GAINESVILLE PLANNING AND APPEALS BOARD
MINUTES OF MEETING
MARCH 12, 2024

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

Members Present: Chairman Doug Carter, Vice-Chair Ryan Thompson and Board Members Jane Fleming, Kelvin Simmons and Rick Young

Members Absent: Board Member Eddie Martin

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 FEBRUARY 13, 2024

There was a motion to approve the minutes as presented.

Motion made by Vice-Chair Thompson
Motion seconded by Board Member Young
Vote – 5 favor, 1 absent (Martin), 1 vacant

OLD BUSINESS

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

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

There was a motion to remove the special use request from the table.

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

A. <u>Variance Request</u>

1) Request from **Raven Residential Group** to vary the front yard setback requirement on a 0.925± acre tract located on the south side of Washington Street, west of the intersection of Washington Street and West Academy Street (a/k/a **521 Washington Street, SW**), having a zoning of Neighborhood Business (N-B)**.**
   Ward Number: Two
   Tax Parcel Number(s): 01-027-001-003
   Request: Residential condominium community

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

There was a motion to conditionally approve the request to vary the front yard setback requirement from 40-feet to 30-feet for a residential condominium community having a zoning of Neighborhood Business (N-B) with the following conditions:

Conditions

1. **The proposed residential condominiums shall closely reflect the architectural style of the pictures labeled as Exhibits A, B and C, and shall not exceed eleven (11) units. The final location and architecture of each condominium unit shall be subject to the approval of the Community & Economic Development Director.**

2. **All access point design for the subject property shall be submitted for review by the Gainesville Public Works Director, 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.**
3. **An updated as-built boundary survey/plat of the subject property, indicating all improvements required for the proposed use, shall be recorded prior to obtaining a Certificate of Occupancy for the last condominium unit.**
4. **The frontage landscape area along Washington Street shall be maintained and sodded with grass and shall include a minimum of two 3-inch caliper size deciduous trees subject to the approval of the Community & Economic Development Director.**
5. **Service access to the proposed dumpster shall be limited to one day a week, and limited to the hours of 6:00 a.m. and 9:00 p.m.**

6. **The approval of the front yard setback variance is contingent upon the City Council approving the special use for the for the subject property**

Motion made by Vice-Chair Thompson
Motion seconded by Board Member Young
Vote – 5 favor, 1 absent (Martin), 1 vacant

B. Special Use Requests

1) Request from **Raven Residential Group** for a special use on a 0.925± acre tract located on the south side of Washington Street, west of the intersection of Washington Street and West Academy Street (a/k/a **521 Washington Street, SW**), having a zoning of Neighborhood Business (N-B)**.**
Ward Number: Two
Tax Parcel Number(s): 01-027-001-003
Request: Residential condominium community

The applicant is proposing a special use within Neighborhood Business (N-B) zoning for a micro-housing development consisting of eleven (11) residential fee-simple condominiums. The proposal also includes a proposed front yard setback variance from 40-feet to 30-feet. The applicant is basing their hardship on the property size, topography and existing sanitary sewer easement which limits the developable area to roughly the front two-thirds of the property.

The surrounding uses include a Single-Family Home, Retail Strip Center, Washington Vista Condominiums; St. Paul United Methodist Church; Gainesville Business Center, and Rose Cliff Apartments. The property contains a vacant rental home that will be demolished.

The proposed units are two-stories and will range between 500 and 800 sf of heated floor space on minimum 300 square foot detached condominium lots, with one and two bed options. A private drive/road is proposed from Washington Street and one parking space for each unit will be provided, as well as, four guest parking spaces. Amenities include a mail kiosk and small community lawn, community garden and fire pit. Stormwater and a private dumpster are proposed toward the rear of the property.

The Comprehensive Plan places the property within the *General Mixed-Use* future land use category and the *Central Core* Character Area. A mixture of uses including office, neighborhood retail, and detached/ attached residential are considered appropriate. The promotion of infill development and diverse new housing opportunities are encouraged targeting mixed-income within high quality multi-family housing and higher density single-family residential.

The Planning Division staff is recommending **conditional approval** of this special use request and variance request.

Applicant Presentation: Bradley Dunckel, 3703 Timber Walk Drive, spoke on behalf of the applicant for the variance and special use request. Mr. Dunckel stated the project is a new concept of micro homes which he described as larger than a tiny home but smaller than a traditional home and is comparable to an apartment unit. He then explained a slide presentation that contained information such as the location being a quarter of a mile from the downtown square and on 0.925 acres with 11 units meeting the City's 12 unit per acre density of the R-II zoning classification. He said each unit will have a parking pad, some units with side decks, 500 square feet one-bedroom units, 800 square feet two-bedroom units, all units containing one and a half bathrooms. Mr. Dunckel stated the units will have a modern architectural design with Hardie board for the exterior with earth tone color scheme and maintenance by a mandatory HOA or condominium association. He spoke about the interior modern design with 9 feet ceilings, stainless steel appliances with luxury vinyl flooring throughout with tile bathrooms and showers. He spoke about the amenities with the main amenity being the location and proximity to the downtown square, firepit, community garden and small fenced rear yard. He spoke about the inspiration for the units are from the South Park Cottages located in College Park, GA, with images from other completed projects. Mr. Dunckel talked about the need for owner occupied housing in the city and stated the price will start with the number "2". He spoke about concerns regarding the project such as small units, architectural not being consistent with Washington Street, density and location of the project. He mentioned different uses and architecture in the area and the types of zoning along with reasons for the project such as the need for attainable housing in the city and targeting first time homeowners.

FAVOR: None

OPPOSE: None

Board Member Comments: Board Member Fleming asked if there would be a HOA for long-term upkeep and asked if the homes would be owned or fee simple. Mr. Dunckel stated there would be a mandatory HOA and would be a condominium ownership.

Vice-Chair Thompson asked if the landscape and common areas would be protected by the HOA and was confirmed by Mr. Dunckel including the exterior maintenance of the units. Mr. Thompson was curious about the matching of some architectural designs as stated in staff's condition one and Mr. Dunckel stated it would not be the preference. Vice-Chair Thompson

asked if it would be agreeable adding brick and sod to the units. Mr. Dunckel stated he was not sure if brick would be compatible but possibly stone but would need to have someone else explore the options.

Chairman Carter mentioned the exhibits provided by Mr. Tate and the design would be reviewed by the Community & Economic Director and would be more discussion regarding architectural beyond the PAB decision. Deputy Director Tate confirmed condition one stated the architectural style should closely resemble/reflect the exhibits.

Board Member Young questioned if the project should be middle market and concerned of pricing it out but stated pinewood is beautiful but starts at 500,000 and asked staff's opinion of it. Deputy Director Tate responded the project is projected to be in the "2's" but it has not been studied in terms of costs of materials and square footage. Mr. Tate said it has been reviewed from an architectural standpoint and visibility from Washington Street and thought the proposed architecture would fit better in a different location. He again stated nothing has been studied in terms of cost for the units for the Exhibits A, B and C, recommended by staff. Board Member Young asked if the proposal would be similar to Clarendon Place which is a nice product and Mr. Dunckel stated there would be similar features.

Chairman Carter stated according to the PAB vote that if the Board elects to move forward there would be potentially more approval of the recommendation for the location of the project and further debate before City Council and staff on the architectural.

Board Member Fleming stated she was concerned with the upkeep, clutter that can accumulate within a small setting and managing it without effect the entire development. Mr. Dunckel stated the project will not be conducive to a family unit due to the layout of the floorplan and trash will be enforced through the HOA. **Board Member Young** said condition five states there will be a central area for trash.

There was a motion to recommend conditional approval of the special use request for a residential condominium community having a zoning of Neighborhood Business (N-B) with the following conditions:

Conditions

1. **The proposed residential condominiums shall closely reflect the architectural style of the pictures labeled as Exhibits A, B and C, and shall not exceed eleven (11) units. The final location and architecture of each condominium unit shall be subject to the approval of the Community & Economic Development Director.**
2. **All access point design for the subject property shall be submitted for review by the Gainesville Public Works Director, 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.**
3. **An updated as-built boundary survey/plat of the subject property, indicating all improvements required for the proposed use, shall be recorded prior to obtaining a Certificate of Occupancy for the last condominium unit.**
4. **The frontage landscape area along Washington Street shall be maintained and sodded with grass and shall include a minimum of two 3-inch caliper size deciduous trees subject to the approval of the Community & Economic Development Director.**

5. Service access to the proposed dumpster shall be limited to one day a week, and limited to the hours of 6:00 a.m. and 9:00 p.m.

Motion made by Board Member Young
Motion seconded by Vice-Chair Thompson
Vote – 5 favor, 1 absent (Martin), 1 vacant

There was a motion to remove the special use request from the table.

Motion made by Vice Chair Thompson
Motion seconded by Board Member Young
Vote – 5 favor, 1 absent (Martin), 1 vacant

2) Request from **HadjPadj Technologies, LLC** for a special use on a 1.37± acres tract located on the south side of Palmour Drive, west of the intersection of Palmour Drive and Queen City Parkway (a/k/a **1176 Palmour Drive, SW**), having a zoning of Heavy Industrial (H-I)**.**

Ward Number:	Five
Tax Parcel Number(s):	15-035-000-015
Request:	Data mining facility

Staff Presentation: Deputy Director Matt Tate stated the request was previously presented at the February 13, 2024, PAB meeting in which the applicant is proposed special use approval in Heavy Industrial (H-I) zoning for two data centers. He explained a map provided by the applicant since the last meeting with additional information provided regarding the landscape and buffer plan to address concerns such as fencing, relocating access and turning of the data huts perpendicular to Palmour Drive to redirect sound. Mr. Tate stated the Board had received links to view that measured sound decimal levels for the same type of units being proposed. Mr. Tate stated if the Board is considering approval of the request, there are four recommended conditions which address concerns from the previous meeting.

Applicant Presentation: Viral Chhadua, 2313 Crystal Court, apologized for being hostile to the staff and misunderstood what he was supposed to accomplish at the last meeting. He stated they had revised the concept plan to address noise concerns, the future plan for the trail being 100-feet to 120-feet and added buffer with the data huts perpendicular, he believes anyone walking the trail will only hear a hum.

FAVOR: None

OPPOSE: None

Board Member Comments: Vice-Chair Thompson asked the approximate height of the huts and the applicant replied eight and a half feet.

Chairman Carter reminded the Board of the proposed conditions that had been provided by Mr. Tate if there was a consideration for approval.

There was a motion to recommend conditional approval of the special use request for a data mining facility having a zoning of Heavy Industrial (H-I) with the following conditions:

<u>Conditions</u>

1. **The subject property shall be limited to the two 10' x 18' data center huts as shown on the revised site/landscape plan and shall be oriented in the same manner.**
2. **The proposed data huts shall be sufficiently screened with existing and new vegetation and trees as depicted on the site/landscape plan, subject to the approval of the Community and Economic Development Director.**
3. **All new fencing shall be chain-link coated with black color vinyl.**
4. **All access point design for the subject property shall be submitted for review by the Gainesville Public Works Director, 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 Young
Motion seconded by Board Member Simmons
Vote – 5 favor, 1 absent (Martin), 1 vacant

NEW BUSINESS

A. Rezoning Request

1) Request from **Constantino Gutierrez** to rezone a 0.38± acre tract located on the south side of Etta Vesta Circle, east of Thompson Bridge Road (a/k/a **934 Etta Vesta Circle, NE)** from Neighborhood Business (N-B) to Residential-I (R-I)**.**
Ward Number: One
Tax Parcel Number(s): 01-097-001-024
Request: Single-family home

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

The applicant is proposing to rezone the subject property to construct a single-family home that is intended to be for sale. The property was previously part of a larger rezoning request in 2007 for a commercial and office development that was never developed. The property previously contained a single-family home ten years ago that was demolished due to fire damage.

The property is located within an established residential neighborhood with homes built in the 1950's, 60's and 70's. Nonresidential development is located along Thompson Bridge Road and nearby Sandridge Court. The proposed ranch-style home is 1,878 square feet in size of which 1,382 square feet will be heated. The home will have 3 bedrooms and 2 bathrooms and a two-car garage.

The Comprehensive Plan places the property within the *Single-Family Residential* Future Land Use category and within the *Lake District* Character Area which allows for single-family homes.

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

Applicant Presentation: Jimmy Marqeuz, 2542 Paula Drive, stated the home will be similar to other homes with the original zoning of Residential-I that is consistent with the neighborhood.

FAVOR: Glyn Crowe, 6736 Shoal Creek Road, Clermont, stated he is pleased for the change in zoning to residential.

OPPOSE: None

There was a motion to recommend conditional approval to rezone the subject property for a single-family home from Neighborhood Business (N-B) to Residential-I (R-I) with the following condition:

Condition

The proposed single-family home shall be generally consistent with the architectural elevation and floor plan submitted with the zoning application, subject to the approval of the Community and Economic Development Director.

Motion made by Vice-Chair Thompson
Motion seconded by Board Member Simmons
Vote – 5 favor, 1 absent (Martin), 1 vacant

B. Special Use Request

1) Request from **Mayra Valentin** for a special use on a 2.84± acres tract located at the terminus of Hospital Drive, east of Atlanta Highway with road frontage on Stringer Avenue (a/k/a **787 Hospital Drive, SW**), having a zoning of General Business (G-B)**.**
Ward Number: Two
Tax Parcel Number(s): 01-132-005-015
Request: Special event center

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

The applicant is proposing a special use on a 2.84± acres property zoned General Business (G-B) for a special event center known as 787 La Hacienda Events. The event center is currently in operation and occupies about 3,000± square feet of the existing 7,200± square foot building and can accommodate up to 250 people. Event centers accommodating 100 or more patrons require special use approval.

The adjacent uses include auto repair facilities and single-family homes in the city and county. The building has been renovated and received a Certificate of Occupancy (CO) for the existing 787 Hacienda restaurant, but a special use and a CO were never approved for the event center. The event facility hosts weddings, quinceañeras, corporate events and family gatherings that will cater to the Hispanic community. Events are scheduled mostly on weekends from 4 p.m. to 1:30 a.m. but could also be held during the weekday. Parking is provided on site and security will be provided for larger events. Existing access and parking will remain unchanged.

The Comprehensive Plan places the subject property within the *General Mixed-Use* Future Land Use category and the *Westside* Character Area. Appropriate uses include areas containing or planned for a mixture of land uses including office, neighborhood retail, and

detached and attached residential. The types of non-residential uses that are desirable in this area would include restaurants, specialty retail, and low-intensity office.

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

Applicant Presentation: Angel Retana, 606 Atlanta Highway, property owner and was remodeled before Covid but afterwards changed the business from a restaurant to a banquet hall with an occupancy of 450 patrons. He advised due to being so busy with other businesses it is being leased to a person that is respected in the community and knowledgeable of the business. Mr. Retana believes it is a great location for the business in the Hispanic community for banquets and celebrations.

FAVOR: None

OPPOSE: None

There was a motion to recommend conditional approval of the special use request for a special event center having a zoning of General Business (G-B) with the following conditions:

Conditions

1. **All special events shall be confined to the interior of the building and the existing outdoor patio area occupied by the special event facility.**
2. **No outside amplification shall be permitted as part of the special event facility.**
3. **The hours of operation for the special event facility shall be limited to no later than 1:00 a.m., Monday through Sunday.**

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

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 Young
Vote – 5 favor, 1 absent (Martin), 1 vacant

Respectfully submitted,

Doug Carter, Chairman

Gwen Fleming, Recording Secretary