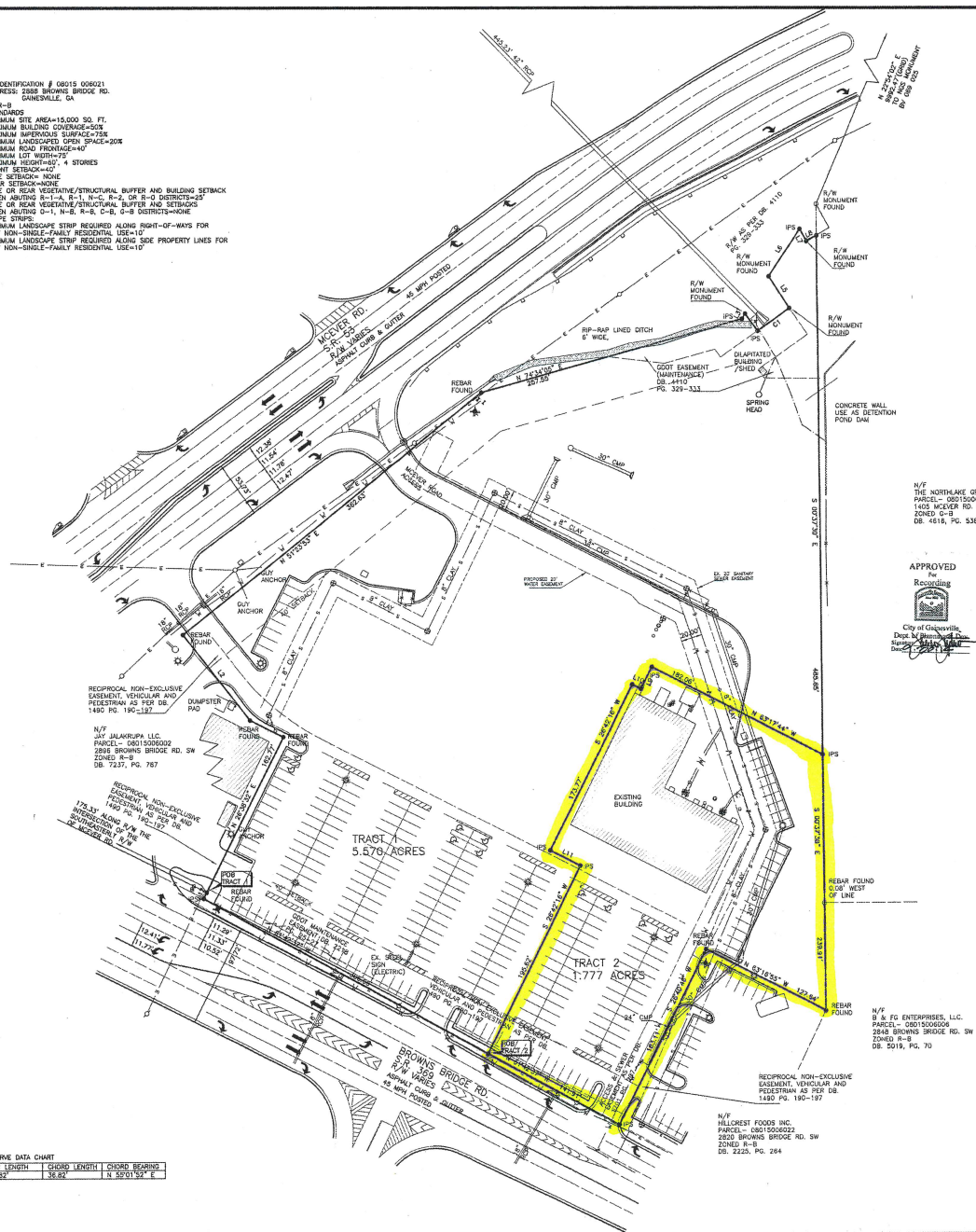
I am proposing a Special Use within R-B zoning on a 1.77± acres property located at 2888 Browns Bridge Road, Suite E. The purpose of the request is to establish an automotive styling center that will provide the following services:

- vehicle window and marine tinting,
- protective films and coatings,
- vehicle wraps,
- detailing, lighting, and window graphics,
- security system and alarms,
- remote starters,
- audio and electronics,
- auto and marine parts and accessories.

The name of the business is Tint World. The existing building space is approximately 8,640 square feet in size. Sufficient parking for the vehicles being serviced is provided behind the building and will not interfere with deliveries and services. All installation and servicing of vehicles will be done inside the building. Renovations will include a drive-up entry ramp with a rollup door in the rear of the space. Inside will be renovated and updated to reflect Tint World's franchise standards. Any noise will be minimal and contained within the building so as not to interfere with the adjacent businesses. The anticipated hours of operation are Monday thru Saturday 8:00AM to 6:00P.M. There will be approximately 6 employees.



CURVE DATA CHART			
CURVE	RADIUS	CHORD LENGTH	CHORD BEARING
C1	680.00'	36.82'	36.82°
C2	680.00'	36.82'	36.82°

[illegible]

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MINOR SUBDIVISION PLAT



PROJECT NO.: B14028
MINOR SUBDIVISION

DRAWN BY: TLM

SCALE: 1" = 50'

DATE: 8-15-2014

