

**GAINESVILLE PLANNING AND APPEALS BOARD
MINUTES OF MEETING
JULY 9, 2024**

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

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

Members Absent: Chairman Doug Carter

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

Others Present: Council Member Barbara Brooks

MINUTES OF JUNE 11, 2024

There was a motion to approve the minutes as presented.

Motion made by Young

Motion seconded by Simmons

Vote – 5 favor, 1 absent (Carter), 1 vacant

OLD BUSINESS

NEW BUSINESS

A. Variance Request

- 1) Request from **Sergio Antonio Lara** to vary the stream buffer requirement on a 0.34± acre tract located on the south side of Holland Avenue, west of Dorsey Street (a/k/a **1203 Holland Avenue SW**), having a zoning classification of Residential-II (R-II).

Ward Number: Two

Tax Parcel Number(s): 01-130-005-001

Request: Triplex apartment building

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

The applicant is proposing to vary the local stream buffer standards to construct a three-unit apartment building. The property is zoned R-II, is 0.34± acre in size and is relatively flat. The existing stream is located within the neighboring property to the east. Previously, the property contained a single-family home and two detached sheds that were demolished over a year ago.

The adjacent and nearby uses include single-family homes, duplex homes and multi-family apartments. The proposed three-unit apartment building is 2,256 square feet in size, one-story with surface level parking.

The Gainesville Unified Land Development Code (ULDC) requires a 75' protection buffer to be maintained against all streams as a way to minimize the impact of development and to maintain stream water quality. The first 25-feet of the buffer highlighted in orange is closest

to the stream and is a State mandated *undisturbed/non-impervious* buffer. The second 25-foot or 50' buffer is highlighted in yellow and is a local buffer that is to remain undisturbed and does not allow for hard surface (impervious) materials such as buildings or concrete/asphalt parking areas. The third and outermost 25-foot or 75' buffer highlighted in green is a local buffer may be minimally disturbed but must be kept free of all impervious cover.

The development proposes approximately 2,244 square feet of land disturbance area and installing 1,058 square feet of pervious pavers within the local 50' undisturbed buffer highlighted in yellow. In addition, approximately 268± square feet of impervious sidewalk area and 1,116 square feet of pervious pavers are proposed within the local 75' pervious buffer highlighted in green.

The applicant states the stream buffer severely limits the developable area by encroaching as much as 75' within the 100' wide lot. And states, the property was platted and recorded as a lot of record prior to the local stream ordinance being adopted.

The Planning Division staff is recommending **conditional approval** of the proposed stream buffer variance request based on the size and width of the property.

Applicant Presentation: Sergio Antonio Lara, 1335 Daybreak Road, Cleveland stated his aunt owns the property but he was the developer. Mr. Lara advised they were unaware of stream buffer and would situate the building as far away from stream buffer as possible. He then stated there would be six parking spaces with two being handicap parking with a pervious surface.

FAVOR: None

OPPOSE: None

Board Comments: Board Member Young asked Mr. Lara as to the direction the building would be facing and stated the front of the apartment units would face the parking lot.

There was a motion to conditionally approve the request to vary the stream buffer requirement for a triplex apartment building having a zoning of Residential-II (R-II) with the following conditions:

Conditions

- 1. A stormwater management plan shall be required to be reviewed and approved by the Gainesville Department of Water Resources prior to the issuance of a permit. The management plan shall include pervious paving/pavers within the driveway and parking areas, subject to the approval of the Gainesville Department of Water Resources.**
- 2. The exterior front and two side walls of the apartment building shall be constructed with a minimum 3-foot high architectural watermark of brick or stone materials.**

Motion made by Martin

Motion seconded by Young

Vote – 5 favor, 1 absent (Carter), 1 vacant

B. Special Use Request

- 1) Request from **AP2 Ventures, LLC** for a special use on a 7.01± acres tract located on the west side of Mabry Road, southeast of Old Flowery Branch Road (a/k/a **3521 Mabry Road, SW**), having a zoning of Light Industrial (L-I).
Ward Number: Four
Tax Parcel Number(s): 08-024-002-047
Request: Vehicle storage yard

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

The applicant is requesting special use approval within Light Industrial (L-I) zoning for a temporary vehicle storage yard for trucks and trailers. The adjacent uses include single-family homes in the County to the North and West. Avia Community Partners office to the South and Energy Assurance Laboratory, the City of Gainesville Flat Creek Water Reclamation Facility and Centennial Industrial Park to the East.

The property was annexed in 2021 and received a development permit for a 64,000± square foot office/warehouse metal fabrication facility for Rack Systems Holdings, LLC. Currently, the property has been graded and water vaults have been installed. A cul-de-sac on Mabry Road at the entrance to the property has also been constructed to better facilitate truck traffic.

The revised proposal includes the construction of approximately 76 outdoor secured parking spaces with access off of Mabry Road. The intent is to provide temporary truck/trailer storage for nearby industrial uses. The applicant states the long-term desire is to complete the development with a quality 70,000± square foot industrial building, hopefully within three to five years when market conditions improve.

The Comprehensive Plan for the City of Gainesville places the property within the Single-Family Residential Future Land Use category and within the *Suburban Neighborhoods Character Area*.

Land uses allowed include parks and recreation, single-family residential, limited multi-family residential, limited general mixed-use, limited commercial (retail and office), public and institutional which are not generally consistent with the proposal. However, the property is currently zoned and approved for light Industrial purposes.

The Planning Division staff is recommending **conditional approval** of this Special Use request based on the existing approved industrial use for the property and the adjacent industrial uses.

The proposed zoning conditions were adopted when the property was annexed in 2021 (Ordinance No. 2021-08), with an amendment to condition 1 and a new condition 2 as stated.

Applicant Presentation: **Jimmy Adams**, 3800 Hardy Road, CEO and managing partner of AP2 Ventures and also present was CFO/Partner Spence Price. Mr. Adams stated they would be better financially with the 70,000 building financially but decided to develop as a trailer storage and not truck storage yard. He agrees with the conditions presented by staff and will comply with the buffer requirements.

Board Comments: **Board Member Fleming** questioned if trucks would be idling, the number of spaces for storage and the possibility of limiting operating hours due to noise. **Vice-Chair Thompson** questioned the operating hours and if the trailers would be empty and contain

flammable materials. **Board Member Simmons** commented as to any guarantee of no flammable materials stored in the trailers and if the trucks would just drop and leave.

Mr. Adams stated there would be 79 spaces for storage and would be difficult to put a limit on the hours of operation especially without a tenant or lease. He said the trailers would be dropped with trucks being present, in some cases idling and possibly parked while connected to the trailers. Mr. Adams advised there would be no guarantee of flammable liquids being stored but could put it in the lease and hopefully the tenant would follow through. Mr. Adams stated it would be tenant specific and plans to lease to one tenant/company with majority of traffic being during the day but possibly at night too. He mentioned there would be non-spill lighting, the property is much lower than the surrounding properties and would be fenced. Mr. Adams explained the reason for the special use that the City of Gainesville had no provisions for truck trailer storage. He advised a buffer would be in place to preserve the neighborhood and would be less of an impact with the storage rather than the previously approved 70,000 square foot warehouse operating 24/7.

FAVOR: None

OPPOSE: **Chad Pittman**, 3615 Tradition Drive, stated he was speaking on behalf of his father and neighbors on Westgate Drive that includes senior citizens and blue collar, middle- class people that has signed a petition to voice their fears and concerns. Mr. Pittman stated the citizens in the area have worked all their life for their homes and are concerned about their property values. He spoke about the history of the land and zoning requests through the years in the County and the property being annexed in the City. He stated they understand things must change but are not opposed to growth. He mentioned the property was annexed into the city in 2021 and learned it had been approved for metal fabrication to contain a large building and have several questions and concerns and the unknown of it. Mr. Pittman expressed concern regarding the operating hours, the surface being cement or asphalt, enclosed area for the project, storage of trailers being empty and any smells. He mentioned the comprehensive plan support for single families, fear of safety, attendant on site and there being a real estate sign on property. Mr. Pittman stated the neighbors understand growth happens but would like for it to be enclosed structures with a buffer and wants to live peaceful for their remaining years of life.

Beth Henson Law, 820 Park Street, stated her concerns were vacant properties being used for truck parking which generate money at cost to people, schools and churches along to being an "eye sore" to residents. She mentioned concerns of human trafficking and stated condition three being against the comprehensive plan for the area with six surrounding properties changed zoning. Mrs. Law stated there must be a better place for truck parking.

Rebuttal: **Mr. Adams** said he has owned the property for less than three years and learned a lot of history from Mr. Pittman regarding the area.

Board Member Martin made a motion for approval with conditions presented and the additional condition regarding no hazardous materials to be stored on the property.

Board Member Young asked the applicant if he would be agreeable to modify the conditions to state no hazardous materials be stored on the property and limit hours of operation from 6 AM to 6 PM or 9 PM.

Mr. Adams replied the facility could operate 24/7 as currently zoned for its use but was only asking for the approval for a trailer storage and limiting it to certain hours would be difficult to enforce with a tenant which has not been identified yet.

Vice-Chair Thompson spoke about the different topography and would be great if a buffer was already there.

Mr. Adams commented with the buffer you would only be looking over the tops of the trailer as opposed to a 32 ft building. He expressed his appreciation of working together and only wants the ability to market the property and is not happy with limiting the hours of operation.

Board Member Martin commented regarding approval with conditions limiting the hours and no hazardous materials stored.

There was a motion to recommend conditional approval of the special use request for a vehicle storage yard having a zoning of Light Industrial (L-I) with the following amended conditions:

1. The approved uses for the property shall be limited to light industrial uses to include the proposed use, office, warehouse, storage, distribution, further processing, assembly and fabrication, and the temporary storage of trailers/trucks.
2. The subject property's occupancy as a truck yard for the temporary storage of trailers/trucks shall not exceed 3 years from the adoption of this special use resolution. For good reason shown, the occupancy for such use may be extended no more than 2 additional years, and shall require further approval from the Community and Economic Development Director.
3. The proposed development shall be generally consistent with the standards depicted on the architectural elevation provided with the annexation application. Any zoning conditions adopted as part of this zoning ordinance that conflict with the applicant's narrative, concept plan and architectural renderings shall take precedence over the applicant's development standards.
4. The development shall require a minimum 50-foot wide evergreen planted buffer adjacent to all single-family properties located to the south and west. The trees shall be a minimum installation height of 8 feet and shall consist of a mixture of Arborvitae Green Giant, Japanese Cryptomeria, Eastern Red Cedar, and Holly. The location, number, spacing, size and type of trees planted shall be subject to Community and Economic Development Department Director approval in order to effectively screen the adjacent residential properties.
5. All access point design for the subject property shall require approval by the Gainesville Public Works Director and Hall County Public Works Department. All required access / traffic / sidewalk and improvements to Mabry Road associated with the proposed development shall be at the full expense of the developer/property owner.
6. An electronic message board sign shall not be permitted for the subject property.
7. 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.

8. No hazardous materials shall be stored on the property.

Motion made by Board Member Martin

Motion for approval failed due to lack of second; therefore, denial recommended.

Deputy Director Tate stated that due to the amended motion to approve not being seconded and no new motion presented, the application is automatically recommended for denial per Section 9-22-9-10 (b) of the Unified Land Development Code.

C. Code Amendment Request

- 1) Request from the **City of Gainesville** to amend the Gainesville Unified Land Development Code consisting of Articles 9-1 through 9-24, as published by Municode. The City of Gainesville is proposing to amend Articles 9-1 through 9-24 of the Gainesville Unified Land Development Code as part of the update of both the Code of Ordinances and the Unified Land Development Code in partnership with Municode.

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

The City of Gainesville is updating the Gainesville Municode (Code of Ordinances) which includes the Unified Land Development Code (ULDC). The proposed amendments consist of typographical errors or text that is out of date within the current Municode. The amended text can be found within Section 6 of the attached ordinance and includes Articles 9-1 through 9-24 of the ULDC currently adopted through April 1, 2022.

FAVOR: None

OPPOSE: None

There was a motion to recommend approval of the code amendment as presented.

Motion made by Board Member Young

Motion seconded by Board Member Simmons

Vote – 5 favor, 1 absent (Carter), 1 vacant

ADJOURNMENT

There was a motion to adjourn the meeting at 6:24 p.m.

Motion made by Board Member Fleming

Motion seconded by Board Member Simmons

Vote – 5 favor, 1 absent (Carter), 1 vacant

Respectfully submitted,

Ryan Thompson, Vice-Chair

Gwen Fleming, Recording Secretary