

**GAINESVILLE PLANNING AND APPEALS BOARD
MINUTES OF MEETING
OCTOBER 13, 2015**

CALL TO ORDER Vice-Chair @ 5:30 p.m.

Members Present: Vice-Chair Jane Fleming and Board Members Connie Rucker, George Hokayem, Eddie Martin, Sr. and Carmen Delgado

Members Absent: Chairman Doyle Johnson
There is currently a vacancy to fill the unexpired term for Zack Thompson.

Staff Present: Planning Manager Matt Tate and Recording Secretary Judy Foster

Others Present: Council Member George Wangemann

MINUTES OF SEPTEMBER 8, 2015

There was a motion to approve the minutes as presented.

Motion made by Board Member Hokayem

Motion seconded by Board Member Martin

Vote – 4 favor, 2 absent (Johnson, Delgado), 1 vacancy

OLD BUSINESS

NOTE: Board Member Delgado arrived at 5:32 p.m.

There was a motion to remove this item from the table.

Motion made by Board Member Hokayem

Motion seconded by Board Member Rucker

Vote – 5 favor, 1 absent (Johnson), 1 vacancy

A. Variance Request

- 1) Request from **Greg Sistrunk (Greenberg Farrow)** to vary the front yard setback requirements and the building setback requirements against a residential zoning district on a 0.80± acre tract located on the northwest side of the intersection of Shallowford Road and Hillcrest Road (a/k/a **104 Hillcrest Road SW; 377 Shallowford Road SW**), having a zoning classification of General Business (G-B).

Ward Number: Five

Tax Parcel Number(s): 01-118-002-001 and 010

Request: Convenience store with fueling pumps

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

The applicant is proposing to develop a 1,200 square foot convenience store and 16-pump fuel station. Access is proposed in the form of two two-way driveways along Shallowford Road and Hillcrest Road. The property is zoned G-B and consists of two tracts of land totaling 0.8 acre in size, which contain two small office buildings. The adjacent properties consist of a mixture of uses including two auto service uses,

hair salon, Wal-Mart shopping center and single-family homes located within unincorporated Hall County. In order to develop the proposed use the applicant is asking to vary the front yard setback requirements along Shallowford Road and Hillcrest Road from 40-feet to 35-feet as part of the canopy encroaches within the front yard setbacks. The Unified Land Development Code requires a front yard setback of 40-feet when located within the General Business (G-B) zoning district. As well, the applicant is proposing to vary the setback against a residential zoning district from 100-feet to 65-feet as part of the canopy encroaches into this setback requirement. In addition, the accessory structures including the dumpster enclosure, propane pad, ice unit pad and air vacuum pad are within the 100-feet setback requirement as close as 10-feet. The code requires that all service and fueling station buildings and accessory structures are located a minimum of 100-feet from any residential zoning district. The applicant is basing the hardship on the size, shape and topography of the property and the fact that it borders right-of-way on three sides.

Mr. Tate stated that the applicant met with the Planning staff and also Public Works since the last PAB meeting and made changes to their concept plan, noting the most prominent change is that the drive on Hillcrest Road will now be for ingress only and is set farther back from the intersection to help with fuel trucks making deliveries. Because of the sight triangle, there were changes made with the landscape plan to allow for better visibility on Hillcrest Road. He read the following statement from Public Works:

"The Public Works Department has received the concept design and traffic impact study for the development. Sight distance concerns regarding the proposed driveway on Hillcrest Road for traffic safety, is an issue that will need to be taken into account with the grade slope, vegetation buffer and wall fabrication for the development in order to determine the type of ingress/egress that will be permitted for the development."

Mr. Tate stated that this comment was made prior to meeting with the applicant and the proposed changes address those concerns by Public Works.

Mr. Tate stated that staff recommended a pitched roof on the canopy since it is located adjacent to residential properties and the applicant complied with that request, noting that there may be some architectural detail added so it may not be exactly as represented on the rendering.

The Planning Division staff is satisfied with the proposed changes and is recommending **conditional approval** of this variance request based on the existing three road frontages and the sloping topography with six conditions. He clarified that the development should be limited to twelve (12) fueling positions including the diesel fuel pumps which is noted in condition one.

There was a motion to open the public hearing for any public comments.

Motion made by Board Member Hokayem

Motion seconded by Board Member Rucker

Vote – 5 favor, 1 absent (Johnson), 1 vacancy

Applicant Presentation: **Greg Sistrunk**, with Greenberg Farrow, 1430 West Peachtree Street, Atlanta stated that they have made some substantial changes to the concept plan, noting the site has been very difficult to design. He stated that some of the concessions that were made were due to the residential property to the north. Mr. Sistrunk shared the following changes to their proposal: 1) They converted the drive on Hillcrest Road for ingress only, which is the best route for fuel trucks to enter the property on Hillcrest Road and exit onto Shallowford Road according to the traffic study; 2) The only egress from the development will be to turn right or left onto Shallowford Road which is farther away from the traffic signal and safer; 3) They plan to add a standing seam pitched roof, even though Murphy Oil's prototype is a flat roof, which will give more aesthetic appeal; 4) They may add a fascia to the canopy for signage, if allowed; 5) The columns on the canopy will be bricked to match the building; 6) The dumpster will be enclosed; 7) They will have recessed lighting in the canopy so you cannot see the direct glow from the streets, and the light poles will also be directed downward to prevent spillover onto the residential properties; 8) They will widen Hillcrest Road and bring it up to City standards to provide access for trucks to enter, noting this will improve the value of the two adjoining lots which are currently residential but are zoned for commercial on the future land use plan; and 9) They plan to demolish the existing retaining wall to the west of the property and put in landscaping to open up the site but have not yet worked out the details with Discount Tire. Mr. Sistrunk stated that Murphy Oil representatives flew in from Arkansas, but were held up at the airport and were not able to make it to the meeting. He stated that they really want to be in Gainesville and have looked for sites everywhere in the City, noting he lives and works in Gainesville as well. He stated he was available to answer any questions.

FAVOR: None

OPPOSE: None

Planning and Appeals Board Comments: None

There was a motion to vary the front yard setback requirement from 40-feet to 35-feet along Shallowford Road and Hillcrest Road and vary the building setback requirements against a residential zoning district from 100-feet to 10-feet at 104 Hillcrest Road and 377 Shallowford Road as proposed by staff with the following conditions:

- 1. The development shall be limited to twelve (12) fueling positions including the diesel pumps.**
- 2. The proposed building shall be similar in architecture and materials as depicted within the application with the exception that all roof surfaces including the convenience store building and proposed canopy shall have a minimum 3:12 pitched roof. In addition, the canopy support poles shall be faced with a brick or rock masonry to be consistent with the proposed building.**
- 3. The proposed development shall be buffered from the adjacent single-family properties located along Hillcrest Road. The vegetated buffer shall consist of a mixture of Cryptomeria trees, Leyland Cypress trees and other similar evergreen vegetation at a minimum height of six-feet (6') upon installation. The final number, type and location of trees shall**

be subject to the approval of the Community Development Department Director.

- 4. The proposed dumpster pad shall be fully enclosed as depicted within the application as to not be visible from the adjacent single-family properties. The proposed propane pad shall be located a minimum of 25-feet (25') from the right-of-way per code requirements.**
- 5. The subject property shall be limited to one monument sign located along Shallowford Road as shown on the applicant's concept plan. The monument sign shall not exceed eight feet (8') in height and a total of sixty-four (64) square feet in size. Wall signage shall be limited to the Shallowford Road and Hillcrest Road sides of the building/canopy and oriented as to not be visible from the adjacent residential properties.**
- 6. All access point design shall be approved by the Gainesville Public Works Department Director and any required improvements determined necessary shall be at the expense of the owner / developer.**

Motion made by Board Member Hokayem
Motion seconded by Board Member Martin
Vote – 5 favor, 1 absent (Johnson), 1 vacancy

NEW BUSINESS

A. Special Use Request

- 1) Request from **Gipco Southern, Inc.** for a Special Use on a 0.36± acre tract located between Thompson Bridge Road and Green Street Circle, south of the intersection of Thompson Bridge Road and Christopher Drive (a/k/a **1191 Thompson Bridge Road NW**), having a zoning classification of Neighborhood Business (N-B).

Ward Number: Two

Tax Parcel Number(s): 01-074-003-004A

Request: Drive-through for an approved restaurant use

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

The applicant is requesting a special use for a Dunkin' Donuts restaurant with a drive-through. In 2010, the previous occupant, Yonah Burger, received special use approval with conditions for a drive-through. One of the conditions of the special use states that any new restaurant with a drive-through shall require a separate public hearing. The subject property is zoned Neighborhood Business (N-B), is 0.36 acre in size and contains a 2,500 square foot building and parking area.

Adjacent uses include established single-family homes within the Green Street Circle neighborhood, and various nearby office, retail and restaurant uses along Thompson Bridge Road. The Gainesville Future Development Map places the subject tract within the *Retail Commercial* land use category and the within the *City Park Neighborhood Center* character area which support the request.

The applicant states that the existing building will be renovated but that much of the changes will include remodeling without demolishing or effectively changing the existing building. All access is to remain unchanged which includes one ingress and

one egress driveway off of Thompson Bridge Road (S.R. 60), and a one-way, exit left turn only driveway on Green Street Circle. The drive-through window and speaker device is to be located on the southern side of the building, which does not face the residential properties. Hours of operation are expected to be from 5 A.M. to 10 P.M. According to the applicant, minimum food preparation is prepared on site and the restaurant does not require vents and exhaust fans.

The Planning Division staff is recommending **conditional approval** of this special use request based on the Comprehensive Plan and the surrounding residential and nonresidential land use with five conditions.

Applicant Presentation: **Jay Gipson**, 480 East Paces Ferry Road, Atlanta, presented a more subtle design than what was depicted on the Power Point, noting Dunkin' Donuts has updated its buildings and strayed from the bright orange and white buildings of the past. He stated that they plan to take the existing former Yonah Burger building and redo it to look similar to the picture he presented but will not change the size. They plan to gut the building and retrofit it for a Dunkin' Donuts operation. He stated that they were in agreement with the conditions as presented.

FAVOR: None

OPPOSE: **Kathy Stroberg**, 1007 Green Street Circle, stated that she had concerns more than opposition. She stated that traffic exits right and left out of the subject property even though it is a left turn only onto Green Street Circle. She was concerned about the morning traffic around 8:30 a.m. with Stan's Biscuits, Syfan's Landscaping and now Dunkin' Donuts all merging onto Thompson Bridge Road. She compared it to Longstreet Café traffic in the mornings trying to exit onto Cleveland Highway and stated she did not want that for her neighborhood. She commented on the late hour the restaurant would be open, noting 10:00 p.m. is too late for a quiet neighborhood with young children.

Planning and Appeals Board Comments: Upon inquiry by Vice-Chair Fleming, Planning Manager Matt Tate stated that a traffic impact study was not required for this development based on its size and type of use. He stated that the staff report included estimates from the traffic generation manual of 137 a.m. trips and 115 p.m. trips for the use; however, whenever you have a new restaurant open up, there is usually a mad dash which tends to taper off over time as was the case with Yonah Burger. Mr. Tate felt Mrs. Stroberg had valid concerns regarding traffic.

Vice-Chair Fleming confirmed that if the Police Department determined there is a problem, then the City can investigate other alternatives with the property owner to address the matter.

Board Member Martin suggested making Green Street Circle a one-way only street. Mr. Tate stated that making Green Street Circle a one-way street cannot be a condition of zoning as it would require neighborhood involvement and City Council approval.

There was a motion to recommend conditional approval of the special use request within Neighborhood Business (N-B) zoning to allow a drive-through for an approved restaurant use at 1191 Thompson Bridge Road NW with the following conditions:

Conditions

1. Any drive-through speaker shall be located on the south side of the building facing the adjacent commercial property.
2. The existing natural buffer located along the westerly property line shall be supplemented with additional evergreen trees/vegetation if determined necessary. The spacing, size and type of trees/vegetation planted shall be subject to Planning Division approval.
3. The existing driveway located along Green Street Circle shall be limited to a one-way driveway for the approved restaurant use only. The existing concrete median shall remain so as to ensure that vehicles are restricted to left turn exiting movement only.
4. The use of the property shall be limited to the proposed restaurant business with a drive-through and those uses permitted under the Neighborhood Business (N-B) zoning classification. A new or different restaurant business with a drive-through shall require a separate public hearing.
5. If determined by the City of Gainesville Police Department that vehicles are making illegal right hand turns from the rear driveway of the subject property onto Green Street Circle, the City of Gainesville may further investigate other alternatives with the property owner to address the matter.

Motion made by Board Member Martin

Motion seconded by Board Member Hokayem

Vote – 5 favor, 1 absent (Johnson), 1 vacancy

ADJOURNMENT

There was a motion to adjourn the meeting at 6:05 PM.

Motion made by Board Member Rucker

Motion seconded by Board Member Delgado

Vote – 5 favor, 1 absent (Johnson), 1 vacancy

Respectfully submitted,

Jane Fleming, Vice-Chair

Judy Foster, Recording Secretary