

**GAINESVILLE PLANNING AND APPEALS BOARD
MINUTES OF MEETING
SEPTEMBER 10, 2024**

CALL TO ORDER Chairman Doug 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 Members Eddie Martin and Rick Young

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 JULY 9, 2024

There was a motion to approve the minutes as presented.

Motion made by Vice Chair Thompson

Motion seconded by Board Member Fleming

Vote – 4 favor, 2 absent (Martin, Young), 1 vacant

OLD BUSINESS

NEW BUSINESS

A. Variance Request

- 1) Request from **Raven Residential Group, LLC** to vary the Midtown Overlay Zone residential density requirements and parking requirements on a 0.75± acre tract located on the east side of Grove Street, south of the intersection of Grove Street and Summit Street (a/k/a **762 Grove Street, SW**), having a zoning of Heavy Industrial (H-I).

Ward Number: Three

Tax Parcel Number(s): 01-017-001-010

Request: 18 residential condominiums

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

The applicant is proposing to vary the Midtown Overlay Zone requirements to increase the number of residential units allowed from 9 dwelling units (12 du/acre) to 18 dwelling units (24 du/acre). In addition, the applicant is proposing to vary the number of parking spaces required from 36 to 24 spaces.

The property is 0.75 acre in size and the adjacent uses include the Liberty Midland apartments, Blast All Sandblasting Services, Southern Baked Pie bakery and the Midland Park. The property contains two block buildings and two small sheds that are slated for demolition. The buildings were previously occupied for a concrete pumping business and an auto body repair shop.

The proposed “Trailside Cottages” detached condominiums consist of a mixture of two and three story units including four - 500 sf units, eight - 886 sf units and six - 1,170 sf units.

Access is proposed from Grove Street and 24 onsite parking spaces are planned. Amenities are to include a grilling station, green space and a pedestrian walkway that will provide access to the Midland Greenway.

The applicant states that if not for the limited size of the property, it is likely that a Planned Unit Development (P-U-D) zoning would be approved, allowing increased densities and believes the proposed redevelopment is more consistent with the City's vision for the Midtown Area.

The Planning Division staff is recommending **conditional approval** of this variance request based on the Comprehensive Plans support of residential development within the Midtown Overlay Zone and the need for intown, quality affordable housing.

Applicant Presentation: Dave Odom, 6632 Ben Parks Road, Murrayville with Raven Residential Group stated this would be their fourth project in the city limits and first project located along the greenway. The focus will be on owner occupied dwellings walkable to the amenities and targeting first time buyers, couples and young professionals without a family. The plan is to situate the project around a central courtyard and will be detached condominiums. The smaller units will be approximately 570 sq ft.

FAVOR: None

OPPOSE: None

Board Member Comments: Board Member Fleming asked what the price point would be and Mr. Odom answered he had hope to start at \$299,000 and up but with development costs would possibly be low \$300,000's and \$400,000 for the larger units.

Chairman Carter asked Mr. Odom for his reasoning and thoughts for the variance regarding parking. Mr. Odom stated sales should not be affected regarding the limited parking. He spoke about his first projects with limited parking and discovered most only owned one vehicle. He advised this project was planned with one space per unit with six additional spaces for guests with on-street parking available.

Vice Chair Thompson asked about the location for trash, recycling and mail kiosk. Mr. Odom stated that had not been finalized but will have an area designated for it but was aware a dumpster will be needed along with a centralized mail kiosk.

Chairman Carter asked Deputy Director Tate if the dumpster and mail kiosk would be on the final site/development plan and he confirmed it would be.

Board Member Fleming commented that the Planning Staff had recommended a HOA and thankful for it along with restrictions on it which will be an asset rather than a liability.

There was a motion to conditionally approve the request to vary the Midtown Overlay Zone residential density and parking requirements for 18 residential condominiums having a zoning of Heavy Industrial (H-I) with the following conditions:

Conditions

1. The development shall be substantially consistent with the site plan and architectural renderings submitted with this application and shall be subject to the approval of the Community & Economic Development Director. In addition, all roof

structures shall be constructed with architectural shingles, and the front and sides of each condominium unit shall be constructed with a minimum 3-foot high watermark of brick or stone.

- 2. The frontage landscape area along Grove 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.**
- 3. A mandatory Homeowners Association (HOA) shall be required for the proposed development providing for the financial management, architectural controls, enforcement of community standards and management of all common areas. The Board will be established and operated by the developer until such time the powers are transferred to the HOA(s). A covenant shall be required to be recorded for the proposed development stating that no more than four (4) of the total residential units may be rented.**
- 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.**
- 5. 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.**

Motion made by Vice Chair Thompson

Motion seconded by Board Member Simmons

Vote – 4 favor, 2 absent (Martin, Young), 1 vacant

B. Zoning Amendment Request

- 1) Request from **HadjPadj Technologies, LLC** to amend a zoning condition 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 center

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

In April of 2024, a conditional special use approval was given for the applicant to construct a maximum of two, 10' x 18' data center huts on the subject property. As you may remember, this originally came before this board in February, was tabled to the March public hearing and the PAB approved the request with 5 conditions.

The applicant is now proposing to amend his original request to allow up to six, 10' x 40' data huts, or a total of 2,400 square feet of data center space. According to the applicant, Georgia Power initially required no additional upgrades, but was notified after the zoning approval that significant upgrades were required at a substantial cost which no longer made the project feasible.

The property is zoned H-I, is currently undeveloped and is located within the Gainesville Industrial Park South and within the Airport Overlay Zone. Adjacent uses include Poly Enterprises manufacturing, Ace Hardware distribution center and Lee Gilmer Memorial Airport.

The Planning staff recommended denial of the original special use request and is recommending **denial** of this amended request.

If consideration is given by the Planning and Appeal Board, the following changes to the original zoning conditions are encouraged. The strikethroughs shown represent the text removed from the original zoning condition. The highlighted text represents the proposed amended and new zoning conditions.

Conditions

1. The ~~subject property~~ **proposal** shall be limited to ~~the two 10' x 18'~~ **four, 10' x 45'** data center huts ~~as shown on the revised site/landscape plan and shall be oriented in the same manner.~~ **or a total of 1,800 square feet of data center space and a storage facility limited in size to a typical storage container.**
2. **The proposed data center huts shall be screened on all sides by a sound barrier wall at a height sufficient to screen the data huts and storage facility from Palmour Drive and the adjacent properties. The location, type and architecture of the sound barrier wall shall be approved by the Community and Economic Development Director.**
3. All improvements on the subject property shall be limited to a maximum height of 12-feet. Furthermore, a storage facility limited in size to a typical shipping container shall be allowed to be placed on the property in such location as approved by the Community and Economic Development Director.
4. 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.
5. All new fencing shall be chain-link coated with black color vinyl.
6. 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.
7. **When measured 100 feet from the data huts, the sound level shall not exceed 65 dB(A) at any time.**

Applicant Presentation: Viral Chhadua, 2313 Crystal Court, stated the plan was to come before the board in early 2025 for the site build-out but had some issues with Georgia Power regarding cost of upgrades. Mr. Chhadua reviewed the conditions on the presentation and stated the request is for 1,800 square feet of data space along with a noise measurement limitation tool limiting noise no more than 65 db. He reviewed the economics for the project including quotes from for two data huts at approximately \$347,000 and four data huts of \$437,000 and decreases the per MW bases. Mr. Chhadua stated he had been working with the planning staff and agree on all conditions except for the sound barrier wall for the data huts and storage facility. He stated he believes it will be a waste of resources since the data huts are actually buildings built to electrical and building codes. He went over slides on the

presentation of other locations and stated the project will be screened with robust landscaping which will help mitigate noise. The project will have gravel or asphalt for ground covering. He also had an example of a server with an intake fan and exhaust fan and explained can get very hot without proper air flow which causes most noise. He stated he was concerned about proper air flow if walls are built around the huts and the cooler for the servers are, the quieter. The next slide he spoke about the elevations and will be below 12 feet for the sides of the data huts. He stated the site plan had been revised for added impervious space being a retention pond which will be hidden behind the landscape. He spoke about the tax revenue for the City and Hall County. Mr. Chhadua handed the board members a copy of an example and stated he would like to propose louvered style walls instead of a chain-link fence which would provide more security and further screening. He stated it will look better and possibly have brick columns which will allow for proper air flow and run quieter at a conversation level.

FAVOR: None

OPPOSE: None

Board Member Comments: **Vice Chair Thompson** stated his concern was there were several questions in the beginning and then was narrowed down to two units but now a much larger project is being proposed.

Mr. Chhadua stated he had met with the local engineer in January and was told verbally the two huts could be serviced without upgrades and did not want to go through the process of what their cost would be since the project had not been approved. He then explained after the approval in April he received the actual cost for the project but he failed to get it in writing back in January. He explained without any guarantee to expand in the future then it will not make it feasible with the economics.

Chairman Carter stated when the proposed project was presented, he still believes that it's important to get things right when its new and different and the scope of the project changed. He reminded the audience and board that the zoning amendment request will go forward to City Council for final decision.

Board Member Fleming expressed appreciation to the applicant for his work into the request and appreciates the planning staff's work on the project and agrees with the planning staff for recommended denial.

There was a motion to recommend denial of the zoning amendment request for a data center with Heavy Industrial (H-I) zoning.

Motion made by Board Member Fleming

Motion seconded by Board Member Simmons

Vote – 4 favor, 2 absent (Martin, Young), 1 vacant

ADJOURNMENT

There was a motion to adjourn the meeting at 6:03 p.m.

Motion made by Board Member Simmons

Motion seconded by Vice Chair Thompson

Vote – 4 favor, 2 absent (Martin, Young), 1 vacant

Respectfully submitted,

Doug Carter, Chairman

Gwen Fleming, Recording Secretary