

**GAINESVILLE PLANNING AND APPEALS BOARD
MINUTES OF MEETING
AUGUST 9, 2022**

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

Members Present: Chairman Doug Carter, Vice-Chair Jane Fleming and Board Members Rich White, Eddie Martin, Kelvin Simmons and Ryan Thompson

Members Absent: Board Member Carmen Delgado

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

Others Present: Council Members Barbara and George Wangemann

MINUTES OF JULY 12, 2022

There was a motion to approve the minutes as presented.

Motion made by Board Member Thompson

Motion seconded by Board Member White

Vote – 6 favor, 1 absent (Delgado)

NEW BUSINESS

A. Variance Requests

- 1) Request from **Brad Abernathy** to vary the rear yard setback requirement on a 0.76± acre tract located on the north side of East Lake Drive, west of Lakes End Drive (a/k/a **608 East Lake Drive, NW**), having a zoning of Residential-I-A (R-I-A).

Ward Number: One

Tax Parcel Number(s): 01-107-002-001

Request: Single-family home

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

The applicant is requesting to vary the rear yard setback requirement from 25-feet to 15-feet. The property is zoned R-I-A, is 0.76± acre in size and is one of 13 new lots created out of the former reconfigured 7th fairway of the Chattahoochee Golf Course. The applicant intends to construct a two-story, 5,300± square foot single-family home adjacent to the Chattahoochee Golf Course. Access is proposed from East Lake Drive. The property is heavily wooded and steeply slopes upward from East Lake Drive to the golf course.

The applicant's hardship is based on the steep topography and states that by locating the home closer to the rear property line the home will reduce the height of the retaining walls and will provide a better view of the golf course.

The Planning Division staff is recommending **conditional approval** of this variance request based on the steep topography.

Applicant Presentation: **Brad Abernathy**, 919 Memorial Drive, stated he would speak on behalf of the owner. He advised this parcel is a part of thirteen lots he helped sell for the

Chattahoochee Country Club and had the smallest piece of flat land on the golf course. Mr. Abernathy stated the owner is moving from Florida and wants to build a house on it. He stated the sewer line for the lots is along the back property line requiring grinder pumps and would be better for everyone for the house to be back as far as possible.

FAVOR: Geoff Derryberry, 607 East Lake Drive, stated he was not against or in favor of the request but had questions regarding it. His concern was the safety in moving setbacks of the home toward the golf course and his other concern was possible future requests for all adjacent lots on the fairway to be improved since view was the motive.

Chairman Carter explained Planning and Appeals Board has the final decision on variances and each is considered on a case-by-case basis. He also stated if someone builds along golf course part of the risk is golf balls in the yard or hitting the house.

REBUTTAL: Mr. Abernathy stated positioning the home to the back of the property does change the out-of-bound area of the course and is a chance the owners are willing to take.

OPPOSE: None

There was a motion to conditionally approve the request to vary the rear yard setback requirement from 25-feet to 15-feet for a single-family home with a zoning of Residential-I-A (R-I-A) with the following condition:

Condition

The proposed single-family home shall be generally consistent with the standards depicted on the site plan and architectural rendering provided with the variance application.

Motion made by Board Member Martin
Motion seconded by Board Member White

Vote – 6 favor, 1 absent (Delgado)

- 2) Request from **Greg Loyd** to vary the front yard setback requirement on a 0.12± acre tract located on the south side of Banks Street, between Main Street and Maple Street (a/k/a **658 Main Street, SW**), having a zoning of Light Industrial (L-I).

Ward Number: Three

Tax Parcel Number(s): 01-015-002-009A

Request: Collector vehicle storage and loft dwellings

Chairman Carter stated Deputy Director Tate received notification the applicant would like to table their request to the September 13, 2022, Planning and Appeals Board meeting.

There was a motion to table the variance request to the September 13, 2022, Planning and Appeals Board meeting.

Motion made by Board Member Thompson
Motion seconded by Board Member Martin

Vote – 6 favor, 1 absent (Delgado)

B. Annexation Request

- 1) Request from **Elizabeth Evans** to annex a 2.70± acres tract located on the east side of Crescent Drive, north of the intersection of Jesse Jewell Parkway and Crescent Drive, having frontage on I-985 (a/k/a **410 Crescent Drive**) and to establish a zoning of General Business (G-B).
Ward Number: Two
Tax Parcel Number(s): 15-033C-000-011
Request: Climate controlled & non-climate controlled storage

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

The applicant is proposing to annex the subject 2.7± acres property with a zoning of General Business (G-B) for a climate controlled and non-climate controlled storage facility. The property is adjacent to the city limits to the north, south and east and is between Crescent Drive and I-985. The surrounding uses include the Juvenile Justice Department, a future retail site, single-family homes in the county and a mixture of uses across I-985. The property is currently zoned Highway Business (H-B) within unincorporated Hall County and is located within the Limestone Parkway Overlay Zone. The facility will consist of 200 self-storage units within approximately 6 buildings, office space and a parking area for truck rentals. Half of the storage units will be climate controlled and half will be standard units. One access driveway is proposed from Crescent Drive which is a two-lane county road with no curb/gutter or sidewalks.

The Future Development Map for the City of Gainesville places the subject property within the *Commercial* land use category. The property is also located within the *Economic Development Gateways* Character Area. Which are both supportive of the proposed use.

The Planning Division staff is recommending **conditional approval** of the proposed annexation request with **General Business (G-B) zoning**, based on the Comprehensive Plan and the adjacent residential and non-residential land uses.

Applicant Presentation: **Elizabeth Evans**, 599 Denton Drive, stated she agrees with the information provided by Mr. Tate.

FAVOR: None

OPPOSE: None

There was a motion to recommend conditional approval of the annexation request for a climate controlled and non-climate controlled storage and establish zoning as General Business (G-B) with the following conditions:

Conditions

1. The proposed development shall be generally consistent with the concept plan and architectural renderings provided with this application. The exterior wall materials shall include a mixture of brick or stone and EFIS per the approval of the Community & Economic Development Director.
2. Prohibited uses for the subject property shall include adult novelty stores, group homes, crisis centers, adult entertainment centers, pawn shops, dollar-type stores, massage parlors, hookah lounge, tobacco or vaping stores, gas station/convenience stores, tire stores, auto parts stores, auto body shops, automobile sales establishments, marine sales or repair stores, automated or non-

automated car washes, truck stops, coin-laundry facilities, tattoo parlors, psychics, fortune tellers, clairvoyants and the like.

- 3. The frontage landscape areas shall be sodded with grass and contain minimum 3-inch caliper size hardwood trees subject to the Community & Economic Development Director approval.**
- 4. The subject property shall be limited to one (1) monument sign not to exceed 10-feet in height, 80 square feet of sign face area, 120 square feet of total sign structure area with internal or external lighting. Building signage shall be permitted as regulated within the Gainesville Unified Land Development Code. An electronic message board sign or electronic changeable copy sign shall not be permitted for the subject property.**
- 5. All access point design for the subject property shall be submitted for review by the Gainesville Public Works Director in coordination with Hall County. The approval of said design shall be required prior to issuance of a building permit. All required access / traffic / sidewalk improvements associated with the proposed development shall be at the full expense of the owner/developer.**

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

C. Zoning Amendment Request

- 1) Request from **CA Industrial Holdings, LLC** to amend a portion of an existing Planned Unit Development (P-U-D) zoning totaling 17.28± acres located west of the intersection of Old Oakwood Road and Mountain View Road, having road frontage on the north side of Old Oakwood Road and the south side of Mountain View Road (a/k/a **0 Old Oakwood Road, SW**).
Ward Number: Four
Tax Parcel Number: 08-024-005-363
Request: Industrial warehouse / distribution

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

The proposed zoning amendment involves a 17.28± acres portion of the 604.0± acres Mundy Mill mixed-use development originally annexed and rezoned in 2004. Adjacent uses include single-family homes within Maple Park (Mundy Mill Subdivision), single-family homes in the county, Hydro Extrusion USA, Family Dollar, and RWH Trucking. At present, multiple phases of development are currently built or are under construction including single-family homes, apartments, townhomes and the existing Mundy Mill Learning Academy elementary school.

The subject property is known as “Pod E” and was approved in 2021 for up to 170,000 square feet of industrial/office/warehouse space as part of a P-U-D amendment. The current proposal includes a total of 260,000± square feet of warehouse/distribution space that is spread across both the jurisdictions of Gainesville and Oakwood. Approximately 210,000 square feet of the building will be located within Gainesville. The remaining 50,000 square feet of the building will be located within Oakwood.

The proposed project requires an intergovernmental agreement defining the permitting authority and services to develop across the two jurisdictions. The development proposes two full access driveways, one along Old Oakwood Road and one along Mountain View Road with an anticipated project build-out date of 2024.

A Traffic Study was conducted for the proposal which is summarized in the staff report that anticipates a total of 496 daily trips and 61 AM and PM Peak Hour trips of which 100% of the truck trips are expected to be to and from the Tumbling Creek Road and I985 direction.

While no transportation improvements were recommended by the TIS, Gainesville Public Works Department and Hall County Traffic Engineering are preliminarily recommending that a left turn lane and a right turn lane be provided on Mountain View Road and Old Oakwood Road is recommended to have a left turn lane into the development.

It is staff's opinion that the proposal is consistent with the Comprehensive Plan given the property is located within a mixed-use development which was previous planned for industrial warehouse and distribution purposes. The property is located within the *Industrial* land use category and within the *Suburban Neighborhoods* Character Area.

The Planning Division staff is recommending **conditional approval** of this zoning amendment request based on the Comprehensive Plan and the surrounding mixture of uses. The existing 32 zoning conditions from Ordinance 2021-09 are recommended with amendments to zoning conditions 20, 25, 31 and 32 which are highlighted.

Applicant Presentation: **Steve Rowley**, 12600 Deerfield Parkway Suite 100 Alpharetta, stated he is Executive Vice President of CA Adventures and plans to build a "class A" facility with lots of glass. He stated the facility will not be a heavy truck and trailer location but would contain office space, nice place for people to work with green space and attract high paying jobs with different types of employees.

Wesley Reed, 2951 Flowers Road Atlanta, stated he is a civil engineer with Everly & Associates working with Steve Rowley on the project and will be happy to answer any technical questions.

FAVOR: None

OPPOSE: **Lauren Garcia**, 4210 Weeping Willow Drive, she wasn't opposed but had some concerns regarding the entrance from Mountain View Road. She said it was nice to hear the trucks would be on Old Oakwood Road and is familiar with seeing them on it but not on Mountain View Road. Ms. Garcia stated there are single family homes on Mountain View Road with people out walking all times of the day and she is concerned about property loss and the kinds of sidewalks to be installed. She said another concern was during school hours the bus stops at all the homes and the traffic concerns it might create with employees traveling in to work. She stated she would like an idea of the overall picture long term with a large number of employees working there, the safety and how much of land would be taken putting houses right on the road with kids being able to play in the front yard.

Mr. Rowley stated no land will be taken but will actually improve the walkway along Mountain View Road which is currently a dirt path all the way to the Dollar General location. He said most traffic will come from Old Oakwood Road but there will be some car traffic on Mountain View Road and will be working with staff and Hall County to improve the entrance to adhere to all rules and regulations of GDOT.

Maclesha Bourne, 4233 Weeping Willow Drive, stated some concerns she had are whether hazardous chemicals would be stored in the warehouse, the type of safety measures if there was an accident or emergency, process of controlling of air pollution/industrial waste, adequate drainage constructed to control water runoff away from Maple Park and residential areas. Ms. Bourne asked if there would be any sound barriers to buffer noise/activity of construction and thereafter along with traffic concerns.

Winnifred Thorpe, 4142 Pear Haven Lane, stated she is a resident of Maple Park development. She wanted to know the type of warehouse, would they be used as factories, and wanted to know the type of business.

REBUTTAL: Mr. Rowley stated the use could be a headquarters relocation, secondary headquarters or any service type tenant. He stated at another location just completed there were three different types of tenants but thinks this area would be more office intensive with workers living so close. He said most users do not want hazardous chemicals in the facility but at times will have a small cabinet with cleaning materials/supplies but no barrels of toxic sewage. He stated it will be built to code with inspections, obeying all the rules and will have the look of an office building with open areas. He said the lease agreement is written to prevent smells, noises or anything from leaving the warehouse and they have the ability to fix anything if the tenants don't follow the rules. There is a requirement of a buffer area and will be a lot of vegetation and landscaping that will screen the whole area.

Mr. Reed stated it's a light industrial zoning area and not heavy industrial. He explained the map with blue areas are three stormwater management areas. He said the City of Gainesville, City of Oakwood, State of Georgia and EPD all have regulations of stormwater to abide by. He stated the rate of water runoff discharging will be the same current rate, treated on site with water quality measures built into those management areas.

PLANNING AND APPEALS BOARD COMMENTS: Board Member Thompson asked if there were a way to restrict large trucks of six wheels or more from entering onto Mountain View Road. Mr. Rowley stated if no improvements are made along Mountain View Road then it would discourage trucks from entering. Board Member Thompson inquired if there had been any conversations with Hall County about what will be required and if there would be time before the City Council meeting to come up with a plan. Deputy Director Tate stated since staff recommended flipping the truck parking from the rear to the front of the building, more conversations will be needed with Gainesville Public Works and Hall County to re-evaluate both driveway intersections with possibly limiting access on Mountainview Road or eliminating it.

There was a motion to recommend conditional approval of the zoning amendment request for an industrial warehouse / distribution with Planned Unit Development (P-U-D) zoning with the following conditions:

Conditions

Transportation/Traffic

- 1. All road improvements associated within the scope of the proposed development shall be at the full expense of the developer(s). The scope of the development shall be defined as those roads/intersections directly within, adjacent to, and within 1,500 feet of the subject property as studied within the Traffic Impact Study (TIS) submitted with this application. These road improvements are to include additional signalization, turn lanes, widening of roads, striping, and signage as stated in the**

TIS. This may include all or portions of Mundy Mill Road, Meeks Road, Fairbanks Drive, Old Oakwood Road, Old Flowery Branch Road, and Mountain View Road. The cost of the required road improvements shall be prorated based on developed property values of the residential, commercial, retail, office and industrial properties.

- 2. The developer(s) shall work with the Georgia Department of Transportation, Hall County Traffic Engineering, the City of Oakwood, and the City of Gainesville Public Works Department to ensure that these improvements are performed in a timely manner so as to not conflict with any of the existing or planned road projects that are scheduled to take place outside the scope of the proposed development.**
- 3. All sign locations, access point (new and existing) designations for *new* roads, sight distances, and sight triangles shall be reviewed and clarified, in the beginning stages of plans and submittals with GDOT and the Public Works Director so as to limit the number of access points in that area.**
- 4. A signal warrant study will be required for the major intersections of internal streets within the development. If a signal light is warranted at a specific intersection, such installation shall be completed at the expense of the developer(s) and shall meet all specifications as determined by the Public Works Department. A signal light shall not be installed until traffic volumes actually meet the levels as determined by the warrant study.**
- 5. The developer(s) shall meet with Public Works prior to initiating the final civil design to discuss a traffic calming plan. A traffic calming plan consisting of tools such as landscaped traffic circles at intersections, raised crosswalks, landscaped center medians, chicanes, or other measures that aid in keeping the average speed on residential streets approximately 25 mph or below shall be prepared and approved by Public Works. Specific measures in the approved plan shall be constructed at the same time the streets are constructed.**
- 6. All roads dedicated to the City of Gainesville shall meet City specifications, and all private roads shall be constructed with materials that meet City specifications.**
- 7. All interpretations relating to transportation and/or traffic improvement conditions shall be subject to approval of the Gainesville Public Works Director.**
- 8. The new four lane parkway as reflected on the site plan shall be constructed and designed so as to allow a connection to the Tumbling Creek Connector across Old Oakwood Road.**

Development Standards

- 9. Sidewalks shall be required along both sides of the streets within the development and shall be a minimum of four feet (4') wide along streets classified as residential streets and six feet (6') wide along collector streets and streets in the commercial zones. Alternatively, sidewalks shall be permitted along one side of the street in parkway areas at a minimum width of eight feet (8') and a minimum of five feet (5') along roads classified as residential streets.**
- 10. All proposed single-family lots within the development shall only be allowed to access new interior roads within the subdivision. Direct access shall not be allowed onto roads that existed prior to this development.**
- 11. Access to all service areas adjacent to single-family detached homes, including dumpster pads, shall be limited to the hours of between 9:00 a.m. and 6:00 p.m., unless an emergency situation warrants access to these areas.**

12. Upon completion of the development, no outside storage of any materials shall be allowed. No storage of hazardous chemicals, as listed in the Standard Fire Code, shall be permitted.
13. Outdoor lighting used in this development; be it for recreational, security or general purposes, shall be of non-spill design and placed in a manner so as to minimize direct visibility by adjoining or adjacent properties.
14. The proposed residential, office, commercial, and accessory structures shall be similar in scale and architecture to the elevation drawings and pictures as submitted with the application.
15. The subject property shall be developed substantially in accordance with the site plan with minor engineering deviations excepted. All site plan, architectural renderings, pedestrian/trail access plan, and traffic impact studies shall become a part of the annexation, zoning and rezoning ordinances.
16. The number of *single-family detached homes* shall not exceed 1208 units and shall contain a minimum of 1,500 square feet of heated space. Front facades shall consist of masonry, stacked stone, cedar shake or stucco, architectural accents excluded. The remaining three facades shall consist of these materials or cementeous siding such as hardiplank. Single-family lots shall be no less than 6,000 square feet in size, with 60 feet of lot width at the building setback line and minimum lot width at right-of-way line of 20 feet, with the exception of Pod M of the concept plan which shall have a minimum lot width at the building setback line reduced to 50-feet.

Pod L of the concept plan dated 10/06/04 shall be the highest-end product proposed by the developer and shall contain a minimum of 1,800 square feet of heated space. Single-family lots shall be no less than 6,000 square feet in size, with 60 feet of lot width at the building setback line, and minimum lot width at right-of-way line of 20 feet. Front and side facades shall consist of masonry, stacked stone, cedar shake or stucco, architectural accents excluded. The rear facade may consist of these materials or cementeous siding such as hardiplank.

Each home within all single-family residential detached pods will have an attached garage for at least two cars. The front yard of each lot shall be sodded and planted with at least one hardwood tree. Monument signage shall be used for the entrance to any detached single-family residential pod as per the attached site plan, and each entrance shall have plantings or other architectural accents.

17. The number of attached *single-family condominiums*, fee simple townhomes or apartments shall not exceed 1,235 total units to include a total of 775 units for Pod's C and I and 460 units for Pod's J and K. The minimum unit/lot width for each condominium or fee simple townhome unit shall be 16 feet, and each unit shall contain a minimum of 1,200 feet of heated space. Building separations shall be as reflected on the site plan, and private drives built to City specs will be used within these communities. Front, side and rear facades shall consist of masonry, stacked stone, cedar shake, stucco, cementeous siding or a mixture thereof. No vinyl siding shall be allowed excluding soffit areas. No fewer than three or more than ten condominium or fee simple townhome units shall exist within one continuous structure, and front facades will be staggered. All single-family condominiums shall contain one car garages. Monument signage shall be used for the entrance to any attached single-family residential pod as per the sign plan.
18. The height of an apartment building shall not exceed three stories, although $\frac{3}{4}$ splits will be allowed. Each apartment unit will contain a minimum of 650 square feet for

Pod's C, I, J and K. Each unit shall have at least 1.75 parking spaces. Front, side and rear facades shall consist of masonry, stacked stone, cedar shake, stucco, cementeous siding or a mixture thereof. No vinyl siding shall be allowed excluding soffit areas. Minimum building separations shall be as depicted on the site plan. Signage shall be as per the attached sign plan.

19. The subject property may be developed for up to 806,000 square feet of traditional office, mid-rise office, and office warehouse space. Within the 806,000 square foot maximum, commercial and retail uses may be allowed within Pods B and N. At no such time shall the maximum allowed square footage within those pods exceed what is specified on the approved concept plan. This space may be developed for these uses but sold in a condominium format. Height of such structures shall be limited to 3 stories from average finished grade. Parking spaces will be provided at a minimum ratio of 3.5 spaces per 1000 square feet of useable office space. Monument signage shall be required in any office pod as per Exhibit B, and lights shall be shielded and angled so as to minimize glare onto adjacent properties. Minimum setbacks shall be as per the site plan, but there shall be no minimum lot, lot width or lot frontage required.
20. The subject property may be developed for up to **210,000** square feet of industrial/office/warehouse space within Pod E and 580,000 square feet of commercial space within Pod I. The maximum height of any structure, excluding architectural accents; such as clocks, cupolas and bell towers; shall be 50 feet. Use of pitched roofs shall be encouraged. Minimum setbacks shall be as per the site plan, but there shall be no minimum lot, lot width or lot frontage required. Parking shall be provided at a minimum of four spaces per 1,000 square feet of space. Lights shall be shielded and angled so as to minimize glare onto adjacent properties, and dumpsters shall be screened. Under no circumstances shall the following uses be allowed: Pawn shops, adult entertainment, adult bookstores, extended-stay hotel, rooming house, or boarding house. Signage shall be as per the attached sign plan.
21. Architectural treatment shall be of consistent design throughout the community and as per the renderings.
22. A minimum of 100 acres shall be maintained as green space, with passive recreation and trails as per the plan. Sidewalks shall connect the residential and non-residential components of this community.
23. A Mandatory Property Owners Association will be created for the single-family detached community to insure that these conditions are observed during development and in terms of architectural consistency thereafter. Separate mandatory associations will be set up for the single-family detached and single-family attached products to own and manage open space, common areas, and architectural controls. Open space elsewhere in the project shall be maintained as common area by the overall Property Owner's Association, or by a separate Association within whose boundaries the common area is located. Maintenance of the amenities package set forth on the site plan shall be the responsibility of the owners of single-family detached homes. However, at the option of those residents, memberships may be extended to other Mundy Mill residents for a fee to cover maintenance. Amenities packages also may be established in the individual townhome or apartment pods, but shall be the responsibility of the owners of land therein.

Buffers

24. A 100 foot wide buffer shall be provided against Balus Creek and all other blue-line streams. The first 50 feet of the buffer shall be measured from the top of the creek bank and shall be undisturbed. The remaining 50 feet of the buffer, if disturbed, shall be stabilized and replanted with vegetation subject to Planning Department approval.
25. A 25 foot minimum perimeter buffer will be created and infilled as necessary with plant material. However, this buffer will not be required along any Mundy Mill Road frontages. Landscaped buffers of at least 25 feet are also required along any road frontages. A staggered row of evergreen trees consisting of a mixture of Cryptomeria, Thuja Green Giant Arborvitae, Eastern Red Cedar and/or Holly trees shall be required adjacent to the entire perimeter buffer of Pod E excluding the westerly boundary adjacent to the city limits of Oakwood. The location, size and type of buffer trees shall be subject to the approval of the Community and Economic Development Department Director.
26. Landscaped buffers of at least 25 feet also shall separate any non-residential pod or existing non-residential use from a residential pod. The buffer shall be subject to Planning Department approval.
27. All proposed detention ponds shall be sufficiently fenced and buffered from view from all roads and adjacent properties. All buffer materials shall be approved by the Planning Department.

Gainesville City Board of Education

28. As agreed to by the owner/developer, the 17.0 acre tract of land identified on the plat/site plan attached as Exhibit A shall be reserved for use as an elementary school site. At that time (or earlier at the owner/developer's discretion), and presupposing the School Board still wants the property for an elementary school, the owner/developer shall promptly convey to it, without charge. In the event the School Board does not secure a building permit and begin construction of an elementary school before December 31, 2012, then the developer shall retain all rights to development of the entire 17.0 acres tract as per the original terms of zoning approval except for this condition, and the School Board shall promptly convey marketable title to the property back to the owner/developer at no charge. Additionally, if no elementary school is actually constructed on this site by December 31, 2013, then the School Board shall return marketable title to the property to the developer without charge. The conveyance documents executed by the owner/developer to the School Board will contain these terms and requirements. This agreement to reserve the 17.0 acres tract shall not prohibit the owner/developer from including it in any plat it may prepare for its development of a single-family residential pod and also will allow the owner/developer to put on it any necessary utility or other storm water easements which may be required for the development as a whole, provided such improvements do not materially affect the Board's ability to use the site for a school. This agreement also shall not prohibit the owner/developer from earlier transferring the 17.0 acres site to the City to be held for the School Board, subject to the requirements of this paragraph. Finally, but for utility/drainage easements or right-of-way dedicated as part of the road system in or along the frontages of the Mundy Mill development, the owner/developer shall not be required to dedicate or give to the City of Gainesville any additional property incidental to this development. However, if the School Board fails to acquire this property, then the owner/developer shall convey three acres of land to the City for a public safety use.

Notwithstanding any of the foregoing, if at such time as the School Board has acquired the 17.0 acres site and is ready to begin feasibility assessments, and if the State Board of Education should determine that the site is not then suitable for use as a school under the applicable state standards, then the Board of Education may sell the 17.0 acres tract and retain the proceeds for use in purchasing an alternative site. Provided, however, that once an arms length transaction for a fair market value purchase of the site has been secured by the School Board, the owner/developer shall have a right of first refusal to repurchase the tract at the exact same purchase price. Provided further, that the proceeds from such sale must be expended on a new school site within 60 days of closing, otherwise it shall be remitted instantly to the owner/developer.

The City notes that this condition may be imposed only because the owner/developer has agreed to it.

Quality Enhancement

29. In order to further enhance and assure the quality of development, the City expects the developer shall perform/provide the following:

- Detailed landscape plan for parkway, subject to approval by the Department of Planning and Development.
- Reconstruction of Mundy Mill as focal point for community, subject to approval of the Georgia Department of Transportation.
- A minimum of two amenity locations shall be provided for the entire development of the detached single-family residential pods. At minimum the amenity sites shall include a pool house, swimming pool and playground.
- Sidewalks and streetlights throughout community.
- All products within the development shall contain exterior construction materials limitation; must use brick, masonry stucco, stacked stone, cedar shake, or hardiplank.
- Open space - 18%.
- Pedestrian trail plan (3.5± miles) connecting entire community.
- Parkway plan sidewalk width sufficient to create a bicycle lane.
- Every single-family home built on the subject property shall contain ceramic tiled bathroom floors.
- Every single-family home shall be built to accommodate at least one fireplace.
- No vinyl siding on any product within development excluding soffit areas.
- Each pod of townhouses and apartments will have its own amenities package.
- All underground utilities.
- Uniform mailboxes will be provided for each detached single-family residential pod.
- Uniform street signs will be provided throughout the development.

30. Along Balus Creek, the developer shall reserve for the City, by way of easement, a ten-foot strip of land for use as a bicycle path. At such time as the City or County constructs an element of its bike path system to which this easement might connect, the City and/or County, at its/their expense, may pave this strip. No development shall occur on the property which would interfere with the eventual

construction of this path by the appropriate governmental entity, except for the boulevard which will cross the creek.

- 31. All access point design for the subject property shall require review and approval by the Gainesville Public Works Department Director and Hall County Traffic Engineering. All required access/traffic/sidewalk improvements associated with the proposal shall be at the full expense of the property owner.**
- 32. The proposed truck bays, truck court and trailer storage shall be located in front of the building facing Old Oakwood Road. The rear of the proposed building adjacent to the Maple Park subdivision shall be limited to employee parking only.**

Motion made by Board Member White

Motion seconded by Board Member Martin

Vote – 6 favor, 1 absent (Delgado)

D. Special Use Request

- 1) Request from **Kaiz Isani** for a special use on a 3.74± acres tract located at the southeast corner of Candler Road and Calvary Church Road (a/k/a **1311 Calvary Church Road, SW**), having a zoning of Light Industrial (L-I).
Ward Number: Three
Tax Parcel Number(s): 15-035-000-024
Request: Retail sales of alternative nicotine products

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

The proposal is for a special use within L-I zoning to permit a retail store that sells tobacco and alternative nicotine products such as premium cigars, vape, CBD, kratoms and accessories. A smoke lounge is not proposed and is not permitted.

The property is located within the Gateway Corridor Overlay Zone and the adjacent uses include a convenience store and gas station, cell tower, tree service business, industrial park and a single-family property. The existing uses within the strip center include AAA Bonding, Easy Out Bail Bonds and Candler Package Store. The applicant desires to occupy the remaining 1,400± sf suite located between the package store and the Easy Out Bail Bonds business. There are no proposed changes to the exterior of the building except for updating the signs. Access from the shopping center will remain from Calvary Church Road. The anticipated hours of operation are from 9:00 A.M. to 9:00 P.M. / 7 days a week with two employees.

The property is located within the *Industrial* land use category and the *Economic Development Gateways* Character Area which includes a wide range of office, business, light industrial, manufacturing, research, and development uses.

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

Applicant Presentation: The applicant remained seated and Chairman Carter stated the applicant agreed with the recommendations as presented in the staff presentation.

FAVOR: None

OPPOSE: None

PLANNING AND APPEALS BOARD COMMENTS: None

There was a motion to recommend conditional approval of the special use request for retail sales of alternative nicotine products having a zoning of Light Industrial (L-I) with the following condition:

Condition

The outline-lighting of windows and doors with any form of lighting shall not be permitted.

Motion made by Board Member Martin

Motion seconded by Board Member Simmons

Vote – 6 favor, 1 absent (Delgado)

ADJOURNMENT

There was a motion to adjourn the meeting at 6:13 p.m.

Motion made by Board Member Thompson

Motion seconded by Board Member Martin

Vote – 6 favor, 1 absent (Delgado)

Respectfully submitted,

Doug Carter, Chairman

Gwen Fleming, Recording Secretary