

**GAINESVILLE PLANNING AND APPEALS BOARD
MINUTES OF MEETING
AUGUST 9, 2016**

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

Members Present: Chairman Doug Carter, Vice-Chair Jane Fleming, Board Members Connie Rucker and Eddie Martin, Sr.

Members Absent: Board Members George Hokayem, Carmen Delgado and Lemuel Betancourt

Staff Present: Community Development Director Rusty Ligon, Planning Manager Matt Tate and Recording Secretary Judy Foster

Others Present: Council Members Zack Thompson, Ruth Bruner and George Wangemann

MINUTES OF JULY 12, 2016

There was a motion to approve the minutes as presented.

Motion made by Vice-Chair Fleming

Motion seconded by Board Member Rucker

Vote – 4 favor, 3 absent (Hokayem, Delgado, Betancourt)

NEW BUSINESS

A. Variance Request

- 1) Request from **GA Mountains YMCA, Inc.** to vary the size and height of a monument sign and the size of an electronic message board sign insert on a 20.74± acres tract located on the northwest side of the intersection of SR 365 / Cornelia Highway and Howard Road (a/k/a **2455 Howard Road NE; 2534 White Sulphur Road NE**), having a zoning classification of General Business (G-B).

Ward Number: Two

Tax Parcel Number(s): 15-020C-000-011

Request: Monument sign with an electronic message board

Staff Presentation: Planning Manager Matt Tate gave the following staff presentation:

The applicant is proposing to construct a monument sign in front of the YMCA building that will face SR 365 / Cornelia Highway. The proposed monument sign is to include an electronic message board (EMB) insert. The subject property is 20.74± acres in size and is zoned General Business (G-B). The property contains the YMCA facility, athletic fields, playground, and parking areas originally constructed in 2007. Adjacent roads include State Route 365, Howard Road and White Sulphur Road and the property has an access driveway only from Howard Road. The surrounding uses include mostly undeveloped land, RaceTrac gas station and the future Lanier Technical College Campus property located to the southeast off of Howard Road.

The applicant is proposing to vary four separate sign standards for the proposed monument sign. Specifically the applicant is proposing to 1) vary the overall size of

the sign structure from 120 square feet to 243.75 square feet; 2) vary the size of the sign face from 80 square feet to 152 square feet; 3) vary the height of the sign from 10-feet to 12.6-feet; and 4) vary the size of the EMB insert from 20 square feet to 38.1 square feet.

The applicant is basing the hardship on the width of the right-of-way and its distance from State Route 365. The applicant also states that the average speed of vehicles traveling along SR 365 would make the sign difficult to see if built to the current standards.

The Planning Division staff recommended **conditional approval** of the variance request based on the subject property's topography, vegetation and the width of the right-of-way of SR 365 with one proposed condition as follows:

The subject property shall be limited to one electronic message board sign. The electronic message board sign may be two sided not to exceed 20 square feet per side and shall meet the standards of the Unified Land Development Code.

Applicant Presentation: Amy Kienle, 4452 Indian Oak Point, discussed the impact the YMCA has in the community, noting its mission and goal is to strengthen individuals, families and seniors through a focus on youth development, healthy living and social responsibility. The monument sign would help get the message out about their location and the programs and services they provide to the community. She believed they could make a greater impact if people are coming to the facility and therefore strengthening the foundation of the community. She stated they have used marketing strategies in the past which have become obsolete such as television, newspaper and radio ads which are no longer effective. The national YMCA organization determined the top two marketing strategies were referrals and drive by. Ms. Kienle stated although there is a high volume of traffic on the highway, the facility cannot be seen due to the high rate of speed and the distance of the facility from the road. She stated Toney Chalmers was also present to speak on the functionality of the sign.

Toney Chalmers, 1022 Oak Way, Canton, stated he was the designer/manufacture of the sign and wanted to address the electronic message board (EMB) part of the sign in particular. He stated when designing message centers, they look at creating a sign that would be effective and provide readability to its readers. He stated that while the maximum 20 square feet for EMBs as required by the ULDC was fine on other major roads such as on E. E. Butler Parkway and Jesse Jewell Parkway, but along SR 365 with increased speeds of 65 mph and greater viewing distances, the height and width of the message center needed to be large enough to be effectively read. Mr. Chalmers felt the proposed sign was not extremely large such as a jumbotron, probably one step up from the 20 square feet signs, but would be large enough so travelers on 365 could easily read it. The reason for the proposed size increase is to attract new members and communicate with existing members of the YMCA.

FAVOR: Jim Walters, 2401 Island Drive, stated Mr. Chalmers made his case well regarding the size and suitability required to make the sign effective. He stated it made sense to him that if you were driving 65 mph, you have a limited time and sight distance to see and read it, so you obviously need a bigger sign. He shared a story

to emphasize his point. Mr. Walters encouraged the Board to approve the sign variance as requested in order to make the sign effective.

OPPOSE: None

Planning and Appeals Board Comments: Upon inquiry by Chairman Carter, Planning Manager Matt Tate confirmed the requested size of the EMB insert was 38.1 feet.

Vice-Chair Fleming clarified the request from the YMCA was only for one sign. She stated she could see how it would be safer to have a larger sign because of the higher speed limit.

There was a motion to conditionally approve the requests to 1) Vary the overall size of the sign structure from 120 square feet to 243.75 square feet; 2) Vary the size of the sign face from 80 square feet to 152 square feet; 3) Vary the height of the sign from 10-feet to 12.6-feet; and 4) Vary the size of the EMB insert from 20 square feet to 38.1 square feet with the following condition:

Condition

The subject property shall be limited to one electronic message board sign. The electronic message board sign may be two sided not to exceed 38.1 square feet per side and shall meet all other standards of the Unified Land Development Code.

Motion made by Vice-Chair Fleming
Motion seconded by Chairman Carter

Vote – 4 favor, 3 absent (Hokayem, Delgado, Betancourt)

B. Zoning Amendment Request

- 1) Request from **Cobb Investments, LP** to amend a 0.54± acre tract zoned Planned Unit Development (P-U-D) located on the southwest side of the intersection of Myrtle Street and Cleveland Street (a/k/a **0, 947 and 951 Myrtle Street SW; 712, 714, 718, 720, 722 and 724 Cleveland Street SW**).

Ward Number: Four

Tax Parcel Number(s): 01-048-001-009 and 012

Request: Multi-family apartment addition

Staff Presentation: Planning Manager Matt Tate gave the following staff presentation:

The subject property is 0.54± acre in size, consists of two lots and is located on the southwest side of the intersection of Myrtle Street and Cleveland Street. The property is zoned Planned Unit Development (P-U-D) and contains a total of seven residential units consisting of a four-unit apartment building, two-unit apartment building and an older single-family home that is in disrepair. The applicant is proposing to amend the Planned Unit Development (P-U-D) zoning in order to increase the total number of units from seven to eight by removing the single-family home and replacing it with two new apartment units that will be attached to the

existing two-unit apartment building. As part of the amendment, a separate access drive and two parking spaces will be provided off of Myrtle Street in addition to the twelve existing parking spaces located off of Cleveland Street.

The Future Development Map for the City of Gainesville places part of the subject property within the *Medium-High Density Residential* land use category which includes areas containing or planned for single-family attached or multi-family housing at densities ranging from 4.0 to 12.0 dwelling units per acre. The proposed development would have a density of 14.81 dwelling units per acre. According to the Character Area map for the City of Gainesville, the subject property is located within the *West Side* character area which supports multi-family residential uses.

The Planning Division staff recommended **conditional approval** of the zoning amendment request based on the Comprehensive Plan and the surrounding residential uses with four conditions.

Applicant Presentation: **Gene Cobb**, 2427 Thompson Mill Road, stated the proposal was basically to tear down a substandard house and build two additional apartment units which would complement the other six existing apartment units. He stated he was in agreement with Staff's recommendation and proposed conditions. Mr. Cobb stated the development was 16 years old and they keep the property maintained, noting they have a 95% occupancy rate and some residents who have lived there for 16 years. He felt it was a good neighborhood.

FAVOR: None

OPPOSE: None

Planning and Appeals Board Comments: Board Member Martin stated over the years Mr. Cobb had done a lot of work to improve the Cleveland Street area.

There was a motion to recommend approval of the request with the following conditions:

Conditions

1. The exterior facade of the proposed apartment addition facing Myrtle Street and Cleveland Street shall include brick material similar to the existing apartments within the subject property and shall have an architectural appearance of a front porch similar to the picture submitted with the zoning amendment application.
2. The exterior of the subject property and apartment buildings shall be improved and cleaned per the approval of the Director of the Community Development Department.
3. The existing dumpster pad location shall be properly maintained and sufficiently screened by an opaque fence and/or evergreen buffer trees as determined by the Director of the Community Development Department.
4. An updated as-built survey/plat combining the subject property and indicating existing conditions and all improvements shall be recorded prior to obtaining a Certificate of Occupancy for the proposed use.

Motion made by Board Member Martin
Motion seconded by Vice-Chair Fleming
Vote – 4 favor, 3 absent (Hokayem, Delgado, Betancourt)

C. Special Use Request

- 1) Request from **Synergy Recovery Center** for a Special Use on a 0.50± acre tract located on the west side of Cleveland Street, south of its intersection with Myrtle Street (a/k/a **746 Cleveland Street SW**), having a zoning classification of Residential-II (R-II).

Ward Number: Four
Tax Parcel Number(s): 01-048-001-007
Request: Group home for men

Staff Presentation: Planning Manager Matt Tate gave the following staff presentation:

The applicant is requesting special use approval to establish a group home for 36 adult males known as the Synergy Recovery Center. The property is zoned Residential-II (R-II) and is 0.50± acre in size and has access on Cleveland Street. The surrounding properties include single-family homes, multi-family apartments, Salvation Army facility and nearby non-residential uses such as the J & J Foods Grocery Store, Pierce Wholesale and International Ink Company. There are two other group homes for men facilities within the nearby vicinity including a 48 bed facility located off of Auburn Avenue and a 24 bed facility located off of Erskin Avenue. The subject property contains an older 10-unit, one story apartment building known as the Cleveland Street Apartments. The apartments are partially occupied and were originally constructed in 1987. According to the applicant, one of the units will be converted to an office space for a property manager. Each of the remaining 9-units will contain two bedrooms, kitchen and bathroom designed to house four adult males. Most of the improvements are to include cleaning, painting and bringing the units up to building code standards. Exterior improvements will include replacing the roof and damaged windows. Trash pickup will be provided by an onsite dumpster. The proposed group home is a minimum twelve month residential, structured housing / sober living program for men who struggle with substance abuse.

The Future Development Map for the City of Gainesville places part of the subject property within the *Medium-High Density Residential* land use category which includes areas containing or planned for single-family attached or multi-family housing. According to the Character Area map for the City of Gainesville, the subject property is located within the *West Side* character area which supports multi-family residential uses.

The Planning Division staff recommended **conditional approval** of the special use request based on the Comprehensive Plan and the surrounding mixture of uses with six conditions as follows:

1. The use of the subject property shall be limited to the proposed group home for 36 adult men and those uses inherently permitted under the Residential-II (R-II) zoning classification. Any use permitted within the R-II zoning as a

Special Use, including a new or different group home, shall require a separate public hearing. The maximum occupancy of men residing in the group home shall be determined by the Gainesville Buildings Inspections Division and shall not exceed 36 adult men.

2. A house / property manager shall be on site daily to enforce program rules and to assure that the property is being properly maintained.
3. Any replacement structure, exterior facade changes, and/or future development at this location shall be of a residential appearance.
4. The existing, healthy significant trees located within the subject property shall be retained and incorporated into any site improvements, where possible, as determined by the Director of the Community Development Department.
5. The exterior of the subject property and building shall be improved and cleaned per the approval of the Director of the Community Development Department.
6. The existing dumpster pad location shall be properly maintained and sufficiently screened by an opaque fence and/or evergreen buffer trees as determined by the Director of the Community Development Department.

Applicant Presentation: **Krista Crowe**, 3629 Thompson Mill Road, Buford, stated she was the Director/Property Manager for Synergy Recovery Center and their mission was not just to rehabilitate, which means to return to a former state, but to return the men back into society as fathers who will see and care for their children and as husbands and working professionals. She stated that addiction does not discriminate and a lot of the men who would come to them have never been productive members of society, so Synergy Recovery Center wants to turn them into those men so they are not a problem or a hindrance to the community. Ms. Crowe detailed some center operations as follows: 1) Drug testing is key for addiction and the men would be randomly tested two to three times per week, more or less if needed and they would follow the drug court procedures for testing, utilizing Redwood Toxicology. The men would be tested at intake and if a drug test is refused at any time, they're out of the program; 2) The men would be accountable to the center as well as to the drug courts and probation since they will make referrals to the center; 3) Strict curfews are in place and the men must be in the center by 7pm every night during the first two phases of the program with no exceptions; 4) The men must attend mandatory AA&A meetings at least once per day; 5) The men must complete job searches Monday thru Friday; and 6) There are transition phases the men must complete before they can earn certain privileges such as cell phones and vehicle use. Ms. Crowe stated although there were other programs in the area, there was still a huge need as those programs have waiting lists. She stated they want to regenerate the men, not just rehabilitate them and make them productive members of society. In conclusion, she stated they would not be taking any sex offenders or violent criminals.

Vice-Chair Fleming asked if the participant's only offense would be drug charges. Ms. Crowe stated they would be drug charges but often times included theft by taking charges with addicts, but reiterated they would not accept any violent criminals such as aggravated assault or sex offenders.

Todd Price, 1974 Crosswaters Drive, Dacula, stated the conditions proposed by staff included cleaning up and improving the property and they have already begun

this process by pressure washing, re-wrapping some posts, cleaning up and re-roofing the building, renovating some units, and installing an irrigation system in back to make sure the drainage is better. He stated they not only wanted to grow the men but grow the community as well and make improvements like the previous request, which is located nearby, in order to be more uniform.

Gina Diresta, 3300 Hamilton Mill Road, Suite 102, Buford, stated she represented the property owner and was his Property Manager. She stated they plan to keep the property well maintained and clean.

FAVOR: None

OPPOSE: **Dulce Rodriguez**, 749 Cleveland Street, stated she represented family and friends on Cleveland Street. She stated they are a family neighborhood and believed in helping others, but they had concerns with the group home coming into the neighborhood with substance abusers because of their children who play outside. She stated there were some people who just moved out of the apartments who liked to party so they did not want more to move in. She questioned why the applicant wanted to locate on Cleveland Street with so many other locations available in the City.

Leonel Maldonado, 755 Cleveland Street, stated he and his brother-in-law bought in the neighborhood so they are opposed to the group home coming into what has always been a family neighborhood. He stated he can see a lot going on with people who live at other nearby rehab centers. He was concerned about the safety of children playing outside and what could happen in the future.

Jade Fajardo, 733 Cleveland Street, stated she did not think it was a good idea to bring that many single men into a family neighborhood with children playing outside. She observed two men recently offering smoke to some kids and using inappropriate language.

Tannia Arriaga, 733 Cleveland Street, stated she had small children and everyone deserved a second chance, but she would like to keep the family neighborhood the same.

REBUTTAL: **Krista Crowe** stated she understood the concerns presented. However, the men would not be left alone in the community but would be held accountable to probation and drug court as well as the recovery center. She stated they would not be violent criminals or sex offenders and would be subjected to random drug tests, noting if they fail the drug test, they would be evicted from the center and return to jail or the court system. The men would be given more oversight and a structured environment. Ms. Crowe stated the children need to see second chances do happen when mistakes are made and the men can get the help they need and be changed. She stated the men would not be on the street and with the children. She stated the men would go through a clinical assessment to determine if they would be appropriate for this type of program before being admitted, noting they did not want someone who was not ready or willing to change and was only looking to get out of jail. She stated she ran the Piedmont Judicial Circuit Drug Court for three years so she was well trained and could tell when someone was ready for change. She stated they would not put anyone in harm's way and only wanted to bring good things to the community.

Todd Price stated he understood the concerns as a parent; however, the center would prevent the participants from interacting with the children. He reported that Code Enforcement had been out to the street multiple times in the past to insure children were inside their home by 10:30 p.m. He felt he had supervised the children more than some of the parents while he was out working on the property. Mr. Price stated every time he had visited the property he witnessed children in the street and riding four-wheelers at 40 mph, unsupervised. He stated the program meant a lot to him and others because he was a recovering addict himself, having been clean six years now, and if he had not had the help he needed and people to reach out to, he didn't know where he would be but was confident he would not be the businessman, husband and father he is today. He felt these programs were key to help grow the community.

Gina Diresta stated since they took over the property, there were a lot of families living in the one bedroom apartments with multiple children and they had given them notice to move out so they could clean up the property. She stated they have had the property for about 60 days and noted there would not be any children living in the center again.

Planning and Appeals Board Comments: Vice-Chair Fleming asked what kind of daily structure the men would have in the program. Ms. Crowe provided the Program & Transition Rules to the Board which requires the men to work 32 hours per week. If the men do not have a job when they enter the program, they must find a job within two weeks by completing a job search Monday thru Friday from 9:00am to 5:00pm. As part of their recovery, they must learn to be financially responsible so they are required to pay \$200 per week to stay in the program.

Chairman Carter stated he was just informed that Board Member Martin believed to have a conflict of interest with the request as people have spoken during the public hearing. Due to the conflict of interest and Mr. Martin not able to vote on the matter, the Board no longer had a quorum, noting three members were absent. He apologized to all parties involved in the request.

There was a motion to table the request until the September 13, 2016, Planning and Appeals Board meeting.

Motion made by Board Member Rucker
Motion seconded by Vice-Chair Fleming
Vote – 4 favor, 3 absent (Hokayem, Delgado, Betancourt)

ADJOURNMENT

There was a motion to adjourn the meeting at 6:21 p.m.

Motion made by Board Member Martin
Motion seconded by Board Member Rucker
Vote – 4 favor, 3 absent (Hokayem, Delgado, Betancourt)

Respectfully submitted,

Doug Carter, Chairman

Judy Foster, Recording Secretary