

**GAINESVILLE PLANNING AND APPEALS BOARD
MINUTES OF MEETING
DECEMBER 12, 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, Kelvin Simmons, Ryan Thompson and Rick Young

Members Absent: None

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

Others Present: None

MINUTES OF NOVEMBER 14, 2023

There was a motion to approve the minutes as presented.

Motion made by Board Member Thompson
Motion seconded by Board Member Young
Vote – 6 favor, 1 vacant

OLD BUSINESS

A. Rezoning Request

- 1) Request from **Simpatico Communities** to rezone a 3.17± acres tract located on the northeast side of the intersection of Jesse Jewell Parkway and Scotland Avenue, having road frontage on the northside of Johnson Street (a/k/a **839 and 853 Jesse Jewell Parkway, SW**) from General Business (G-B) to Planned Unit Development (P-U-D).
Ward Number: Three
Tax Parcel Number(s): 01-029-001-005 and 007
Request: Mixed-use building

There was a motion to remove the rezoning request from the table.

Motion made by Board Member Martin
Motion seconded by Board Member Simmons
Vote – 6 favor, 1 vacant

Staff Presentation: Chairman Carter stated Deputy Director Tate received notification from the applicant requesting the item be tabled to the January 9, 2024 Planning and Appeals Board meeting.

There was a motion to table the rezoning request to the January 9, 2024 Planning and Appeals Board meeting.

Motion made by Board Member Martin
Motion seconded by Board Member Young
Vote – 6 favor, 1 vacant

B. Zoning Amendment Request

- 1) Request from **Weekley Homes, LLC** to amend an existing Planned Unit Development (P-U-D) zoning on a 120.98± acres tract located on the northwest side of McEver Road, west of the intersection of McEver Road and Gould Drive (a/k/a **0 and 1300 Gould Drive, SW**).
Ward Number: Four
Tax Parcel Number(s): 08-016-002-001A; 08-017-000-001
Request: Mixed-use development

There was a motion to remove the zoning amendment request from the table.

Motion made by Vice-Chair Fleming
Motion seconded by Board Member Thompson
Vote – 6 favor, 1 vacant

Staff Presentation: Chairman Carter stated Deputy Director Tate received notification from the applicant requesting the item be tabled to the January 9, 2024 Planning and Appeals Board meeting.

There was a motion to table the zoning amendment request to the January 9, 2024 Planning and Appeals Board meeting.

Motion made by Board Member Thompson
Motion seconded by Board Member Young
Vote – 6 favor, 1 vacant

NEW BUSINESS

A. Variance Request

- 1) Request from **Capstone Acquisitions, LLC** to vary the minimum lot size requirement, maximum building height, maximum impervious surface area and minimum number of parking spaces required on a 1.47± acres tract located on the east side of White Sulphur Road, north of the intersection of White Sulphur Road and Huntington Drive (a/k/a **622 White Sulphur Road**), having a zoning of General Business (G-B).
Ward Number: Two
Tax Parcel Number(s): 09-123-000-031
Request: Residence Inn extended stay hotel

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

The applicant is requesting a special use within General Business (G-B) zoning to allow a Residence Inn by Marriott extended stay hotel which is a lodging service that offers shelter accommodations for more than 15 days but not more than 30 days in one or more rooms in the same facility with provisions for living, sanitation, sleeping, fixed cooking appliances and or kitchen facilities, as defined by the Unified Land Development Code.

In addition to the special use request, the applicant is requesting to vary four development standards within the Unified Land Development Code which include:

- varying the minimum lot size requirement for an extended stay hotel from 2.0 to 1.47 acres,
- vary the maximum building height requirement from 5 stories to 6 stories,
- vary the maximum impervious surface area from 60% to 85% within the Limestone Parkway Overlay Zone,
- vary the minimum parking spaces from 134 to 115 spaces.

The property is located within the Limestone Corridor Overlay Zone and borders both White Sulphur Road and the Southern Railroad. The adjacent uses include Xtreme Clean Auto Spa and the New Haven Congregational Holiness Church.

The proposed extended stay hotel is 6-stories over a basement, 112 rooms and will total 98,718± square feet in size. Access is proposed from an existing internal access drive off of White Sulphur Road which currently serves the neighboring commercial uses. A total of 115 parking spaces are proposing consisting of 82 surface level spaces and 33 basement level parking spaces. Amenities for the hotel will include a pool, meeting rooms, fitness center, restaurant open for breakfast, and grab and go food. The exterior of the building will consist of a mixture of EFIS, brick and glass designed to meet the Limestone Corridor Overlay Zone standards.

Georgia Department of Transportation will require coordination to determine the impacts to the traffic signal at SR 369 at White Sulphur Road.

The Comprehensive Plan for the City of Gainesville places the property within the *Commercial* land use category and the *Limestone Medical Corridor* Character Area which allows for commercial and hotel uses.

The applicant is basing the hardship on the irregular shape of the lot and the steep topography on the western side of the property which slopes down to the adjacent railroad right-of-way. In addition, the applicant states the right-of-way grassed median along White Sulphur Road is very wide (60± feet) which limits the area to build the extended stay hotel.

The Planning Division staff is recommending **conditional approval** of the proposed special use request within **General Business (G-B) zoning**, with 7 conditions and **conditional approval** of the proposed variance request with the same 7 conditions plus an additional condition 8 which states...*The proposed variance requests shall be contingent upon City Council approving the special use for the proposed Residence Inn by Marriott extended stay hotel.*

Applicant Presentation: Webb Young, represented Capstone Property Group stated due to the unique triangular shape of the site along with the back sloping approximately sixteen feet, they worked to maximize the site. He said going from the minimum lot requirement from 2 to 1.47 considered it to be an excellent area for a hotel due to the close proximity to the Coop, rowing venue, hospital and botanical gardens along with the nearby restaurants. Mr. Young also mentioned the site has been maxed out with parking spaces by varying the impervious surfaces from 60% to 85% percent to maximize spots, along with an underground garage, and with adding one story in height from five to six stories.

FAVOR: None

OPPOSE: None

There was a motion to conditionally approve the request to vary the minimum lot size requirement, maximum building height, maximum impervious surface area and minimum number of parking spaces requirement for a Residence Inn extended stay hotel a zoning of General Business (G-B) with the following conditions:

Conditions

- 1. The special use approval shall be limited to the operation of a Residence Inn by Marriott extended stay hotel. No other use on the subject property for “Extended Stay Lodging Services,” as that term is defined in Section 9-10-6-16 of the Gainesville Unified Land Development Code, shall be permitted.**
- 2. 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.**
- 3. 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.**
- 4. The frontage landscape areas and right-of-way areas along White Sulphur Road shall be sodded with grass. The landscape islands within the parking lot shall contain minimum 3-inch caliper size hardwood trees subject to the Community & Economic Development Director approval.**
- 5. All service areas, dumpster enclosures, loading areas, ground or roof top HVAC equipment shall be screened from view from all adjacent uses and roads.**
- 6. 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.**
- 7. All access point design for the subject property shall be submitted for review by the Gainesville Public Works Director. 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.**
- 8. The proposed variance requests shall be contingent upon City Council approving the special use for the proposed Residence Inn by Marriott extended stay hotel.**

Motion made by Board Member Martin
Motion seconded by Board Member Young
Vote – 6 favor, 1 vacant

B. Rezoning Request

- 1) Request from **Daniel Medrea** to rezone a 5.6± acres tract located on the west side of Ivey Road, south of the intersection of Ivey Road and Lost River Drive (a/k/a **0 Ivey Road, SW**) from Planned Unit Development (P-U-D) to Residential-I (R-I).
Ward Number: Four
Tax Parcel Number(s): 08-020-000-096
Request: Four single-family lots

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

The proposal is to rezone the 5.6± acres property from Planned Unit Development (P-U-D) to Residential-I (R-I) for a maximum of four single-family lots. The property borders a creek and the surrounding uses include single-family homes in the city limits and within unincorporated Hall County. The subject property was originally part of the neighboring Cresswind at Lake Lanier subdivision and was shown as 4 future single-family lots. The Cresswind P-U-D zoning was later amended and changed the property to one large lot which was sold in 2010 to the current property owner. The owner now desires to subdivide the property into no more than 4 single-family lots which will range from approximately 1 acre to 2 acres in size. Nearby sewer services are available but will require a sewer easement and extension from the Cresswind Subdivision. However, the lots appear large enough to accommodate private septic systems. According to the applicant, the proposed homes will be of the same quality and scale as the adjacent homes on Ivey Road which are anticipated to include ranch-style homes on basements with over 4,000 square feet of finished area.

The Comprehensive Plan places the property within the *Single-Family Residential* land use category and the *Suburban Neighborhoods* area which allows for single-family home.

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

Applicant Presentation: **Brandon Miller**, 8104 New Holland Way, stated his wife owns the property, they had a buyer and Mr. Medrea was going to have it rezoned and considered not going forward but he and his wife would still like to rezone the property for four single-family lots. He stated the lots would be approximately 1.4 acres with the same architectural style in the neighborhood. He stated the perk and soil tests have been done and will not be needing an easement for the sewer.

FAVOR: None

OPPOSE: None

There was a motion to recommend conditional approval to rezone the subject property for four single-family lots from Planned Unit Development (P-U-D) to Residential-I (R-I) with the following conditions:

Conditions

1. **An updated as-built boundary survey/plat of the subject property, indicating new property boundaries, shall be recorded prior to obtaining a Certificate of Occupancy.**

2. The development shall be generally consistent with the site plan and pictures provided with this rezoning application.

Motion made by Board Member Martin
Motion seconded by Board Member Young
Vote – 6 favor, 1 vacant

C. Zoning Amendment Request

- 1) Request from **Nikul Parikh** to amend an existing Planned Unit Development (P-U-D) zoning on a 1.34± acres tract located at the northwest side of the intersection of Stephens Road and McEver Road (a/k/a **0 McEver Road, SW**).
Ward Number: Four
Tax Parcel Number(s): 08-042B-000-180
Request: Automated carwash facility

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

The applicant is proposing to amend an existing Planned Unit Development (P-U-D) for the purpose of constructing an automated car wash. The property is located within the Gateway Corridor Overlay Zone and the adjacent uses include the Copper Springs subdivision within Gainesville, Brannon Ridge subdivision within Oakwood. A gas station/ retail center store is located across Stephens Road and a gas station/ retail center store is under development across McEver Road and both are within Oakwood.

The property was originally approved for a neighborhood retail center as part of the neighboring 177-lot Copper Springs mixed-use development approved in 1999.

The proposal includes a 5,040 square foot tunnel car wash, 10 vacuum machines and 31 parking spaces including the car care area for patrons and employees. One driveway is proposed from McEver Road. The facility will operate 7 days a week from 7 a.m. to 9 p.m. and there will be approximately 10 to 12 employees at any given time.

The Comprehensive Plan places the subject property within the *Multi-family* land use category and the within the *Suburban Neighborhood* Character Area which includes areas containing or planned for single-family residential, limited multi-family residential, limited general mixed-use, limited commercial (Retail and office), public, institutional, parks and recreation.

The subject property is expected to remain commercial given its proximity to the intersection of McEver Road and Stephens Road. Neighborhood scale retail is anticipated for the property that would serve as a transitional use between the more intense commercial uses and the adjacent single-family homes.

The Planning Division staff is recommending denial of this zoning amendment request based on the Comprehensive Plan and the adjacent single-family uses. However, if consideration is given to approve this request, Staff would recommend 10 zoning conditions as stated.

Conditions

1. **The car care and vacuum area shall be located on the eastern side of the parking lot next to the automated carwash facility. Otherwise, the proposal shall generally consistent with the concept plan and picture provided with this zoning amendment**

application and shall adhere to the exterior building material requirements of the Gateway Corridor Overlay Zone.

2. A minimum 8-foot tall opaque fence shall be installed along the edge of the parking lot areas adjacent to the single-family properties. The fence shall be brown in color and made of weather resistant composite materials. The location and type of fence shall be subject to the approval of the Community and Economic Development Department Director.
3. The existing trees adjacent to the Copper Springs Subdivision shall remain undisturbed.
4. A mixture of evergreen trees shall be planted between the 8-foot tall opaque fence and the adjacent Copper Springs subdivision and Brannon Ridge subdivision. The minimum height of the trees shall be 10 feet upon installation. The location, spacing, and type of trees planted shall be subject to the approval of the Community and Economic Development Department Director.
5. The frontage landscape areas and right-of-way areas shall be maintained and sodded with grass. Minimum 3-inch caliper size hardwood trees shall be required within all frontage landscape areas subject to the approval of the Community & Economic Development Director.
6. The signage for the proposed development shall be limited to one principal free-standing sign not to exceed 10-feet in height. All other standards shall meet the Neighborhood Business (N-B) zoning standards. An electronic message board sign shall not be permitted for the subject property.
7. Stormwater detention shall be located underground or if above ground designed as a landscape feature subject to the approval of the Community & Economic Development Director.
8. A trash dumpster shall not be allowed on the property. All service areas, loading areas, ground or roof top HVAC equipment shall be screened from view from all adjacent uses and roads.
9. 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.
10. All access point design for the subject property shall require review and approval by the Gainesville Public Works Department Director and the Georgia Department of Transportation (GDOT). All required access/traffic/sidewalk improvements associated with the proposed development or any additional improvements identified within the Traffic Impact Study shall be at the full expense of the developer/property owner.

Applicant Presentation: Nick Pasola, 3502 River Road Circle, stated he represents Davis Engineering and spoke on behalf of Mr. Parikh. Mr. Pasola stated there were no anticipated differences switching from retail to a carwash regarding daily traffic, noise pollution, light pollution and even less with hours of operation. He said there would be no delivery trucks and early hours as would be with retail. He mentioned the applicant is currently developing the property diagonally across as a gas station and the carwash will be an amenity to the adjoining properties. He stated the applicant owns Beehive Homes in Gainesville and as far as a financial prospective, it would be more advantageous for him with a carwash. Mr. Pasola

stated they are in agreement with the conditions even though staff recommended denial of the request. He said they want to provide a business that can be used by the adjoining properties while lessening the impact. He mentioned houses are located within 60 feet of the road and are already impacted in terms of traffic with 12,000 cars passing by daily.

FAVOR: None

OPPOSE: None

There was a motion to recommend denial of the zoning amendment request for an automated carwash facility with Planned Unit Development (P-U-D) zoning.

Motion made by Board Member Martin
Motion seconded by Board Member Simmons
Vote – 6 favor, 1 vacant

D. Special Use Request

- 1) Request from **Capstone Acquisitions, LLC** for a special use on a 1.47± acres tract located on the east side of White Sulphur Road, north of the intersection of White Sulphur Road and Huntington Drive (a/k/a **622 White Sulphur Road**), having a zoning of General Business (G-B).

Ward Number: Two
Tax Parcel Number(s): 09-123-000-031
Request: Residence Inn extended stay hotel

Applicant Presentation: Webb Young, represented Capstone Property Group stated due to the unique triangular shape of the site along with the back sloping approximately sixteen feet worked to maximize the site. He said going from the minimum lot requirement from 2 to 1.47 considered it to be an excellent area for a hotel due to the close proximity to the Coop, rowing venue, hospital and botanical gardens along with the nearby restaurants. Mr. Young also mentioned the site has been maxed out with parking spaces by varying the impervious surfaces from sixty to eighty-five percent to maximize spots, along with an underground garage, and with adding one story in height giving the variance from five to six stories.

FAVOR: None

OPPOSE: None

There was a motion to recommend conditional approval of the special use request for a Residence Inn extended stay hotel having a zoning of General Business (G-B) with the following conditions:

Conditions

1. The special use approval shall be limited to the operation of a Residence Inn by Marriott extended stay hotel. No other use on the subject property for “Extended Stay Lodging Services,” as that term is defined in Section 9-10-6-16 of the Gainesville Unified Land Development Code, shall be permitted.
2. 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.

- 3. 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.**
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- 5. All service areas, dumpster enclosures, loading areas, ground or roof top HVAC equipment shall be screened from view from all adjacent uses and roads.**
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- 7. All access point design for the subject property shall be submitted for review by the Gainesville Public Works Director. 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 Young
Motion seconded by Board Member Thompson
Vote – 6 favor, 1 vacant

MISCELLANEOUS

Appointment of Vice-Chairman

Chairman Carter asked for nominations from the Board for a new Vice-Chairman. Board Member Martin nominated Board Member Thompson.

There was a motion to accept the nomination and appoint Ryan Thompson Vice-Chairman of the Planning and Appeals Board.

Motion made by Board Member Martin
Motion seconded by Board Member Simmons
Vote – 5 favor, 1 abstain (Thompson), 1 vacant

ADJOURNMENT

There was a motion to adjourn the meeting at 6:01 p.m.

Motion made by Board Member Martin
Motion seconded by Board Member Simmons
Vote – 6 favor, 1 vacant

Respectfully submitted,

Doug Carter, Chairman

Gwen Fleming, Recording Secretary