

**GAINESVILLE PLANNING AND APPEALS BOARD
MINUTES OF MEETING
OCTOBER 10, 2023**

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

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

Members Absent: Board Member Kelvin Simmons

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

Others Present: Council Member Barbara Brooks

MINUTES OF SEPTEMBER 12, 2023

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 (Simmons)

OLD BUSINESS

NEW BUSINESS

A. Annexation Requests

- 1) Request from **BDC Gainesville, LLC** to annex a 50.711± acres tract located southeast of the intersection of Athens Highway and Monroe Drive, having road frontage on Athens Highway and Monroe Drive (a/k/a **2544 Monroe Drive and 1570 Athens Highway**) and to establish a zoning of Heavy Industrial (H-I), with a special use.

Ward Number: Three

Tax Parcel Number(s): 15-032-000-013

Request: Enclosed anaerobic digestion facility (Bioenergy Center)

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

The applicant is proposing to annex a 50.711± acres property with a zoning of Heavy Industrial (H-I) zoning and a special use for an enclosed anaerobic digestion facility (Bioenergy Center). The property is currently zoned Planned Industrial Development (P-I-D) in Hall County and was approved in 2012 as an open construction and demolition (C&D) solid waste inert landfill, but was never developed as such. The property is contiguous to the city limits to the south and west and the property is located within the Gateway Corridor Overlay Zone along Athens Highway. The property is heavily wooded with sloping topography and contains two tributaries from Allen Creek which will limit the developable area toward the center of the site. Adjacent uses include the U.S. Post Office, Waffle House restaurant, Copart-Atlanta North, WM-RTS Landfill, GVAR Landfill and Steel Tech Industries.

The purpose of the proposed enclosed anaerobic digestion facility (Bioenergy Center) is to transform feedstock consisting of various food production sources from area poultry and

agricultural industries into Biogas which is further treated on-site to produce renewable natural gas. As well, a secondary digestate-compost like product without the odor is also created that can be land applied or mixed to create nutrient rich top soils.

The proposed facility operates 365 days a year and 24 hours a day with 17 approximately employees working across 2 shifts. There are approximately 27 to 31 trucks carrying organic feedstock consisting of mostly liquid feedstock in tanker trucks of which 6 to 7 of the truck loads will carry solid feedstock in tarped dump trucks. Most of the feedstock deliveries are from 5 a.m. until 4 p.m. Access is proposed from a single driveway off of Monroe Drive.

The facility will include numerous structures including solids and liquids truck bay/building, odor control building, wastewater treatment building, 4 smaller pre-treatment tanks, 4 large digester tanks, gas filtration skid, soil amendment building, dry detention pond, maintenance and an administrative building.

The Future Development Map for the City of Gainesville places the property within the *Industrial* land use category. The Character Area map for the City of Gainesville places the subject property within the *Economic Development Gateways* character area which supports industrial, manufacturing, research and development uses.

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

Applicant Presentation: **Bradley Dunkel**, Rochester & Associates, 425 Oak Street, stated he represents BDC and the parent company Bioenergy Devco. He said the facility takes food processing waste, converts into renewable energy into soil amendments to be used in a variety of uses. He mentioned there have been concerns of odor generated from the facility but there will be no outside storage of any raw materials and will be delivered in a tank or covered truck, the liquid form will be piped directly into the digesters. Mr. Dunkel stated the solid product enters an enclosed building with negative air pressure with no air escaping and odor would be minimal if any. He said feed stock is a treated byproduct of primarily the food processing energy and explained that a poultry plant or other facility processes their waste then that product would go to a land application disposal but being land applied the liquid or solid byproduct could affect the lake by runoff due to the amount of nutrients but this would eliminate that concern and is considered a green alternative. Mr. Dunkel said eighty percent is liquid form and therefore pumped directly into the facility. He said all feed stock ingredients are registered with the State as materials suitable for land application disposal. Mr. Dunkel stated the other concern was the number of trucks on the road but they are already on road and going to longer distances to dispose of the materials. He stated the environmental result of the process is a digestate that becomes a soil amendment product and a biogas that becomes a renewable natural gas source that is put back into the gas line system. He stated there is a letter from the Georgia Department of Agriculture in support of the facility. Mr. Dunkel then explained using overhead maps showing limits of disturbance along with the site being screened and remote from surrounding uses and explained a 3D rendering of site. He said in attendance were two representatives from Bioenergy Devco along with local environmental consultant Warren Howell and Chris Riley helping on the state level regulatory process if there were any additional questions.

FAVOR: None

OPPOSE: Jennifer Knight, 2719 Water View Circle, was not really opposed but stated it sounds like good facility but was concerned about gases exploding or tanks catching fire and the radius of it. She also asked about the creeks being protected including the water system along with questions about the product being dispersed on site. Ms. Knight also expressed concern regarding the hazards of the gases and if the process doesn't work as it should.

Chris Riley, 1660 Palmour Drive, stated he would answer the questions from Ms. Knight. He said it is a non-pressured gas/non-pressured system with no risk. Mr. Riley said there is a requirement by the State that the applicant must receive the Clean Air Permit in addition to a Waste Water Treatment Permit. He stated the flume will be mandated and required which falls under the State's Clean Air Permit. He stated should the applicant receive local zoning and approval it would then flow to the State EPD for a Clean Air Permit for the air scrubbers that would control any odors that might escape in addition to the flume and gas. Mr. Riley said any disturbance to the creek is required by the State to go through a Permit of Disturbance in addition to Army Corp of Engineers for a 404 Permit from the Savannah district office in order to cross the tributaries. He explained once this is done it must be proved to the federal government and state that there are cautions in place not to disturb the tributaries and any what-if situation moving forward. He stated there are required tests ongoing by the Corp of Engineers along with onsite monitoring. Mr. Riley then explained how the product is dispersed stating inside the tank are living organisms (bugs) which breaks down the product into three byproducts which are natural gas, water and solid waste which an additive is added to it for mulch. He said there should be no odors at all.

Board Member Young asked Mr. Riley if the gas would be injected on site at a Liberty controlled natural gas pipe and he answered yes and it would not be tanked out and the gas must be compressed in order for Liberty to accept it at the expense of the applicant.

Board Member Thompson asked Mr. Riley if there had ever been explosion or leak with this type of facility and he answered not to his knowledge. He stated it originated in Europe operating there for years and then opened one in Maryland with Tyson Foods. Mr. Riley stated there are two anaerobic digesters in Georgia operating by the city of Columbus and Gwinnett County both sewage treatment facilities but the one in Gainesville will be the first private feed stock site in Georgia.

Board Member Young asked Mr. Riley about the truck traffic capacity at the facilities and the process for it now. He stated it is being built and permitted to be maxed out. Mr. Riley said it will be a solution to ongoing problem of being able to disperse the byproduct from food processing. The process currently goes to east and southeast Georgia approximately 100 miles one way with a single truck to disperse the product.

Vice-Chair Fleming asked if this would be good for Georgia and economic development, to handle our own waste and the agency that would oversee this process. Mr. Riley explained that with the blessing of the poultry industry with more people moving into the area it is a way to sustain and maintain the poultry industry and allow it to continue to grow being good neighbors of something that is now land applied and placed into a controlled environment and be used for betterment of renewable resources. Mr. Riley stated there are two state agencies, (Department of Agriculture and the Environmental Protection Division) that have joint regulation authority over the soil amendment product.

Will Crumley, 2577 Monroe Drive, M&R Rental, stated he is not opposed but concerned about the number of trucks, the recourse for it and with the condition of the roads being able to handle a large number of truck traffic.

Deputy Director Tate stated the facility is being built to be maxed out and there is a proposed zoning condition that limits to what is being proposed. He said if the applicant wanted to increase the size of the facility, then it would require a public hearing process first. Mr. Tate stated that 27 to 31 truck trips per day did not meet the threshold of a traffic study requirement but will still require coordination with Public Works for access and some level of coordination with GDOT.

Mr. Riley added that it is built to capacity and can't expand any more. He said the topography makes it cost prohibited to expand outward and will be the first one in state that will be a proven scientific model that works and would have to expand elsewhere with Gainesville being the model.

Chairman Carter stated Mr. Riley had communicated with Mr. Tate regarding the conditions being tweaked and the language being changed and wanted to acknowledge the Board received them in writing and would consider the amendments to the conditions. Chairman Carter asked Mr. Tate to share his thoughts concerning the changes to the conditions.

Deputy Director Tate stated there are currently eleven proposed conditions by staff and five of them have been amended for clarification purposes. He said conditions 3, 4, 6, 8 and 9 have proposed changes and staff is in agreement.

There was a motion to recommend conditional approval of the annexation request for an enclosed anaerobic digestion facility (Bioenergy Center) and establish zoning as Heavy Industrial (H-I) with a special use with the following amended (3, 4, 6, 8 and 9) conditions:

Conditions

1. The development standards within the narrative, site plan and photographs submitted with the applicant's annexation application shall be made part of the zoning ordinance, and shall be subject to the approval of the Community and Economic Development Director.
2. The use of the subject property shall be restricted to the proposed enclosed Anaerobic Digestion Facility (Bioenergy Center). Any different use shall require a public hearing before the Gainesville Planning and Appeals Board and Gainesville City Council.
3. The size of the proposed Anaerobic Digestion Facility (Bioenergy Center) shall be in general conformance to what is shown on the site plan submitted with this annexation application. Any deviations shall be subject to the approval of the Community and Economic Development Director.
4. All offloading of solid feedstock shall be indoors. Any odors emitted from the offloading shall be sealed, treated and contained within a negative air pressure building. Liquid feedstock and soil amendment loadout shall be covered with minimal, if any expected odors, mitigated by best management practices, consistent with industry standards.
5. The proposed use shall conform with the City's industrial discharge permit requirements, as well as, submittal and approval of a detailed odor control plan per the approval of the Gainesville Department of Water Resources.

6. The exterior walls of all buildings, accessory buildings, silos and tanks shall be forest green in color. This shall not include roofs or membranes. Any deviations shall be subject to the approval of the Community and Economic Development Director.
7. The subject property shall be limited to one (1) monument sign fronting Monroe Drive, not to exceed 10-feet in height, 64 square feet in size, with internal or indirect lighting. Building signs shall be permitted as regulated within the Gainesville Unified Land Development Code. An electronic message board / changeable copy sign shall not be permitted for the subject property.
8. The existing, healthy trees located on the subject property, and not within the proposed limits of construction, shall be retained and incorporated into the design of the site improvements where possible, and shall be protected throughout construction of any required and/or proposed improvements.
9. A minimum 100-foot wide undisturbed buffer shall be required within the boundary of the subject property with the exception of the proposed driveway on Monroe Drive. A reduction of undisturbed buffer shall be permitted along the US 129 Right-of-Way where shown on the attached site plan. Any further reduction of the undisturbed buffer area shall be subject to the approval of the Community and Economic Development Director.
10. The proposed entrance on Monroe Drive shall be professionally landscaped and maintained. The design of the landscaped entrance shall require review and approval from the Community and Economic Development Director.
11. All access shall be limited to Monroe Drive shall be submitted for review by the Gainesville Public Works Director and Hall County Community Development & Infrastructure Department, and 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 developer/property owner.

Motion made by Board Member Martin

Motion seconded by Board Member Young

Vote – 6 favor, 1 absent (Simmons)

- 2) Request from the **Gainesville Housing Authority** to annex a 2.031± acres tract located on the west side of Harrison Drive, east of Lanier Parkway (I-985) (a/k/a **1368 Harrison Drive**) and to establish a zoning of Residential-II (R-II).
Ward Number: Three
Tax Parcel Number(s): 01-142-001-002 (Part)
Request: Low-income multi-family housing

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

The applicant is proposing to annex a 2.031± acres tract with Residential-II (R-II) zoning. The subject property is currently zoned R-II within unincorporated Hall County and is located within the North Oconee Water Supply Watershed Protection Overlay Zone. The adjacent uses include New Life Missionary Church, Harrison Square Apartments an Abandoned American Legion #328 building and single-family homes in the county.

The property is part of a larger 17.54± acres assemblage of properties that were conditionally approved in 2003 and 2004 for a maximum of up to 160 low-income housing apartment units. The property to be annexed will clean up a portion of the city boundary allowing all of the proposed apartment buildings to be located within the city limits but the development is for only 120 multi-family units.

In partnership with the Gainesville Housing Authority (GHA), the property will be developed by The Paces Foundation who is seeking low-income housing tax credits through DCA to develop the property. As part of the GHA - Rental Assistance Demonstration (RAD) conversion, the development will help relocate 100 existing public housing units with the remaining 20 units being Low Income Housing Tax Credit Units. Amenities will include a club house with meeting space, computer room, Wi-Fi hotspot, workout and yoga studio, picnic area, covered pavilion with BBQ area and playground. Access will be from Harrison Drive and approximately 220 parking spaces will be provided. The proposed Harrison Village Apartments will consist of five, 3-story apartment buildings and a club house constructed with a mixture of brick and cementitious exterior materials.

The property is located within the *Multi-family* future land use category and within the *Economic Development Gateways* Character Area which support multi-family residential, commercial, general mixed-use, industrial, limited, parks and recreation, public and institutional uses.

The Planning Division staff is recommending **conditional approval** of this annexation request with **Residential-II (R-II)** zoning based on the Comprehensive Plan and the adjacent and nearby residential uses.

For consistency, the following **19** zoning conditions are the same as placed on the adjacent properties during 2003 and 2004.

Applicant Presentation: **Beth Brown**, 750 Pearl Nix Parkway, Gainesville Housing Authority, stated the Gainesville Housing Authority owns all land and will become the sole owner of property five years after construction once through stabilization. Mrs. Brown stated she will be glad to answer any questions.

FAVOR: None

OPPOSE: None

There was a motion to recommend conditional approval of the annexation request for low-income multi-family housing and establish zoning as Residential-II (R-II) with the following conditions:

Conditions

- 1. A 75-foot undisturbed buffer shall be maintained between the development and the existing Biscayne Subdivision.**
- 2. No unit shall be less than 900 square feet.**
- 3. The entire development shall be limited to 9 du/ac.**

4. **At a minimum, 40% of the exterior siding must be masonry or stone on all four sides of each structure. The remaining exterior surfaces shall be cement type siding such as Hardie board.**
5. **Roof type shall be 25 year, architectural-type asphalt shingles.**
6. **Entry landscape shall include lighted signage in conformance with R-II standards and contain annual planting beds.**
7. **The site will have continuous perimeter fencing.**
8. **Parking shall be porous type asphalt paving.**
9. **All units shall be sprinklered for fire suppression, units to include visual and audio fire alarms.**
10. **Ten percent of the units are to be fully disabled accessible; including hearing, sight and mobility impaired accessibility.**
11. **The property shall have a minimum 2,500 square foot community center/office building to include a technology/computer center, fitness center, community meeting room, support service office, management office, maintenance office, shop and storage areas.**
12. **Development shall contain a swimming pool with bath house/changing room and outdoor gathering/party area.**
13. **Development shall contain a playground for children, tot lot for toddlers, sport court for teenagers/adults, walking trail and picnic area with covered tables.**
14. **Landscaping shall be natural and drought tolerant.**
15. **HVAC system will exceed Georgia Energy Code requirements.**
16. **Windows shall be thermal pane, low UV penetration windows.**
17. **Onsite laundry, washer-dryer hook-ups shall be provided for each unit.**
18. **Trash compacter for tenant garbage shall be provided.**
19. **Development shall comply with all other conditions of the Georgia Department of Community Affairs Office of Affordable Housing's manual governing development.**

Motion made by Vice-Chair Fleming

Motion seconded by Board Member Martin

Vote – 6 favor, 1 absent (Simmons)

Tanya Jackson, 4421 Prestwick Drive, Oakwood, stated she was concerned about the affect to adjoining properties, was confused and did not understand the map. Chairman Carter explained the project was approved in 2003 and the request was for a strip of land for clean-up and suggested to meet with staff to review the layout of the plans.

B. Rezoning Request

- 1) Request from **Greg Loyd** to rezone a 0.397± acre tract located at the southwest side of the intersection of High Street and Dixie Street (a/k/a **812 Dixie Street**) from General Business (G-B) to Residential-II (R-II).
Ward Number: Three
Tax Parcel Number(s): 01-033-002-001
Request: Four condominium units

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

The applicant is to rezone the 0.397± acre property from General Business (G-B) to Residential-II (R-II) for two residential duplexes, for a total of 4 residential condominium units. The surrounding uses include a mixture of residential and nonresidential uses. The property is located within the Midtown Overlay Zone which allows residential condominiums by right regardless of the underlying zoning district.

The applicant is proposing to downzone the property from G-B to R-II to better conform with the surrounding zonings which also allows for a better design under the R-II zoning design standards. Access for each unit is proposed from Dixie Street and each unit will have surface level parking. Each unit is 2-story in height consisting of 3 bedrooms, 2 ½ baths, large open living area, kitchen and dining area. The anticipated construction time is 6 months upon approval.

The property is located within the *Downtown Mixed-Use* future land use category and the *Central Core Character Area* which supports single-family residential, multi-family residential and a mixture of uses.

The Planning Division staff is recommending **conditional approval** of this rezoning request with **Residential-II (R-II)** zoning, based on the Comprehensive Plan and the adjacent residential land uses.

Applicant Presentation: **Priscilla Loyd Freeman**, 3733 Cherokee Ford, stated she will be speaking for father, Greg Loyd. She stated they are in agreement with Mr. Tate and are glad to answer any questions.

FAVOR: **Daniell Carrillo**, 4610 Whiporwill Road, stated he is representing Oscar Carrillo, owner of Carrillo Properties, believes the zoning would be best zoned Residential due to surrounding areas and is in agreement with the staff.

Vice-Chair Fleming asked if the units will be rented sold fee simple. Mr. Carrillo stated the plans are to sell the condominiums.

OPPOSE: None

There was a motion to recommend conditional approval to rezone the subject property for four condominium units from General Business (G-B) to Residential-II (R-II) with the following conditions:

Conditions

1. The use of the property shall be limited to four (4) detached single-family residential condominiums.

2. **Each condominium unit shall contain a minimum heated floor space area of 1,800 square feet.**
3. **The architecture and overall design of the proposed single-family residential condominiums shall be consistent with the attached narrative, site plan, condominium renderings and floor plans, and shall be subject to the approval of the Community and Economic Development Director.**
4. **The front yards along Dixie Street and High Street and shall be sodded with grass. In addition, there shall be a minimum of one, 3-inch caliper size hardwood tree per condominium unit.**
5. **All access point design for the subject property shall require review and approval by the Gainesville Public Works Department Director. All required access/traffic/sidewalk improvements associated with the proposed development shall be at the full expense of the developer/property owner.**
6. **An updated as-built survey/plat showing all improvements to the property shall be required upon an occupancy permit being issued for the last condominium unit.**

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

RECOGNITION

Chairman Carter announced the resignation of Board Member Rich White and stated it would be his last meeting with the Planning and Appeals Board. He also expressed appreciation for many years of service with the Board and mentioned the years of banking and community volunteering. Board Member White stated he prefers not to drive at night and has enjoyed working with such great and knowledgeable staff and board members over the years.

ADJOURNMENT

There was a motion to adjourn the meeting at 6:19 p.m.

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

Respectfully submitted,

Doug Carter, Chairman

Gwen Fleming, Recording Secretary