

**GAINESVILLE PLANNING AND APPEALS BOARD
MINUTES OF MEETING
APRIL 11, 2023**

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

Members Present: Vice-Chair Jane Fleming and Board Members Rich White, Kelvin Simmons, Ryan Thompson and Rick Young

Members Absent: Chairman Doug Carter and Board Member Eddie Martin

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

Others Present: Council Members George Wangemann and Barbara Brooks

MINUTES OF MARCH 14, 2023

There was a motion to approve the minutes as presented.

Motion made by Board Member Thompson
Motion seconded by Board Member White
Vote – 5 favor, 2 absent (Carter, Martin)

OLD BUSINESS

NEW BUSINESS

A. Annexation Request

- 1) Request from the **City of Gainesville** to annex a 1.866± acres tract located at the southeast corner of the intersection of Marler Street and Dean Street (a/k/a **1200 and 1204 Marler Street**) and to establish a zoning of Heavy Industrial (H-I).
Ward Number: Three
Tax Parcel Number(s): 00-031-005-001B
Request: Department of Water Resources water/sewer services

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

The City of Gainesville is proposing to annex a 1.866± acres property with a zoning of Heavy Industrial (H-I). The property is located at the southeast corner of the intersection of Marler Street and Dean Street and is currently zoned Heavy Industrial (I-II) and Office Institutional (O-I) within unincorporated Hall County. Two small office structures and two metal warehouse buildings are currently located on the property which was previously occupied by a roofing and sheet metal contractor business. Adjacent uses include City owned property to the east and to the north across Marler Street which are used for public utility purposes. Other uses include older Gainesville Mill housing single-family and duplex homes in the county.

The property was recently purchased by the City in order to expand maintenance operations for water and sewer services. There are no specific plans at this time regarding what improvements will be made to the property.

The Gainesville Comprehensive Plan places the property within the *General Mixed Use* future land use category and within the *Economic Development Gateways character area* which supports light industrial, manufacturing, utilities, research and development uses.

The Planning Division staff is recommending **approval** of this annexation request with **Heavy Industrial (H-I) zoning**, based on the Comprehensive Plan and the adjacent industrial uses.

FAVOR: None

OPPOSE: **Barbara Hooper**, 3 Dean Street, stated her concerns were street access, fencing for security purposes, security system, and natural barriers to protect the neighbors in the residential area. She said she owns two properties next to it which is a vacant lot and her home. Another concern was the size of buildings planned, noise issues with trucks and if gravel or sand is stored on the property to keep it away from the residential area. She stated another concern was the future proposed development for midtown and would like the proposed use to be good for all.

Planning and Appeals Board Comments: None

There was a motion to recommend approval of the annexation request and establish zoning as Heavy Industrial (H-I).

Motion made by Board Member White
Motion seconded by Board Member Simmons
Vote – 5 favor, 2 absent (Carter, Martin)

B. Rezoning Request

- 1) Request from **Bradley Dunckel** to rezone a 0.48± acre tract located at the southwest side of the intersection of Green Street Circle and Thompson Bridge Road (a/k/a **1113 and 1117 Green Street Circle**) from Residential-I (R-I) to Office and Institutional (O-I).
Ward Number: Two
Tax Parcel Number(s): 01-074-002-015 and 022
Request: Office uses

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

The applicant is proposing to rezone the subject 0.48± acre property from Residential-I (R-I) to Office and Institutional (O-I) for an office use. The subject property consists of two undeveloped, wooded parcels which contain a sewer easement along the shared side property line. One of the parcels located at 1113 Green Street Circle, is located within the Gateway Corridor Overlay Zone. Adjacent uses include the James Kennedy Insurance office, other professional offices, Stans Biscuits Deli, Jacobs Media, Thompson Court Shopping Center and single-family homes within the Green Street Circle neighborhood.

Specifically, the proposal includes a 2,000 square foot office building which could include a medical office/clinic, business service establishment or a general office uses. The office is designed as a one-story building with a total of 10 parking spaces. Shared access is proposed from the driveway that serves the neighboring James Kennedy State Farm Insurance office off of Green Street Circle.

The Comprehensive Plan places the property within the *General Mixed-Use* future land use category and within the *Traditional Neighborhoods Character Area* which supports areas containing or planned for a mixture of land uses including limited general mixed-use, neighborhood retail, office, public/institutional uses, detached residential and attached residential.

Based on the Comprehensive Plan and the adjacent residential and non-residential land uses, the Planning Division staff is recommending **conditional approval** of this rezoning request with **Office and Institutional (O-I) zoning** with four conditions.

Applicant Presentation: **Bradley Dunckel**, 3703 Timber Walk Drive, stated he represents the property owner Jeff Bates which has owned the two lots since 1995 and 2002 and has invested tax dollars into the undeveloped parcels. He advised the request would not exceed 2,000 square feet office building and only one story to minimize impact to the surrounding property owners. Mr. Dunckel said the plan was for a dental office with a single dentist practice to occupy it.

OPPOSE: **Scott Legg**, 1090 Green Street Circle, stated his property is directly behind the subject property and has been there since 1996. He stated concerns that were not addressed was traffic noise from Thompson Bridge Road and noise from the nearby business dumpster service. Mr. Legg stated it is a very steep lot and not recommended for residential but concerned it's too steep for a doctor/dentist office. He stated as an example for the Board to take note of 1004 Green Street Circle which backs up to The Bradford Pair when precautions are not taken regarding the topography of the slope and ridge where Green Street Circle sits. He said the back yard of 1004 Green Street Circle fell off into the parking lot of The Bradford Pair ten years ago. He suggested to the Board to add conditions regarding a retaining wall and detail plans for the runoff issues. He stated 85 percent of runoff from his property drains into the subject property due to the topography of the land.

Joy Holmes, 1020 Green Street Circle, stated they purchased their home five to six years ago and are directly behind The Bradford Pair. She agreed with her neighbor that the hill has been a nightmare and is concerned with removing the trees and what might happen with the ground/land. She stated the intersection of Green Street Circle and Thompson Bridge Road is extremely dangerous without additional traffic from a doctor's office since there have been fatal accidents at that location. She mentioned once the trees are removed there will be no privacy for their neighborhood.

Molly Legg, 1090 Green Street Circle, stated she enjoys living in the city and historic neighborhood but would prefer for no development to be behind them. She was concerned about the rezoning from R-I to O-I and mentioned the zoning of surrounding businesses. Mrs. Legg stated in her opinion a 2,000 square feet building is too large for the size of the lot compared to the other buildings nearby. She said she spoke with neighbors at 1070, 1080, 1090 and 1102 and all are concerned with buffer issues, noise, runoff, sewer line and changes to the entrance of the street. She mentioned the traffic issues as vehicles coming out of the businesses nearby use the turn lane going onto Oak Tree Drive which is already a dangerous area. She stated the nearby businesses currently only have one vehicle in the parking lot, none or possibly two vehicles.

Shannon Ball, 1116 Green Street Circle, stated they have lived at the location since 1994 and living in the city with Thompson Bridge Road behind them are aware they cannot deny all future development but shares the same concerns especially with the turn lane. She said almost daily there are head-on collisions at the location with vehicles turning onto Oak Tree

are getting into the turn lane too early and is a massive congestion at rush hour. She stated the concern with ten parking spaces and people coming into the dentist office after work hours will be adding more traffic and congestion. She stated it is very concerning with them trying to get home safely. Mrs. Ball stated her concern with the removal of the trees which provide a little sanctuary and will be exposed to all the noise on a more massive scale. She stated their request is to have a significant tree buffer and also concerned about the erosion and the incident at The Bradford Pair was terrifying. The other concern she stated was a retaining wall is ugly and unsightly and concerned about the trees if one is built. She stated her main concerns were the tree buffer, tree removal and traffic issues.

David Ball, 1116 Green Street Circle, stated he would prefer the location be an office rather than retail or rental house. He said he believes it is a good use of the land and site plan too. He stated he would like the Board to consider a larger than 25-foot buffer if possible and suggested moving the building forward toward the street. Mr. Ball said his primary concern is the buffer zone in the rear with a larger retaining wall, heavy vegetation and a fence.

Rebuttal: Mr. Dunckel stated GDOT reviewed the plan and replied there were no issues with it. He acknowledged with a business there would be noise from a dumpster being emptied but due to it being a small building there may not be a dumpster, only pick-up from the city twice a week. He agreed due to the steep topography a retaining wall would be required in the rear and a sub-wall in the front of the building. Mr. Dunckel stated due to elevation issues the building could not be moved forward. He acknowledged the runoff issue and said once the engineering process is complete, there will be a solution in the final version of the plan. He stated due to the severe topography every tree will need to be removed but with correctly placed engineered retaining walls to hold the soil.

Planning and Appeals Board Comments: Board Member Thompson asked about the location of the retaining wall and Mr. Dunckel stated they are allowed within the buffer zone and thought it to be approximately six to eight feet which would only be visible by someone in the parking lot. Mr. Tate confirmed fences are allowed along with retaining walls within the buffer and would expect plantings at the top and at the base of the wall but at the top would give more of an immediate buffer. Board Member Thompson stated a combination of a fence and planting buffer would be best. Vice-Chair Fleming said a fence would be for safety too. Board Member Simmons stated he felt there wasn't enough information on traffic safety and study. Mr. Dunckel stated there wasn't a true traffic study but was asked by GDOT to provide the projected average daily traffic numbers along with AM and PM peak traffic counts which was done by an engineer and sent to GDOT and their reply was they did not see any adverse effect from the amount of traffic. Vice-Chair Fleming asked about the submittal process from the applicant and Deputy Director Tate stated it is considered a commercial development and fully engineered civil plans addressing parking access, setbacks, buffers, stormwater and erosion are required. Mr. Tate stated The Bradford Pair is an example of what not to do and occurred many, many years ago and there have been significant changes to the stormwater ordinances for water quality and erosion. Deputy Director Tate explained what the anticipated traffic counts were for a medical office per the staff report. Board Member Young mentioned it would be weekday traffic and not weekend traffic with a medical office. Vice-Chair Fleming asked Mr. Tate to address the zoning and he explained currently the zoning is Residential-I and explained other surrounding properties are zoned Neighborhood Business (N-B), Residential & Office (R-O), Planned Unit Development (P-U-D) and Office & Institutional (O-I). A zoning of O-I is strictly office and would not allow for a convenience store or other commercial uses. Board Member Young asked about any guidelines for hours of operation with O-I zoning and Mr. Tate replied the code does not restrict hours of operation for any type of use but the Planning Board or City Council could add this as a condition.

Shannon Ball stated it was startling to hear that all trees would be removed and concerned about the length of time it would take for growth. She asked if they could require fast growing vegetation without having small shrubs, waiting ten years. She also mentioned the traffic and a fatality the year before along with other significant wrecks in the last months. Mrs. Ball stated studies show one thing but living to see the impact is another.

Vice-Chair Fleming asked if a certain type of tree could be required and Deputy Director Tate stated they preferred to determine the certain type tree based on the site. Board Member Thompson stated he has seen several landscape plans by the city and have done a great job of picking material. Mr. Thompson said he would prefer to see an 8-foot buffer material along with a 6-foot privacy fence on top of the wall if deciding to move forward. Board Member Thompson stated he would make a motion with amended conditions of no dumpster, privacy fence on top of the wall, minimum of 8-foot buffer material and adding hours of operation time limit.

There was a motion to recommend conditional approval to rezone the subject property for office uses from Residential-I (R-I) to Office and Institutional (O-I) with the following amended conditions:

Conditions

1. The proposed building shall be generally consistent with the standards depicted on the concept plan and photographs provided with this rezoning application and shall adhere to the Gateway Corridor Overlay Zone standards. Specifically, the proposed office building shall not exceed 2,000 square feet in size and constructed with a minimum 6:12 pitched roof.
2. Outdoor lighting used in this development shall be of non-spill design and placed in a manner so as to minimize direct visibility by the adjacent properties.
3. A mixture of evergreen and deciduous buffer trees shall be planted within the required 25-foot wide buffer area adjacent to the single-family lots located to the rear of the property. **The minimum installation height of the trees shall be 8-feet.** The location, spacing, size and type of trees planted shall be subject to the approval of the Director of the Community and Economic Development Department.
4. Vehicular access to the subject property shall be from the adjacent driveway as shown on the applicant's site plan and shall require review and approval by the Gainesville Public Works Department Director.
5. **In addition to the planted buffer, a 6 foot tall opaque fence shall be required at the top of the retaining wall adjacent to the single-family homes.**
6. **A trash dumpster shall not be allowed on the property.**
7. **The hours of operation for the proposed use shall be limited from 7:00 A.M. to 8:00 P.M., Monday through Sunday.**

Motion made by Board Member Thompson

Motion seconded by Board Member White

Vote – 5 favor, 2 absent (Carter, Martin)

ADJOURNMENT

There was a motion to adjourn the meeting at 6:15 p.m.

Motion made by Board Member Simmons

Motion seconded by Board Member White

Vote – 5 favor, 2 absent (Carter, Martin)

Respectfully submitted,

Jane Fleming, Vice-Chair

Gwen Fleming, Recording Secretary