

City of Dawsonville
March 5, 2018
Planning Commission Regular Meeting

BJ Farley, Commission Chair, called the March 5, 2018 City of Dawsonville Planning Commission regular meeting to order at 5:30 p.m.

Present: Planning Commission Members present: Steve Sanvi, Ken Breeden, BJ Farley, and John Walden. Staff present: City Attorney, Dana Miles; Planning Director, Casey Majewski; and Zoning Administrator, Nalita Copeland. City Councilman Caleb Phillips was also present.

Invocation and Pledge: Steve Sanvi gave the invocation and led the pledge.

Approval of the Minutes: Ken Breeden motioned to approve the January 8, 2018 Planning Commission minutes. Steve Sanvi seconded the motion. The minutes were approved unanimously.

Old Business: None

New Business: Public Hearings:

VAR C8-00045: Derrick Pesterfield, with Pattison Sign Group, has requested a sign variance for the Circle K Store located at 74 Hwy 9 North-TMP #D03 038, and 38 Gober Sosebee Street-TMP #D03 039.

Joe Livitino was present to represent Pattison Sign Group and Circle K. No one spoke in opposition to the request. Ken Breeden motioned to approve the request as recommended by staff (Exhibit A attached). Steve Sanvi seconded the motion; all were in favor.

Zoning Amendments: Steve Sanvi motioned to open the public hearings for the following group of zoning amendment requests at 5:36 PM; Ken Breeden seconded; all were in favor.

ZA C7-00307: John H. Walden has requested a zoning amendment, upon annexation, for TMP D06 002 located at 48 Elliott Village, consisting of -1 acre, from County Zoning of RSR (Residential Sub Rural) to City Zoning R-2 (Single Family Residential).

Steve Sanvi motioned to approve; Ken Breeden seconded; Commissioner Farley was in favor of the request. John Walden recused himself. Motion carried.

ZA C8-00007: Martha Kay Shaw has requested a zoning amendment, upon annexation, for TMP 090 065 located at 114 Gold Bullion Drive West, consisting of -1 acre, from County Zoning of RPC (Residential Planned Community) to City Zoning PUD/R-2 (Planned Unit Development/Single Family Residential).

Steve Sanvi motioned to approve; Ken Breeden seconded; all were in favor.

ZA C8-00009: Walter and Mary J. Evans have requested a zoning amendment, upon annexation, for TMP 090 097 located at 617 Gold Bullion Drive West, consisting of -1 acre, from County Zoning of RPC (Residential Planned Community) to City Zoning PUD/R-2 (Planned Unit Development/Single Family Residential).

Steve Sanvi motioned to approve; Ken Breeden seconded; all were in favor.

ZA C8-00010: Joseph D. Dixon has requested a zoning amendment, upon annexation, for TMP 090 108 located at 412 Gold Bullion Drive West, consisting of -1 acre, from County Zoning of RPC (Residential Planned Community) to City Zoning PUD/R-2 (Planned Unit Development/Single Family Residential).

Steve Sanvi motioned to approve; Ken Breeden seconded; all were in favor.

ZA C8-00011: James B. and Caroline C. Stewart hve requested a zoning amendment, upon annexation, for TMP 090 079 located at 156 Gold Bullion Drive West, consisting of -1 acre, from County Zoning of RPC (Residential Planned Community) to City Zoning PUD/R-2 (Planned Unit Development/Single Family Residential).

Steve Sanvi motioned to approve; Ken Breeden seconded; all were in favor.

ZA C8-00012: Marshal A. and Gail E. Horne have requested a zoning amendment, upon annexation, for TMP 090 055 located at 764 Gold Creek Drive, consisting of -1 acre, from County Zoning of RPC (Residential Planned Community) to City Zoning PUD/R-2 (Planned Unit Development/Single Family Residential).

Steve Sanvi motioned to approve; Ken Breeden seconded; all were in favor.

ZA C8-00013: Kevin J. Tobolski has requested a zoning amendment, upon annexation, for TMP 090 109 located at 388 Gold Bullion Drive West, consisting of -1 acre, from County Zoning of RPC (Residential Planned Community) to City Zoning PUD/R-2 (Planned Unit Development/Single Family Residential).

Steve Sanvi motioned to approve; Ken Breeden seconded; all were in favor.

ZA C8-00014: Bill P. and Sandra L. Murphy have requested a zoning amendment, upon annexation, for TMP 090 086 located at 21 Gold Leaf Terrace, consisting of +1 acre, from County Zoning of RPC (Residential Planned Community) to City Zoning PUD/R-2 (Planned Unit Development/Single Family Residential).

Steve Sanvi motioned to approve; Ken Breeden seconded; all were in favor.

ZA C8-00015: Christopher and Elizabeth Duncan have requested a zoning amendment, upon annexation, for TMP 090 078 located at 15 Prospectors Court, consisting of -1 acre, from County Zoning of RPC (Residential Planned Community) to City Zoning PUD/R-2 (Planned Unit Development/Single Family Residential).

Steve Sanvi motioned to approve; Ken Breeden seconded; all were in favor.

ZA C8-00016: Deborah Maxwell has requested a zoning amendment, upon annexation, for TMP 090 050 located at 781 Gold Creek Drive, consisting of -1 acre, from County Zoning of RPC (Residential Planned Community) to City Zoning PUD/R-2 (Planned Unit Development/Single Family Residential).

Steve Sanvi motioned to approve; Ken Breeden seconded; all were in favor.

ZA C8-00019: Gloria Diane and Eugene Russell Brogdon have requested a zoning amendment, upon annexation, for TMP 090 092 located at 467 Gold Bullion Drive West, consisting of -1 acre, from County Zoning of RPC (Residential Planned Community) to City Zoning PUD/R-2 (Planned Unit Development/Single Family Residential).

Steve Sanvi motioned to approve; Ken Breeden seconded; all were in favor.

ZA C8-00020: Diana D. and Henry M. Hyams Jr have requested a zoning amendment, upon annexation, for TMP 090 047 located at 50 Gold Creek Court, consisting of -1 acre, from County Zoning of RPC (Residential Planned Community) to City Zoning PUD/R-2 (Planned Unit Development/Single Family Residential).

Steve Sanvi motioned to approve; Ken Breeden seconded; all were in favor.

ZA C8-00021: Darrel and Linda Schilling have requested a zoning amendment, upon annexation, for TMP 090 068 located at 104 Prospectors Court, consisting of -1 acre, from County Zoning of RPC (Residential Planned Community) to City Zoning PUD/R-2 (Planned Unit Development/Single Family Residential).

Steve Sanvi motioned to approve; Ken Breeden seconded; all were in favor.

ZA C8-00022: Sherman R. Day has requested a zoning amendment, upon annexation, for TMP 090 060 located at 7 Gold Bullion Drive East, consisting of -1 acre, from County Zoning of RPC (Residential Planned Community) to City Zoning PUD/R-2 (Planned Unit Development/Single Family Residential).

Steve Sanvi motioned to approve; Ken Breeden seconded; all were in favor.

ZA C8-00023: Lawrence F. Kulish, M.D. has requested a zoning amendment, upon annexation, for TMP 090 040 located at 663 Gold Creek Drive, consisting of -1 acre, from County Zoning of RPC (Residential Planned Community) to City Zoning PUD/R-2 (Planned Unit Development/Single Family Residential).

Steve Sanvi motioned to approve; Ken Breeden seconded; all were in favor.

ZA C8-00024: John and Marie Luranc have requested a zoning amendment, upon annexation, for TMP 090 087 001 located at 355 Gold Bullion Drive West, consisting of -1 acre, from County Zoning of RPC (Residential Planned Community) to City Zoning PUD/R-2 (Planned Unit Development/Single Family Residential).

Steve Sanvi motioned to approve; Ken Breeden seconded; all were in favor.

ZA C8-00025: Buster and Paula Roper have requested a zoning amendment, upon annexation, for TMP 090 041 located at 15 Gold Creek Court, consisting of -1 acre, from County Zoning of RPC (Residential Planned Community) to City Zoning PUD/R-2 (Planned Unit Development/Single Family Residential).

Steve Sanvi motioned to approve; Ken Breeden seconded; all were in favor.

ZA C8-00026: William and Brenda Gerspacher have requested a zoning amendment, upon annexation, for TMP 090 080 located at 188 Gold Bullion Drive West, consisting of -1 acre, from County Zoning of RPC (Residential Planned Community) to City Zoning PUD/R-2 (Planned Unit Development/Single Family Residential).

Steve Sanvi motioned to approve; Ken Breeden seconded; all were in favor.

City Planning Director, Casey Majewski, presented each request for consideration. No one spoke in favor or against any of the requests. The requests will be considered for final approval by the City Council on April 9, 2018.

Steve Sanvi motioned to close the public hearing for this group of zoning amendments at 6:00 PM; Ken Breeden seconded; all were in favor.

Next Meeting Date: The next Planning Commission meeting is scheduled for Monday, April 9, 2018 at 5:30 p.m. at Dawsonville City Hall.


Adjournment: With no further business, Commission Chair Farley asked for a motion to adjourn. Steve Sanvi motioned to adjourn; Ken Breeden seconded; Motion carried unanimously; Meeting adjourned at 6:02 p.m.

Minutes approved this April 9, 2018


Elizabeth Duncan, Commissioner


John Walden, Commissioner


Ken Breeden, Commissioner


Steve Sanvi, Commissioner


Mike Hornsby, Commissioner

Attested 
Nallia Y. Copeland, Zoning Administrator

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February 28, 2018

Chair B.J. Farley and Dawsonville Planning Commission

RE: Staff Recommendation for the following requests:

VAR C8-00045: Derrick Pesterfield, with Pattison Sign Group, has requested a sign variance for the Circle K Store located at 74 Hwy 9 North-TMP #D03 038, and 38 Gober Sosebee Street-TMP #D03 039.

Dear Commissioners,

Pattison Sign Group has requested a variance to the sign ordinance for TMP D03 038 located at 74 Hwy 9 North and TMP D03 039 located at 38 Gober Sosebee Street. The application is attached for your convenience. Per Section 105-8 of the Dawsonville Code of Ordinances, a variance to the performance standard of the sign ordinance may be granted in an individual case of individual case of extreme and unusual hardship upon a finding that the following conditions exist:

- There exist extraordinary and exceptional conditions pertaining to the property in question resulting from its size, shape, or topography which are not applicable to other lands or structures in the area.
- The failure of the city council to allow a variance would deprive the applicant of a right currently enjoyed by other similar properties in the city.
- Granting the variance request will not confer upon the property of the applicant significant privileges which are denied to other similar properties in the city.
- The requested variance will be in harmony with the purpose and intent of this article and will not be injurious to the neighborhood or to the general welfare.
- The variance is not a request to permit a type of sign which otherwise is not permitted in the zoning districts involved.

The property currently houses a Circle K gas station with 6 fuel pumps, a convenience store, a Subway, and propane tank sales. Existing signage at the location consists of a free-standing sign (129 SF) with a height of approximately 17 feet, numerous window signs, pump signs, a wall sign (18 SF), a canopy sign (90SF), and a LP tank replacement sign.

The property is zoned Town Business (Historic District) and as such is subject to the design and location standards as set forth in Chapter 105 Article III of the Dawsonville Code of Ordinances which limits the total area of freestanding signs to 32 SF. Additionally, it limits the total area of all permanent signs to 50 square feet and the number of signs to one primary and one secondary sign per business.

Proposed signage at the location will consist of a free-standing sign (38.5 SF) with a height of 5 feet, numerous window signs, pump signs, and a wall sign (18 SF).

The public right-of-way along this section of Highway 9 North is 100 feet (50 feet from centerline). The current free-standing sign is located approximately 27 feet from the centerline of Highway 9 North. The applicant plans to install the new free-standing sign in the same location. Section 105-37 of the Dawsonville Code of Ordinances prohibits the placement of signs in any public right-of-way. Additionally, no sign, more than three feet high shall be placed within ten feet of a public right-of-way.

The applicant has reduced the height of the free-standing sign to comply with Dawsonville's requirements and has reduced the number and overall area of the signage. It is our understanding that the nature of a fuel retail business requires several signs which makes compliance with the 50 SF maximum signage area requirement difficult. There is another gas station across the street with similar signage. Given the nature of the business, the current location and current type of signage on the property, Dawsonville Planning & Zoning Department staff recommends approval of the request contingent upon:

- the written approval from the Georgia Department of Transportation to construct in the right-of-way;
- the applicant's agreement that signs will not be internally illuminated which is prohibited in the Town Business District; and
- the issuance of a certificate of appropriateness by the Historic Planning Commission (scheduled meeting on April 23, 2018).

Should a permit be issued, the applicant should note that the issuance of a permit does not grant a property interest in any person or entity holding such a permit, nor does it grant a compensable right to utilize the public rights-of-way. All utilizations of public rights-of-way governed by this ordinance are at the pleasure of the City of Dawsonville, and may be revoked at any time in an emergency or upon 30 days notice in a non-emergency situation.

If any such relocation or removal is performed by the city or its designees, the city reserves to itself all rights and privileges granted pursuant to O.C.G.A. § 32-6-173 authorizing the city to assess the costs of such relocation or removal against the person or entity which owns or is otherwise responsible for the encroachment.

Please let me know if you have any questions regarding this matter.

Respectfully,



Casey Majewski, P.E.
Planning Director

Enclosure