

**GAINESVILLE PLANNING AND APPEALS BOARD
MINUTES OF MEETING
MAY 9, 2017**

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

Members Present: Chairman Doug Carter, Vice-Chair Jane Fleming, Board Members Connie Rucker, Carmen Delgado, Eddie Martin, Sr., Ryan Thompson and Rich White

Members Absent: None

Staff Present: Community Development Director Rusty Ligon, Planning Manager Matt Tate and Recording Secretary Judy Foster

Others Present: Mayor Danny Dunagan, Council Members George Wangemann and Zack Thompson, City Manager Bryan Lackey and Assistant City Manager Angela Sheppard

MINUTES OF APRIL 11, 2017

There was a motion to approve the minutes as presented.

Motion made by Vice-Chair Fleming
Motion seconded by Board Member Rucker
Vote – 7 favor

OLD BUSINESS

There was a motion to remove all three Oak Hall Companies, LLC requests from the table for consideration.

Motion made by Board Member Thompson
Motion seconded by Board Member Delgado
Vote – 7 favor

NOTE: The following three Oak Hall Companies, LLC requests were presented together and one vote taken for all three requests.

A. Annexation Requests

- 1) Request from **Oak Hall Companies, LLC** to annex a 26.16± acres tract located east of Dawsonville Highway and on the north side of the intersection of Strickland Drive and Sportsman Club Road, with road frontage on Karen Lane (a/k/a **0 and 2209 Karen Lane; 2106, 2234 and 2242 Sportsman Club Road; and 2049 Strickland Drive**) and to establish zoning as Planned Unit Development (P-U-D).

Ward Number: One

Tax Parcel Number(s): 00-109-003-001, 004, 005; 00-109B-000-001, 002A and 036

Request: Active adult community

- 2) Request from **Oak Hall Companies, LLC** to annex a 50.81± acres tract located on the east side of Dawsonville Highway (S.R. 53), having road frontage on Dawsonville Highway, Ahaluna Drive, Skyview Drive and Strickland Drive (a/k/a **0 and 1758 Ahaluna Drive; 1508, 1550, 1740, 1746, 1758, 1760, 1934 and 1982 Dawsonville Highway; 300 and 301 Skyview Drive; 0, 2008 and 2016 Strickland Drive**) and to establish zoning as Planned Unit Development (P-U-D) and General Business (G-B).

Ward Number: One

Tax Parcel Number(s): 00-110-000-005 (part), 028, 032 (part) and 039; 00-110A-004-001 (part), 002A, 004 (part), 005 (part), 007 (part), 007A (part), 007X, 014 (part), 016 (part), 017 (part) and 018

Request: Mixed-use development

B. Rezoning Request

- 1) Request from **Oak Hall Companies, LLC** to rezone a 157.98± acres tract located on the east side of Dawsonville Highway (S.R. 53), having road frontage on Ahaluna Drive, Skyview Drive, Strickland Drive, Lakeshore Circle, West Lake Drive and Karen Lane (a/k/a **0, 1264 and 1817 Ahaluna Drive; 1876 Dawsonville Highway; 2208 Karen Lane; 0 and 2029 Strickland Drive; 0 and 1489 West Lake Drive**) from Residential-I-A (R-I-A), Residential-I (R-I), Planned Unit Development (P-U-D) and Regional Business (R-B) to Planned Unit Development (P-U-D) and General Business (G-B).

Ward Number: One

Tax Parcel Number(s): 00-109B-000-003A; 00-110-000-001, 006, 030, 031, 034, 035, 036, 037 and 038; 01-110-001-006; 01-110A-004-022; 01-114-001-001, 026, 145 and 161

Request: Mixed-use development

Staff Presentation: Planning Manager Matt Tate gave the following staff presentation:

Because the proposal is a master planned development, Staff would ask that the three agenda items under Old Business (A1, A2 and B1) from Oak Hall Companies, LLC be presented together. The Board was in agreement with the request.

All three requests consist of a total of 234.95± acres of land designed as a master planned “age in place” community totaling 880 proposed residential units.

The **first** request includes the annexation of 26.16± acres with a zoning of Planned Unit Development (P-U-D). This property has road frontage on Sportsman Club Road, Strickland Drive and Karen Lane. This property is currently approved with P-R-D zoning in Hall County for a mixture of 95 age-restricted residential units consisting of 40 terrace homes, 28 cottages, 27 condominiums and a clubhouse/pool. The applicant's proposal includes 90 age-restricted, active adult attached terrace home / townhome units which will include common green space/park areas, community clubhouse and pool. One access road is proposed from Karen Lane and storm water detention is proposed underground. A full description is provided with the application and staff report. This property is within the *Low-Medium Density Residential* land use category of the Comprehensive Plan and within the *Suburban Residential* character area. This includes areas containing or planned for single-family detached or semi-detached housing at densities up to 4.0 dwelling units per acre. The proposed Planned Unit Development (P-U-D) zoned portion of the proposal seeks a density of 3.43 dwelling units per acre.

The **second** request includes the annexation of 50.81± acres with a zoning of Planned Unit Development (P-U-D) and General Business (G-B).

The **third** request proposes the rezoning of 157.98[±] acres from Residential-I-A (R-I-A), Residential-I (R-I), Planned Unit Development (P-U-D) and Regional Business (R-B) to Planned Unit Development (P-U-D) and General Business (G-B).

Previously in 2014, an 110.9[±] acres portion of the subject property was annexed and rezoned for a 199 lot single-family subdivision.

The applicant's proposed use for this property includes a mixture of residential, office and commercial uses. The mixture of housing includes a total of 790 age restricted residential units consisting of: 305 single-family detached homes; 79 single-family cottages; 81 detached terrace homes; 175 independent living units and 150 assisted living units which could include up to 30 memory care units. Therefore, 37% of the overall residential units for the entire development are located within the independent and assisted living facilities. Amenities are to consist of a swimming pool, club house, passive park and two community docks totaling 130 boat slips as well as a total of 68.0 acres of open green space. The applicant anticipates the residential portion of the development will be built-out over a period of 6 years from when the first land development permit is issued.

Non-residential uses are to include a 40,000 square foot storage facility for residents within the community, 24,000 square feet of retail/office/restaurant space, seven commercial parcels each having approximately 8,000 square feet of building space and a 3.0 acres tract of land reserved for a 10,650[±] square feet fire station. Access is proposed from Dawsonville Highway, Ahaluna Drive and Strickland Drive. The office and commercial component of the development will be constructed upon market conditions.

The Gainesville Future Development Map places the subject property within the *Low-Medium Density Residential* land use category and the *Mixed Use General* land use category and within the *Suburban Residential* and *Suburban Commercial* Character Areas which is consistent with the request.

A traffic study was performed for the proposal which expects the entire project to generate 189 new trips in the a.m. peak hour, 274 new trips in the p.m. peak hour, and 3,387 new trips during a 24-hour weekday. The study extended one mile from the limits of the proposed site and included 10 intersections listed in the report.

Therefore, Staff recommended **conditional approval** of the proposed annexation of 26.16[±] acres with a zoning of Planned Unit Development (P-U-D) with **16** conditions.

In addition, Staff recommended **conditional approval** of the proposed annexation of 50.81[±] acres with a zoning of Planned Unit Development (P-U-D) and General Business (G-B) and the rezoning of 157.98[±] acres from Residential-I-A (R-I-A), Residential-I (R-I), Planned Unit Development (P-U-D) and Regional Business (R-B) to Planned Unit Development (P-U-D) and General Business (G-B) with **24** conditions.

Staff recommended a number of zoning conditions to be attached to these requests which are included as part of the Staff reports. Mr. Tate gave a very brief overview of the proposed conditions, noting staff could answer any questions regarding the proposed conditions.

The proposed conditions are included with each of the three requests and are divided into two categories 1) Development Standards and 2) Transportation/Traffic.

Development Standards:

- The development standards outlined in the applicant's narrative, concept plan and architectural renderings shall be made part of the zoning ordinance.
- The project shall be limited to 55 years of age or older and meet US Dept. of Housing and Development standards.
- The overall development shall be reduced by 20 units. The reduction of units will occur within the proposed 790 unit tract but a minimum of 10 units shall be reduced from the single-family, cottages and terrace homes fronting Ahaluna Drive and adjacent to existing single-family residences.
- In addition, other conditions related to the Development Standards include: building setbacks, buffers along the exterior of the property and interior to the development, minimum unit sizes for the different residential products, covenants, a Uniform Sign Plan, water quality measures, and the new Fire Station site.

Transportation/Traffic:

- Developer will provide a signal warrant analysis for three intersections along Dawsonville Highway and any warranted improvements shall be at the expense of the developer.
- The developer will perform several traffic improvements along Dawsonville Highway as recommended in the Traffic Impact Study.
- The Developer will pay \$425,000 to be used solely for the purpose of making roadway improvements along Dawsonville Highway from McEver Road to Ahaluna Drive.
- Developer will redesign and construct the intersection of Strickland Drive, Karen Lane and the new access road to the proposed development.
- The Developer will improve Ahaluna Drive to meet City of Gainesville standards and will improve the cul-de-sac at the end of Ahaluna Drive.

Applicant Presentation: **Ethan Underwood**, stated he was an attorney with Miles Hansford & Tallant, LLC located at 202 Tribble Gap Road, Suite 200, in Cumming. He stated they were excited about the project because while it is a big change, people will look back on it in 10 years and say it was the right thing to do. Mr. Underwood used a Power Point Presentation to explain the project. Overall the project is about 235 acres, with part of it being in Hall County which they are requesting to come into the City of Gainesville. He stated they are asking for 20 acres of the development to be zoned as General Business, noting it is already zoned as such in Hall County and could be developed for commercial uses now but they want to come into the City. The 26 acres portion is already approved in the County for 95 units and they are proposing to reduce that to 90 units in the City. The remainder of the acreage is proposed for different housing types which include single-family detached residential, single-family cottages, detached terrace homes, townhouses and for-rent residential units for independent living, assisted living and memory care. The land for the zero-lot line residential units (cottages and terrace homes) will be maintenance free and managed by a homeowners association so they do not have to maintain yards. The 90 units to the north within the 26.16± acres portion are proposed as townhomes.

Mr. Underwood stated they are proposing a total of 880 units, however, 325 of those units would be within the independent living, assisted living, and memory care community. He stated this would be the fourth such community the developer has completed, with others being in Peachtree City, Canton and Cumming. The monthly cost to live in the assisted living/memory care would range from \$3,500 to \$4,000 per month which is all inclusive with

meals, rent and utilities, noting some have found it less expensive than paying bills and mortgages. Property taxes and school taxes will be paid on these units since there will be a landlord who is not exempt from those taxes.

Mr. Underwood stated there would be high quality commercial use as they have agreed to certain development standards and certain prohibited uses. The developer has also agreed to donate 3 acres for a new fire station, with the City having the final decision on the architectural design. In regards to economic impact, at full build out, the project is expected to bring almost 1.7 million in property taxes to the City alone. They are also estimating almost another half million in additional sales tax. In their conservative estimation, this would generate over \$400,000 per year in net revenue as they do not anticipate the residents would require as much services as typical residents. One time impact fees are estimated at nearly 2 million.

Mr. Underwood acknowledged the elephant in the room was traffic. He stated the subject property is already zoned for about 200 non age restricted homes which would bring more traffic than an age restricted development, noting the residents would typically be on the road less often and during non-peak drive times. He stated they completed a traffic study and some people had questioned the methodology of the study because they used Georgia Department of Transportation (GDOT) numbers which are projections and they wanted the requests to be postponed again to do further study. However, they used the methodology as requested by the Georgia Mountains Regional Commission (GMRC), GDOT and the City of Gainesville. He stated that even if they did a real time study, the recommendations that come back would not have different results because there is no plan to make Dawsonville Highway a six lane highway so the only options are to make intersection improvements, traffic light improvements and contributions from the developer to make the necessary improvements. They have agreed to make improvements at Canterbury Road, Avonlea Way, Sportsman Club Road, Strickland Drive and Karen Lane. Mr. Underwood confirmed that Tad Braswell with Oak Hall Companies, LLC has agreed to the conditions as proposed by staff which includes the following traffic improvements: 1) Signal warrant studies at the intersections of Dawsonville Highway with Canterbury Road, Avonlea Way and Sportsman Club Road. If a signal is warranted, the developer will absorb that cost; 2) Turn lane improvements at the intersections of Dawsonville Highway and Canterbury Road, Avonlea Way and Sportsman Club Road. If those improvements are warranted, the developer will absorb that cost; and 3) Road improvements to Ahaluna Drive and Strickland Drive will also be completed and paid for by the developer as they will have to be widened and straightened which will make them much safer roads. The developer has also agreed to make a \$425,000 contribution to make road improvements along Dawsonville Highway from McEver Road to Ahaluna which is located south of the proposed development. However, they are taking responsibility of the traffic because they want to be a good neighbor and we are all in this together because you can't sell houses to angry neighbors because of traffic.

In conclusion, Mr. Underwood stated the property is already zoned for 200 single-family homes and General Business uses along the corridor, so something is coming to the area and the question is, what something do you want there? He felt the age restricted community is the right something because it will be a lower impact development, schools will not be affected even though residents will be paying taxes, and drive time will have a much lower impact than folks with young families. There will be a positive economic impact for the City, traffic improvements made in the area which otherwise would not be completed, and property donated for a new fire station. He asked to reserve time for questions and rebuttal.

FAVOR: **Carl Simmons, Jr.**, 2322 Sportsman Club Road, stated he did not want to be annexed into the City and complained he could not go down Dawsonville Highway on Friday evenings because of the restaurant traffic. He suggested a bypass to avoid the area. He stated he was all for progress and didn't care what they did with the subject property but asked the Board not to hurt others to improve the developer's pockets.

OPPOSE: **Clyde Morris**, 2375 Whippoorwill Lane, in Hall County, stated he was speaking on behalf of a large contingency of residents who live within the Dawsonville Highway corridor and asked them to stand. There were approximately 75-100 people who stood in opposition. He stated their concerns were focused on traffic since they already experience gridlock at times, noting it takes 25 minutes to get from Sportsman Club Road to Home Depot at times which should only take 2 or 3 minutes. They have studied the information available from all traffic studies by GDOT, Oak Hall and the City, and have re-analyzed it to determine what is wrong because it shows far too few vehicle trips. They concluded the data is defective which projects a 2% growth rate in traffic instead of a 9.8% growth rate which is more accurate in his opinion. Traffic has become significantly worse over the past year or year and a half since Northlake Square opened. The Oak Hall traffic study projected an additional 3,387 trips per day and he believed it should be 6,000 trips per day. Also, 3,260 trips per day will be added by the commercial component which is believed to be constructed about the same time. Mr. Morris believed the entire development, when completed, would generate 9,000 to 10,000 trips per day which would be catastrophic in his opinion. Mr. Morris stated they did not intend to disparage the development or the company and was sure they are reputable and put out a good product. They are asking the Board to consider the impact on traffic and the quality of life for those living in this corridor. He stated as of today, two studies are being planned or underway, one by Arcadis contracted by GDOT, and the other has been commissioned by the City of Gainesville and the Metropolitan Planning Organization (MPO) for funding of improvements at the intersection of McEver Road and Dawsonville Highway. He stated the studies are needed and should be completed and the recommended improvements implemented before any additional development along this corridor is given approval. Therefore, Mr. Morris asked the Board to table the requests until those studies can be completed, infrastructure improvements can be planned and preliminary engineering can be undertaken so that road and traffic control improvements can keep pace with the population growth and the inevitable increases in traffic in an already traffic challenged gateway to Gainesville.

Gary Lawrence, 3537 Water Front Drive, stated he was the President of the Board for the Harbour Pointe Community Association which is a community of 290 households located off S.R. 53 approximately 5.5 miles west of the proposed development. The residents enjoy being a part of greater Gainesville and make abundant use of the restaurants, shops and businesses. They also serve Gainesville by volunteering through many organizations such as Meals on Wheels. Their Board recently received a presentation on the increased traffic from this development and two members participated in a follow up meeting. As representatives of Harbour Point, they have the following three concerns: 1) Residents are currently experiencing significant delays in exiting their community onto S.R. 53 not only during morning and evening rush hour but throughout the day, 7 days a week. He stated GDOT has reported a growth of more than 2,000 vehicles per day which pass the entrance of Harbour Point from 2015 and 2016 due to the widening project and the new businesses along the corridor. The traffic will continue to increase with new development, and as a consequence, some residents are already going to Dawsonville for dining and shopping; 2) The Oak Hall Development will exacerbate the traffic that is already in the congested corridor. The PAB tabled these requests in March to obtain more traffic data and he asked the Board to table the requests again to look at the data which is forthcoming before making

any decisions in order to see the impact of this development. The developer forecasted a 1.8% annual traffic growth rate and analysis he reviewed projected between 6% and 9.8%. He asked the Board to allow adequate time for the appropriate review of the consultant's findings on the new traffic studies and develop traffic remediation efforts before approval; and 3) There appears to be no plan to re-prioritize traffic enhancement critical Tier 2 and Tier 3 projects to bring them up to Tier 1 status to address the immediate need for something to be done in time for the added traffic from the Oak Hall development. It is perceived that the current plan is to approve the project then worry about the resulting traffic later. Mr. Lawrence stated the City and County should at least have a plan for traffic remediation and controlling signal light sequences but fears it will not be enough. They are asking for additional actions like additional lane capacity and turning lanes before the project comes online, otherwise during construction, some entrances would be backed up for lengths of time on a regular basis. In conclusion, Mr. Lawrence stated that Harbour Point understood the value of the new development and the need for additional affordable housing in Gainesville, but to approve the project without having a clear plan to remediate potential traffic problems and a short-term plan to address these issues is dangerous for the overall image and livability of Gainesville and Hall County. They recommend the developer, GDOT and all other parties, develop a traffic remediation plan and locate the funds to make it happen before approval.

Jerry Hulsey, 2389 Sportsman Club Road, stated you don't know somebody until you live with them and he has worked and lived within 3 square miles of Dawsonville Highway all his life and felt it is a wonderful place to live. He stated we are talking about quality of life, noting the more you have, the more you have to take care of, the more it costs and the more you spend. He couldn't understand why, even with all the people moving into the area, taxes haven't gone down but continue to rise. He referred to the west by-pass, Pearl Nix Parkway, which never came to its full fruition. He stated City Council said they do not have the money to complete road improvements, but look at the building we are in, noting the City has built two police stations and the Civic Center but no roads. Mr. Hulsey stated Chick-fil-a causes a traffic jam so they extended the left turn lane for customers to get in there and that is just one business. He reiterated it is all about quality of life and he understood something is going to be developed there but no one wants to get stuck in traffic.

Gene Korzeniewski, 1813 Watuga Drive, stated he believed it would be a quality development but was concerned whether the infrastructure, specifically Dawsonville Highway, could handle the increased traffic. If the traffic study is based on a 2% traffic growth rate per year, that would mean traffic has only increased 10% on Dawsonville Highway in the past 5 years and asked the audience to raise their hands if they felt traffic had increased more than 10%. He stated fundamentally, we are relying on an unrealistic growth rate. He stated it was reported that the majority of traffic from the 55 plus community would be during non-peak hours. However, we don't really know when peak hours are since 24-hour traffic counts were not taken at the intersections. Mr. Korzeniewski stated the GDOT practice manual states you should take 24 hour traffic counts in areas with shopping centers, restaurants, and recreational activities to determine the peak hours. Historical data between the hours of 9am and 4pm prove the traffic there is growing year to year. Therefore, what we think is rush hour, the normal work hour, may no longer be the case and the project could be adding traffic during the times we could least absorb it. He was concerned that the stores were closed in the morning hours when intersections were monitored so how do we know they won't be a problem if the data we have was taken at the wrong time. In conclusion, he was concerned about procedures, noting he thought the purpose of the public hearing was for the Board to hear from the public before making any decision or recommendations. He felt the decision and recommendation had already been

made and this is the first time the Board was hearing from the public. He stated he was sure the Board had met with the developer multiple times in order to formulate their recommendations, but there hasn't been a single meeting between the Board and the public which is unfair and in some regards, irresponsible. Chairman Carter corrected Mr. Korzeniewski and clarified that none of the Board Members had met with the developers prior to this meeting. Mr. Korzeniewski stated he should clarify that certain members of the Board have met with the developers. Community Development Director Rusty Ligon clarified that he was not on the Board but on staff and meeting with developers was part of his job. Mr. Korzeniewski stated the staff recommendations were made based on meetings with the developer. Chairman Carter stated part of the process was for staff to meet with any applicant.

Bob Abernathy, 3311 Marina View Way, stated he moved into Gwinnett County in 1972 and moved to Hall County in 2003 because of the growth Gwinnett County was and still is experiencing, noting their current population is over 900,000. He stated Gwinnett County is a parking lot and they did not provide for adequate transportation to pace the growth. He stated it is a real problem and he was afraid Hall County would make the same mistake.

Cyril Pcolinsky, 2200 Sportsman Club Road, stated he would not speak of traffic since his neighbor, Jerry Hulsey, spoke in a very clear and comprehensive way. He was concerned with the 26.16± portion of the development because of the proposed terrace units in a small, hilly area with curvy, narrow roads. His fear was the project would change the character of his neighborhood which consists of single-family detached homes with larger lots. Mr. Pcolinsky believed the city limits would progress beyond Sportsman Club Road in the future and he was concerned about a more densely populated area. He proposed the developer consider single-family homes there instead which would decrease the number of people living there and would be less of a traffic burden. He felt the quality of life would suffer with the proposed density and character of buildings.

REBUTTAL: Ethan Underwood introduced **Tad Braswell** with Oak Hall Companies, LLC. Mr. Braswell stated he grew up in Dekalb County, 3 miles from Perimeter Mall and used to walk to the mall by cow pastures on both sides of the road. He stated things change and people move here and Atlanta and Gainesville were great places to live. We make sure we do smart growth and plan things correctly which is the reason for the GMRC reviewing large projects like this one. He stated there was a lot of thought process going into how this traffic study was completed, noting it was not just the City, Hall County, or GDOT standards but a conglomeration of national standards that were utilized for the study grid network based on the number of houses they are proposing. He stated they did additional study as requested by the City and the standards used in the traffic studies which are proven time and time again, come from actual active adult communities. He confirmed the intersections studied were completed in real time peak hours, noting the stores were open in the evenings. Mr. Braswell stated the traffic study is scientific and has been reviewed with recommendations made by the GMRC, City Transportation, Hall County and GDOT, so he did not see the need for another traffic study. He stated that some people disagreed with the methodology of the way the counts were taken which leads him to question why they would believe another study which would be completed with the exact same standards. He stated there were a lot of good people present who were concerned about traffic, but everywhere you go in Atlanta there is traffic. However, they are bringing a lot of money to the table to improve the traffic situation which would otherwise not happen if the property is used as currently zoned. He wants everyone to be safe to get in and out of the development and wants to have a positive impact on the community.

Ethan Underwood thanked everyone for their comments because they wanted to hear from the residents, so they held two public participation meetings and were enlightened about some issues in which they were unaware until they met with the residents. He agreed with the public comments that the project should not be approved without accommodating traffic improvements which is why Oak Hall is going above and beyond to comply with conditions as proposed by staff. He stated some folks warned the Board not to get caught in a catch 22; however, those road improvements would not occur until a development comes in to pay for them, which is exactly what Oak Hall is proposing. Mr. Underwood stated this project aligns with the Comprehensive Plan as it was anticipated for this site; they have reduced units to meet the Plan; they have a solution for traffic issues; and they have a product which will build the community. Mr. Underwood asked the Board to recommend approval of the requests and they would be happy to answer any questions.

Planning and Appeals Board Comments: Upon inquiry by Vice-Chair Fleming, Tad Braswell clarified the standard traffic study peaks hours were from 7:00am to 9:00am and 4:00pm to 6:00pm. Vice-Chair Fleming stated along that corridor, there is a lot of restaurants and shopping which takes place after those hours and asked if there was another traffic study they could have access to with more extended hours. Mr. Braswell stated no, they completed the traffic study with the standards required by GMRC. He stated the standards are taken into consideration when the study is around a mall or shopping centers.

There was a motion to recommend conditional approval of all three Oak Hall Companies, LLC requests with conditions as follows:

CONDITIONS FOR 26.16± ACRES

Development Standards

1. The development standards within the applicant's narrative, concept plan and architectural renderings shall be made part of the zoning ordinance, and shall be subject to the Community Development Director approval. 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.
2. The approved use for the property shall be limited to an active adult community for seniors not to exceed 90 terrace homes / townhome units as stated within the applicant's revised concept plan and narrative.
3. The development shall comply with applicable U. S. Department of Housing and Urban Development (HUD) rules for age-restricted communities. The organization established for the management of the development shall comply with HUD rules for verification of occupancy and shall maintain procedures for routinely determining the occupancy of each unit. Such procedures may be part of a normal leasing or purchasing agreement and must provide for regular updates as required by HUD.
4. A minimum 50-foot perimeter buffer shall be required against all adjacent roads and the adjacent private properties. The exterior 25 feet of this perimeter buffer will be undisturbed, except where disturbance is required for erosion control, storm water management, or the installation of utilities; the interior 25 feet of this buffer may be graded and replanted. Any additional plantings required will be in accordance with City of Gainesville's Buffer Standards. The Community Development Director shall have the final determination on the number, location

and type of trees to be planted, as required by Article 9-16 of the Unified Land Development Code.

5. The minimum heated floor space for the terrace homes / townhomes shall be 1,100 square feet.
6. Covenants shall be put in place by the developer restricting against the parking of boats, trailers, and campers within driveways.
7. The proposed amenity clubhouse shall include a minimum 3:12 roof pitch and exterior facade materials shall be similar in architecture to the proposed terrace homes / townhomes.
8. A Uniform Sign Plan as identified within Section 9-18-7-4 of the Unified Land Development Code shall be required from the developer and is subject to approval by the Gainesville Community Development Director. All signs associated with residential uses shall be limited to indirect lighting. All signs shall be located outside of utility areas and shall not block visibility of vehicular traffic.
9. The proposed erosion control and water quality measures for the development shall at minimum meet the Georgia Storm Water Management Manual requirements. Storm water management for the development must provide water quality treatment for no less than 110% of the State required treatment volume. The City of Gainesville shall approve the final design of all water quality measures.

Transportation / Traffic

10. Prior to the issuance of a land disturbance permit, the developer shall provide a signal warrant analysis be performed per Georgia Department of Transportation (GDOT) standards for the following intersection:

- a. Dawsonville Highway (SR 53) at Sportsman Club Road

All costs associated with the signal warrant analysis study and, if warranted by such study, any costs associated with the installation of a traffic signal and intersection improvements shall be at the full expense of the developer.

11. The developer shall perform the following traffic improvements identified within the Summary of Study Findings and Recommendations as stated within the revised Traffic Impact Study, dated April 7, 2017, for the proposed development:

- a. Dawsonville Highway (SR 53) at Sportsman Club Road; add a northbound exclusive right turn lane on Dawsonville Highway (SR 53).

The developer shall coordinate these improvements with GDOT and the Gainesville Public Works Director prior to permitting. The Gainesville Public Works Director and GDOT shall have the final determination of the time line of these improvements based on the developer's proposed construction schedule. All costs associated with the improvements shall be at the full expense of the developer.

12. Prior to the issuance of a land disturbance permit, the developer shall evaluate, design and construct the left turn lane on Dawsonville Highway (SR 53) and Sportsman Club Road to meet GDOT storage and design requirements. If the existing left turn lane at this location meets these requirements, this condition will be deemed satisfied.

13. Prior to the issuance of a land disturbance permit, the intersection of Strickland Drive, Karen Lane and the new access road to the proposed development shall be redesigned to include realignment for better traffic circulation, and to meet current roadway design criteria. The improvements shall be completed prior to permitting direct access from the development onto Karen Lane and Strickland Drive and prior to the construction of the most northern Pod of terrace and cottage homes. All costs associated with the improvements shall be at the full expense of the developer.
14. All new streets shall meet the standards within the current Gainesville Unified Land Development Code. All proposed residential uses and amenities shall provide for pedestrian connectivity throughout the development. All costs associated with the improvements shall be at the full expense of the developer.
15. Prior to the issuance of a land disturbance permit, the developer shall seek documentation from Hall County to verify that no improvements will be required to the intersection of Sportsman Club Road and Strickland Drive.
16. Access to the development shall be from either Strickland Drive or Karen Lane; provided that if the application to annex and rezone the adjacent 188.78± acres tract zoned Planned Unit Development (P-U-D) submitted concurrently with this application is not approved, access to this development shall be from Strickland Drive. In either case, there shall be no driveways from individual homes allowed onto Sportsman Club Road, Strickland Drive or Karen Lane.

CONDITIONS FOR 50.81± ACRES AND 157.98± ACRES

Development Standards

1. The development standards within the applicant's narrative, concept plan and architectural renderings shall be made part of the zoning ordinance, and shall be subject to the Community Development Director approval. 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.
2. Prohibited commercial uses shall include motels or hotels with rooms accessed from the exterior of the building, adult novelty stores, adult entertainment centers, pawn shops, gas stations, tire stores, massage parlors except for practitioners licensed by the State of Georgia, vaping stores, auto body shops, automobile sale establishments, marine sales or repair stores, automated or non-automated car wash, coin-laundry facilities, truck stop, tattoo parlors, psychics, fortune tellers, clairvoyants and the like.
3. The applicant's revised concept plan and narrative proposes a total of 790 senior residential units. The total number of residential units approved for the development shall not exceed 770 senior residential units. The reduction of 20 residential units may occur anywhere within the development. However, a minimum of 10 residential units shall include single-family homes, cottages and terrace homes with frontage along Ahaluna Drive and adjacent to existing single-family properties located off of Karen Lane, Watauga Drive and West Lake Drive.
4. The development shall comply with applicable U. S. Department of Housing and Urban Development (HUD) rules for age-restricted communities. The organization

established for the management of the development shall comply with HUD rules for verification of occupancy and shall maintain procedures for routinely determining the occupancy of each unit. Such procedures may be part of a normal leasing or purchasing agreement and must provide for regular updates as required by HUD.

5. All proposed single-family detached homes shall have a minimum front yard setback of 20-feet as measured from the right-of-way line and shall have a minimum distance of 10-feet between houses. Additionally, all cottages with frontage along Ahaluna Drive shall have a minimum front yard setback of 20-feet as measured from the right-of-way line and shall have a minimum distance of 10-feet between houses. The lots that back up to existing residences located off of Karen Lane, Watauga Drive and West Lake Drive shall have minimum 20-feet rear setbacks.
6. The following buffer standards shall be required:
 - a. A minimum 20-foot wide buffer shall be required for all proposed single-family detached homes, cottages and terrace homes where adjacent to existing single-family homes.
 - b. A minimum 50-foot wide buffer shall be required for the assisted living facility, independent living facility and commercial uses when adjacent to existing single-family homes.
 - i. The exterior 25-feet of this buffer must be undisturbed, except where disturbance is required for erosion control, storm water management or the installation of utilities.
 - ii. The interior 25 feet of this buffer may be graded and replanted.
 - c. A minimum 25-foot wide buffer shall be required for the assisted living facility, independent living facility and commercial uses when adjacent to proposed single-family homes within the development. The 25-foot buffer may be located at any location between such structures, including without limitation, at a location where the common boundary line between the respective uses is within the 25-foot buffer.
 - d. The proposed storm water facilities shall be buffered from all existing homes and proposed uses. The buffer shall contain a mixture of evergreen and deciduous trees.
 - e. Any additional plantings required will be in accordance with City of Gainesville's Buffer Standards as determined by the Community Development Director.
7. The minimum heated floor space for the single-family detached homes shall be no less than 1,800 square feet. The minimum heated floor space for the single-family cottages and terrace homes shall be 1,000 square feet.
8. Covenants shall be put in place by the developer restricting against the parking of boats, trailers, and campers within driveways.
9. The proposed amenity clubhouse and storage facility shall include a minimum 3:12 roof pitch and exterior facade materials shall be similar in architecture to the proposed single-family homes.

10. A Uniform Sign Plan as identified within Section 9-18-7-4 of the Unified Land Development Code shall be required from the developer and is subject to approval by the Gainesville Community Development Director. All signs associated with residential uses shall be limited to indirect lighting. All signs shall be located outside of utility areas and shall not block visibility of vehicular traffic.
11. The proposed erosion control and water quality measures for the development shall at minimum meet the Georgia Storm Water Management Manual requirements. Storm water management for the development must provide water quality treatment for no less than 110% of the State required treatment volume. The City of Gainesville shall approve the final design of all water quality measures.
12. The 3.0 acre parcel labeled as "Fire Station Parcel" on the applicant's concept plan submitted with this application shall be deeded to the City of Gainesville within one year of the effective date of this zoning ordinance for the future construction of a City of Gainesville fire station. All costs associated with deeding the property shall be at the full expense of the developer. Architectural design for the fire station must be approved by both the City of Gainesville and the developer, and shall be substantially similar with residential and commercial standards submitted with the application.
13. No more than 10% of the units within the proposed indoor storage facility may be leased to non-residents of the proposed development.

Transportation / Traffic

14. Prior to the issuance of a land disturbance permit, the developer shall provide a signal warrant analysis be performed per Georgia Department of Transportation (GDOT) standards for each of the following two intersections:
 - a. Dawsonville Highway (SR 53) at Avonlea Way and the new access road; and
 - b. Dawsonville Highway (SR 53) at Canterbury Road and the new access road. The design of the signal warrant analysis should account for the probability that GDOT will not approve a signal at this location and should evaluate the intersection for an R-CUT design at the median break. If a traffic signal is approved by GDOT, improvements for a traffic signal at the intersection will require approval of the Gainesville Public Works Director and GDOT Traffic Operations Office.

All costs associated with the signal warrant analysis study, and if warranted by such study, any costs associated with the installation of a traffic signal and intersection improvements shall be at the full expense of the developer.
15. The developer shall perform the following traffic improvements identified within the Summary of Study Findings and Recommendations as stated within the revised Traffic Impact Study, dated April 7, 2017, for the proposed development:
 - a. Dawsonville Highway (SR 53) at Avonlea Way and the new access road to include a northbound exclusive right turn lane to be added on Dawsonville Highway (SR 53) turning into new site driveway and the inclusion of one entering lane and one exiting lane for the new site access to be controlled by side street stop sign and accompanying stop bar; and
 - b. Dawsonville Highway (SR 53) at Canterbury Road and the new access road to include a northbound exclusive right turn lane to be added on Dawsonville

Highway (SR 53) turning into new site driveway and the inclusion of one entering lane and one exiting lane for the new site access to be controlled by side street stop sign and accompanying stop bar.

The developer shall coordinate these improvements with GDOT and the Gainesville Public Works Director prior to permitting. The Gainesville Public Works Director and GDOT shall have the final determination of the time line of these improvements based on the developer's proposed construction schedule. All costs associated with the improvements shall be at the full expense of the developer.

- 16. Prior to the issuance of a land disturbance permit for the Planned Unit Development (P-U-D), the developer shall evaluate, design and construct the left turn lanes on Dawsonville Highway (SR 53) to meet GDOT storage and design requirements at Avonlea Way and the new site driveway at Canterbury Road. Prior to the issuance of a land disturbance permit for the commercial development zoned General Business (G-B), the developer shall evaluate, design and construct the left turn lanes on Dawsonville Highway (SR 53) to meet GDOT storage and design requirements. If the existing left turn lane at this location meets these requirements, this condition will be deemed satisfied.**
- 17. Developer consents to pay \$425,000.00 to be used solely for the purpose of making roadway improvements along Dawsonville Highway (SR 53) from McEver Road (SR 53) to Ahaluna Drive. In this regard, the developer shall deposit \$100,000.00 upon issuance of the initial land disturbance permit for the Planned Unit Development (P-U-D), and annually thereafter an additional \$100,000.00 until the full \$425,000.00 is paid in full (provided, the fourth and final payment will be for \$125,000.00). All such payments will be deposited into an escrow account at a financial institution chosen by the City of Gainesville. The City of Gainesville shall choose an escrow agent, who shall be authorized to disburse the funds to the City of Gainesville as said funds are needed to make roadway improvements along Dawsonville Highway (SR 53) from McEver Road (SR 53) to Ahaluna Drive. The amount as stated above is based on the cost estimate previously provided by the City of Gainesville to the developer for roadway improvements in addition to those improvements referenced elsewhere in the zoning conditions affecting the property that is the subject of the zoning application.**
- 18. Prior to the issuance of a land disturbance permit, the intersection of Strickland Drive, Karen Lane and the new access road to the proposed development shall be redesigned to include realignment similar to what is shown on the revised concept plan for better traffic circulation, and to meet current roadway design criteria. The improvements shall be completed prior to permitting direct access from the development onto Karen Lane and Strickland Drive and prior to the construction of the most northern Pod of terrace and cottage homes. All costs associated with the improvements shall be at the full expense of the developer.**
- 19. Prior to the issuance of a land disturbance permit, the developer shall seek verification from Hall County to determine whether or not any improvements will be required to the intersection of Sportsman Club Road and Strickland Drive.**
- 20. All new streets shall meet the standards within the current Gainesville Unified Land Development Code. These same standards shall be required for the segment of Ahaluna Drive starting at the north side of the existing power line easement and adjacent to the entrance of the terrace homes, and shall extend in a northeasterly**

direction south of Watauga Drive where the city limits terminate. The remaining portions of Ahaluna Drive within the city limits shall meet the City of Gainesville Standards excluding the requirements of curb and gutter. All other residential uses, amenities, office and commercial areas shall provide for pedestrian connectivity throughout the development. All costs associated with the improvements shall be at the full expense of the developer.

21. Prior to the issuance of a land disturbance permit, the developer shall seek approval from the City of Gainesville and the Corps of Engineers to improve the existing Ahaluna Drive cul-de-sac to provide for better turn around for emergency and utility vehicles. If approved, curb and gutter and sidewalks shall be extended to the Ahaluna Drive cul-de-sac. All road and traffic improvements to Ahaluna Drive shall be at the expense of the developer and shall meet the standards within the current Gainesville Unified Land Development Code prior to acceptance. All cul-de-sacs constructed or modified as part of the development will be positioned (subject to Corps of Engineers, and City of Gainesville approval, as needed) on the west side of the road, in approximately the current location of the existing cul-de-sac but positioned in a way that would minimize the impact to the lots on the east side of the road. The final design shall require approval from the City of Gainesville.
22. There shall be no driveways from individual homes allowed onto Ahaluna Drive for lots that have road frontage on any new proposed interior street. There shall be no driveways from individual homes allowed onto Karen Lane or Strickland Drive.
23. There shall be no access allowed onto West Lake Drive and Skyview Drive.
24. The proposed commercial, retail and office outparcels shall provide inter parcel connectivity to one another.

Motion made by Board Member White

Motion seconded by Board Member Thompson

Vote – 5 favor, 2 opposed (Fleming, Delgado)

NEW BUSINESS

A. Zoning Amendment Request

- 1) Request from **Brightstone Transitions** to amend the existing Planned Unit Development (P-U-D) zoning on a 0.50± acre tract located at the east side of Green Street, across from its intersection with Forrest Avenue (a/k/a **446 Green Street, NE**).
Ward Number: Four
Tax Parcel Number(s): 01-024-001-005
Request: Group home and office

Staff Presentation: Planning Manager Matt Tate gave the following staff presentation:

The applicant is proposing to amend the subject property zoned Planned Unit Development (P-U-D) for a group home and office. The subject property is 0.50 acres in size and contains a 4,892 square feet two-story main structure and a 1,100 square feet two-story detached carriage house, which are located within the Green Street Historic District previously occupied for professional office purposes. The adjacent uses consist of professional offices.

The applicant states the group home will include a maximum of 6 to 8 males between the age of 18 and 24 years of age that are diagnosed with Asperger's Syndrome which is a social disorder. The students will live on the second floor and the first floor and carriage house will be occupied for office space for the support staff as well as trained residential mentors that are with the students at all times. Primary access is from an existing driveway along Green Street. Transportation will be provided by staff vehicles and the Gainesville Connection bus.

The Future Development Map for the City of Gainesville places the subject property within the *Mixed-Use General* land use category which includes areas containing or planned for a mixture of land uses including office, neighborhood retail, and residential. The types of non-residential uses that are desirable in this area would include restaurants, specialty retail, and low-intensity office. According to the Character Area map for the City of Gainesville, the subject property is located within the *Central Core* Character Area specifically within the *Downtown/Midtown* subarea. Land uses supported in this area include mixed-use, multi-family residential, commercial, public / institutional, and transportation / communications / utilities.

The Planning Division staff is recommending conditional approval of this zoning amendment request based on the Comprehensive Plan and the adjacent mixture of uses with the following three conditions:

1. The development standards within the narrative, site plan and photographs submitted with the applicant's zoning amendment application shall be made part of the zoning ordinance, and shall be subject to the Community Development Director approval.
2. The approved use for the subject property shall be limited to professional office uses and the proposed group home as described within the applicant's narrative not to exceed 8 adult males. A different group / transitional home use shall not be permitted.
3. The existing monument sign shall not be replaced or structurally modified except for the sign face area depicting the name of the business.

Applicant Presentation: **Jason Cox**, 452 Prior Street, stated he was the Director of Business Development for Brightstone Transitions, an organization which works with young adults on the autism spectrum level one. He stated they have amazing kids who are going to school at Lanier Tech or the University of North Georgia who just need a little extra help. Brightstone Transitions is an adult transition program but are classified as a group home within the Unified Land Development Code. He stated the kids stay with them from 18 months to 2 years and they help transition them into the community. Mr. Cox stated they would have a full time staff and the kids would ride the bus or walk so they would have little impact on traffic. He stated he spoke with the surrounding neighbors and they were all in full support of the proposal.

FAVOR: None

OPPOSE: **Helen Martin**, 1345 Lakeshore Circle, wondered how many Board Members had the privilege of being inside the Smith-Palmer-Estes home, noting it was breathtaking and one of the finest examples of its architectural style anywhere. She shared the following details and history of the home: Double front entry with Eastlake Victorian detail featuring Portofino mahogany doors; built in 1888 by Mr. Smith, a cotton broker from East Point, Georgia, who was related to our own Judge Sidney O. Smith; unique mahogany stairway; and handmade hinges on the doors. She stated it would be a shame for the community not

to have access to this cultural valuable possession which has so much history. Ms. Martin stated the home represented a by-gone era when ladies and gentlemen sat on the porches and verandas of Queen Anne style homes and was an important part of remembering our past and preserving our culture. She stated it had been her dream to see houses on Green Street to be restored and saved from dramatic changes like she had observed since she was a young girl in the 1950s; however, about 23 of them have been razed or dramatically changed. She understood historic preservation limits the features that could be changed on the exterior of the home, but was not sure about the interior. She stated there were four small bedrooms upstairs and it would take a lot of space to care for 6 to 8 men and caretakers. She stated Green Street was like no other and it was our responsibility to respect and protect the cultural integrity of these homes. Ms. Martin stated we cannot live in the past, but we must learn from the past, because once it is gone, it's gone forever. She stated as a former teacher, it saddens her to think of the renovations that must be made to accommodate special needs individuals, noting they need a larger home. She asked the Board to think of the historical and cultural value to our community, noting the rezoning of historical building sites could set an unwelcome change to our cultural future values.

REBUTTAL: Chairman Carter asked Jason Cox to explain what changes they have planned to the interior and exterior of the home. Mr. Cox stated they want to use the property as it was intended, as a home. He stated the only changes they would make are those required by the City to meet building codes, which is mostly to the kitchen, but nothing would be changed structurally. They want to keep the home as is with minimal changes and would protect it because they would like the kids to experience living in a home like that. He stated they want to be a part of the community, adding the kids were excited about it because they went to the Christmas parade last year and remember the home. He stated as long as someone plans with them, he didn't mind showing the home to people because it is a part of Gainesville's history.

Planning and Appeals Board Comments: None

There was a motion to recommend denial of the zoning amendment request.

Motion made by Board Member Martin

Motion seconded by Board Member White

Vote – 4 favor, 3 opposed (Carter, Rucker, Delgado)

NOTE: *The following two Montecito Development requests were presented together and one vote taken for both requests.*

B. Rezoning Request

- 1) Request from **Montecito Development** to rezone a 0.48± acre tract located on the south side of Enota Avenue, west of its intersection with Thompson Bridge Road (a/k/a **149 Enota Avenue, NW**) from Office and Institutional (O-I) to Neighborhood Business (N-B), with a special use.
Ward Number: Two
Tax Parcel Number(s): 01-074-004-001
Request: Convenience store with fuel pumps

C. Special Use Requests

- 1) Request from **Montecito Development** for a special use on a 0.80± acre tract located at the southwest side of the intersection of Enota Avenue and Thompson Bridge Road (a/k/a **1281 Thompson Bridge Road, NW**), having a zoning of Neighborhood Business (N-B).

Ward Number: Two

Tax Parcel Number(s): 01-074-004-020

Request: Convenience store with fuel pumps

Staff Presentation: Planning Manager Matt Tate gave the following staff presentation:

The applicant's proposal consists of two applications. The first application proposes to rezone a 0.48± parcel from Office and Institutional (O-I) to Neighborhood Business (N-B) with a special use. The second application proposes a special use for a 0.80± acres parcel zoned Neighborhood Business (N-B). The property is located within the Gateway Corridor Overlay Zone and the front property contains a parking lot which was previously the location of a Long John Silver's restaurant and a bank teller machine. The rear property contains a parking lot and wooded buffer. The adjacent uses include Burger King, M & R Rentals, closed gas station / retail store, Marco's Pizza, Anderson Physical Therapy Associates, Publix Grocery, Wells Fargo Bank, professional office and a single-family home. The purpose of the requests is to combine the two properties to construct a 4,200± to 5,200± square foot convenience store with four pump islands. According to the applicant's concept plan, a two-way access is proposed from Thompson Bridge Road and from Enota Avenue. The existing driveway on Thompson Bridge Road closest to the intersection will be removed. As well, a portion of the existing vegetation to the rear of the property will be removed to provide for parking. A 25-foot wide buffer is proposed adjacent to the neighboring residential property to the south and a 10-foot buffer is proposed adjacent to the office property to the west.

A Traffic Impact Study was completed for the proposed development. The study revealed that the peak hour generation for this project was calculated at 52 new trips and the 24-hour volume is 1,574 new trips. A summary of the study revealed that future operations, upon the project being fully constructed and operational, will operate at acceptable levels at the intersection of Thompson Bridge Road and Enota Avenue as well as at both the proposed site access locations. According to the Georgia Department of Transportation (GDOT), the development will be required to meet the sight distance requirements and will need to coordinate with GDOT for review and approval. According to the Gainesville Public Works Department, the developer will need to coordinate with the Gainesville Public Works Department and GDOT prior to permitting to address the future traffic improvements at the intersection of Thompson Bridge Road and Enota Avenue.

The proposed development is located within the *Retail/Commercial* land use category. The *Retail/Commercial* land use category includes commercial service activities such as grocery stores, banks, restaurants, theatres, hotels, and automotive related businesses. According to the Character Area map, the rear 0.48± acre portion of the subject property is located within the *Traditional Neighborhoods* Character Area, specifically within the *Northern Neighborhoods subarea*. The front 0.80± acre portion of the subject property is located within the *City Park Neighborhood Center* Character Area. The *Traditional Neighborhood Character Area* anticipates minimal change, and primary issues within this subarea include incompatible infill development and the threat of encroaching urban sprawl. Commercial encroachment should be minimized and should respect and mirror the small scale of the surrounding neighborhoods, while the purity of the landscape and quality of housing should

be preserved. The area is not a primary destination for business; however neighborhood serving business development is encouraged. Land uses allowed include low-density and medium-density residential, and mixed-use / commercial. The *City Park Neighborhood Center* Character Area states that Thompson Bridge Road should be transformed into a "Complete Street" with sidewalks, landscaping, bike lanes and transit stops. Preservation of local small businesses should be a priority, and key early commercial buildings targeted for preservation. New commercial development should be compatible with the small scale of the older structures, and parking should be located to the rear with inter-parcel connectivity where possible. The area is not anticipated to see major economic growth, but remain oriented toward addressing existing neighborhood needs. Businesses providing basic goods and services that neighborhood residents depend on in daily life (for example food, household supplies, medicine etc.) should be encouraged. Locally-owned / family-owned businesses should be promoted to encourage small business investment / entrepreneurship. Land uses allowed include mixed-use, commercial and public/Institutional.

It is staff's opinion that the proposed zoning of Neighborhood Business (N-B) may be suitable for neighborhood scale retail uses; however, the addition of fuel pumps is more aggressive and extends toward an established residential district. Therefore, the Planning Division staff is recommending denial of this request based on the Comprehensive Plan and the adjacent residential uses. However, if the Planning and Appeals Board were to recommend approval of this request, staff would recommend the following five conditions:

1. The exterior materials and roof pitch of the building and canopy shall adhere to the standards as depicted on the architectural elevation provided with this rezoning application.
2. The hours of operation for the proposed use shall not exceed 5 a.m. to 12 a.m.
3. All access point design along the portion of Thompson Bridge Road and Enota Avenue in front of the property shall require approval by the Georgia Department of Transportation in conjunction with the Gainesville Public Works Director. All required access / traffic / sidewalk improvements associated with the proposed development shall be at the full expense of the developer / property owner.
4. The applicant / owner shall provide for internal parcel vehicular access with the adjacent vacant property located to the south.
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.

Applicant Presentation: Melody Glouton, 1960 Satellite Boulevard, Duluth, stated she was an attorney with Anderson Tate Carr who represents Montecito Development. The broker and Circle K representative was also in attendance. She stated the proposal was for a Circle K store which was not a locally owned or family business, but it was also not a massive QuikTrip or RaceTrac. The project would be suitable for the neighborhood and enable hiring from the community, noting it is neighborhood oriented and of high quality including upscale architecture with upgrades to the fuel canopy such as brick, stone, and stucco façade materials. She stated staff recommended a soft denial which included conditions in case the Board voted in favor of the request. Ms. Glouton requested two of those conditions be omitted, #2 and #4. She stated condition #2 limited the hours of operation and they want to be open 24 hours a day, noting that would provide better security and visibility for that intersection as they would have 24 security cameras in place in which the police would have access. She stated that the project would bring revitalization to the

corner since it is currently abandoned except for parking from the business next door. Ms. Glouton stated condition #4 required inter-parcel access which would be cost prohibitive because of the difference of grade between the properties. She stated there was an unknown use for the abandoned gas station next door as well so it was not feasible. She stated the traffic study indicated the proposed project would operate at acceptable levels since it would service existing traffic and would have less traffic than a drive-thru restaurant during peak driving times. She stated that no restaurant has come forward for this site so they are offering revitalization and redevelopment of the area. She stated the project proposes a 25-foot buffer to the south and a 10-foot buffer to the west. The adjacent residential homes are currently owned by investors and may be turned into businesses in the future. She stated it would be an acceptable project for the area and asked for approval with conditions #2 and #4 omitted, noting the applicant was agreeable to the other three conditions. They would not have dumpsters emptied or delivery trucks coming in through the night hours in order to be sensitive to the neighbors in respect to noise.

FAVOR: Janie Justice, 455 Christopher Drive, stated the corner is an eyesore and felt the project would not increase traffic and would make the corner look better, so she did not have any objections. She stated the former Long John Silver's restaurant had a dumpster and she was never bothered with it. Ms. Justice stated the cameras would provide better security as well.

OPPOSE: Connie Propes, 695 Honeysuckle Lane, stated there were already two gas stations within 1,000 feet of each other and this one would be in the middle. She stated it was a residential neighborhood and the homes along Christopher Drive were privately owned or rentals. The intersection does look bad because there used to be a service station there which is now abandoned. Ms. Propes stated GH039, the widening of Enota, is still on the Metropolitan Planning Organization books and might have an effect on this road or the development thereof. She asked the Board to consider her comments.

REBUTTAL: Melody Glouton asked for clarification of the other gas stations Ms. Propes referenced. Ms. Propes stated there was a BP station south of the property and fuel pumps at the Wal-Mart Market north of the property. Ms. Glouton stated she came north on I-985 from Gwinnett County and took Exit 22 to get to the subject property and only passed one gas station before reaching the site in which she believed was a Citgo. She felt it was a proper proposal for the site with the surrounding uses, and reiterated it would be a high end convenience store, but not massive and very family friendly. She felt the convenience store would be well placed and would meet corridor needs. Again she asked for proposed conditions #2 and #4 be omitted.

Planning and Appeals Board Comments: None

There was a motion to recommend denial of both of the requests.

Motion made by Vice-Chair Fleming
Motion seconded by Board Member Martin
Vote – 7 favor

- 2) Request from **Gainesville Market, LLC** for a special use on a 5.0± acres tract located west of Shallowford Road within the Gainesville Market Shopping Center (a/k/a **600 Shallowford Road**), having a zoning of General Business (G-B).
Ward Number: Five
Tax Parcel Number(s): 01-119C-001-029
Request: Commercial outdoor recreational facility

Staff Presentation: Planning Manager Matt Tate gave the following staff presentation:

The applicant is proposing a special use within General Business (G-B) zoning to allow for a commercial outdoor recreational facility to include four soccer fields (three dirt/grass fields and one lighted concrete field). The property has been used for soccer fields and the applicant was unaware that a special use was required. The property is located behind the Gainesville Market Shopping Center within a fenced area that was used as a fairground and for cattle auctions many years ago. Other surrounding uses include Target, the Army Reserve Facility, Real estate office, sign company, wholesale flooring business and single-family homes. The applicant states the proposed hours of operation are Monday thru Thursday from 4:30 P.M. to 9:30 P.M. consisting of 26 to 30 participants and 40 to 50 spectators. Saturday and Sunday hours are from 9:00 A.M. to 10:00 P.M. consisting of 60 to 70 participants and 60 to 80 spectators. Approximately 30 to 40 parking spaces are provided on site and additional parking is located within the adjacent shopping center. Bathrooms are located within the shopping center and two portable toilets. Prepackaged food items are sold during soccer events from an onsite mobile vending trailer.

The proposed development is located within the *Retail/Commercial* land use category of the Comprehensive Plan which includes commercial service activities such as grocery stores, banks, restaurants, theatres, hotels, and automotive related businesses. According to the Character Area map for the City of Gainesville, the subject property is located within the *Browns Bridge Corridor* character area. Land uses allowed in the Browns Bridge Corridor are medium-density residential, multi-family residential, mixed-use, commercial, light industrial, and parks / recreation / conservation.

The Planning Division staff is recommending conditional approval of this special use request based on the Comprehensive Plan and the adjacent non-residential uses with five conditions.

Applicant Presentation: Keith Brown, 2144 Hilton Drive, stated the soccer field use is allowed within General Business (G-B) zoning, but a special use is required. Therefore, they are asking for the special use in order to be in compliance. Mr. Brown stated they were in agreement with the proposed conditions.

FAVOR: None

OPPOSE: None

Planning and Appeals Board Comments: None

There was a motion to recommend conditional approval of the special use request as presented with the following conditions:

Conditions

1. The development standards within the narrative, site plan and photographs submitted with the applicant's special use application shall be made part of the special use resolution, and shall be subject to the Community Development Director approval.
2. The commercial outdoor recreational facility shall be limited to no more than four soccer fields. The facility hours of operation shall not exceed Monday thru Thursday from 4:30 P.M. to 9:30 P.M. and Saturday / Sunday from 9:00 A.M. to 10:00 P.M.

3. **The property owner shall maintain a minimum 50-foot wide evergreen vegetated buffer against all adjacent properties excluding the adjacent shopping center to the south. Additional evergreen buffer trees shall be planted within the perimeter buffer area where needed. The spacing, size and type of trees planted shall be subject to Community Development Department Director approval.**
4. **The property owner shall provide a photometric plan to evaluate the impacts of the illumination. The outdoor lighting shall meet the standards of Section 9-9-3-14 of the Unified Land Development Code.**
5. **All parking areas used for the proposed commercial outdoor recreational facility shall be properly maintained. Parking within grass or dirt areas is not permitted. The use of pervious materials within the parking area is subject to review and approval by the Department of Water Resources.**

Motion made by Board Member Martin

Motion seconded by Board Member Delgado

Vote – 7 favor

- 3) Request from **Manor Lake Development, LLC** for a special use on a 9.24± acres tract located on the northwest side of McEver Road, between Browns Bridge Road and Orchard Brook Drive (a/k/a **2900 McEver Road**), having a zoning of Office and Institutional (O-I) and Residential-I (R-I).

Ward Number: Four

Tax Parcel Number(s): 08-022-000-005

Request: Assisted living facility

Staff Presentation: Planning Manager Matt Tate gave the following staff presentation:

The applicant is proposing a special use within Office and Institutional (O-I) zoning to establish an 82-unit / 86-bed assisted living and memory care facility. The subject property has a split zoning of Office and Institutional (O-I) consisting of 7.84± acres and a zoning of Residential-I (R-I) consisting of 1.4± acres. The proposed assisted living facility is to be located entirely within the O-I zoned portion of the property. The subject property is located within the Gateway Corridor Overlay Zone, is heavily wooded and contains a creek. The adjacent uses include single-family homes, multi-family apartments, Free Chapel Worship Center, Hall County Government Center and the Rite-Aid Pharmacy. The proposed building is one-story and approximately 60,000 square feet in size. It is anticipated there will be a total of 50 full/part time employees. The proposed facility will access an existing common drive shared with the neighboring "The Fields" (previously Orchard Brook) apartment complex. According to the Georgia Department of Transportation (GDOT), the development will be required to meet the sight distance requirements and will need to coordinate with GDOT for review and approval.

The Gainesville 2030 Future Development Map for the City of Gainesville places the subject property within the *Mixed Use General* land use category and within the *Suburban Residential* character area. Land uses allowed within this area include low-density residential, medium density residential, multi-family residential, public / institutional, commercial, and parks / recreation / conservation and mixed use.

The Planning Division staff is recommending conditional approval of this special use request based on the Comprehensive Plan and the adjacent non-residential uses with five conditions.

Applicant Presentation: William Creekmore, 316 Hillside Drive, Waleska, President of Manor Lake Development, LLC, stated the 82-room facility is one-story, mostly rock with HardiPlank and architectural shingles. Amenities are included such as a putting green for the residents who range in age from the 70s to 90s. He stated except for the rare exception, the residents typically do not drive. Beacon Communities would be the operator and is a wonderful company which would employ about 50 full/part time employees. He stated he met with residents at Cresswind and they were excited about it being nearby so they can visit their loved ones without going across town. Mr. Creekmore stated he met with Free Chapel as well who has a senior outreach program and their parents or grandparents could be residents there. He stated it was a wonderful location and he couldn't think of a better use for the property and asked for approval from the Board.

FAVOR: None

OPPOSE: None

Planning and Appeals Board Comments: None

There was a motion to recommend conditional approval of the special use request as presented with the following conditions:

Conditions

1. The development standards within the narrative, site plan and photographs submitted with the applicant's special use application shall be made part of the special use resolution, and shall be subject to the Community Development Director approval.
2. The subject property shall be limited to the proposed 86-bed assisted living facility and those uses permitted within the Office and Institutional (O-I) zoning district only.
3. The developer shall provide a minimum 25-foot wide evergreen vegetated buffer along the property lines adjacent to the single-family properties. Additional evergreen buffer trees shall be planted within the perimeter buffer area where needed. The intent of the buffer is to supplement the existing vegetation with buffer trees to provide for an effective buffer. The spacing, size and type of trees planted shall be subject to Community Development Department Director approval.
4. All access point design must be reviewed and approved by the Gainesville Public Works Director. Any required traffic improvements associated with the proposed development shall be at the full expense of the developer/property owner.
5. An updated as-built survey/plat of the subject property, indicating existing conditions and all improvements shall be recorded prior to obtaining a Certificate of Occupancy for the future use.

Motion made by Board Member Thompson

Motion seconded by Board Member White

Vote – 7 favor

- 4) Request from **Carriage North, LLC** for a special use on a 0.71± acre tract located on the southwest side of the terminus of Corporate Drive, west of Browns Bridge Road (a/k/a **2425 Corporate Drive**), having a zoning of General Business (G-B).

Ward Number: Five

Tax Parcel Number(s): 08-007-001-042

Request: Helipad

Staff Presentation: Planning Manager Matt Tate gave the following staff presentation:

The applicant is proposing a special use within General Business (G-B) zoning to allow for a helipad which is considered an aircraft landing area by the Unified Land Development Code. The location of the helipad is within an overflow parking area adjacent to Carriage Nissan, at the end of Corporate Drive and is periodically used for this purpose. Adjacent uses include various auto sale and service uses, undeveloped land, and a church fronting Browns Bridge Road. Nearby residential uses include The Pines of Lanier apartment complex located approximately 650±-feet to the east of the subject property. According to the applicant, there will be less than ten helicopter takeoffs and landings each month during normal business hours of 9:00 AM and 6:00 PM and is used by the owner of Carriage Auto (David Basha), and piloted by Blue Ridge Helicopters, Inc. According to the Unified Land Development Code there are six requirements that should be considered which are listed within the staff report.

Planning staff does recognize the concerns of safety, the noise created by the helicopter, and debris that could be blown around during take offs and landings. Therefore, staff is in support of this special use request upon the following six conditions being met:

1. The Special Use Permit contained in this application shall be valid for no more than a two year period at which time the Special Use Permit must be reapplied for and approved by the Governing Body to continue the use.
2. The applicant shall provide to the City of Gainesville Community Development Department proof of annual liability insurance coverage on the operation and use of the proposed helipad. Such coverage shall be obtained from an insurer authorized or licensed to transact insurance business in Georgia and shall provide a minimum liability coverage of at least \$500,000 per claim. The proof of liability shall be provided January 1st of every year.
3. The applicant shall provide to the City of Gainesville documentation that the proposed helipad meets Federal Aviation Administration requirements.
4. The use of the proposed helipad shall be limited to the hours of 9:00 A.M. to 6:00 P.M.
5. The proposed helipad shall be fully enclosed to include a minimum 3-foot tall safety barrier fence with a locking gate.
6. The flight pattern of any helicopter using the proposed helipad shall avoid crossing over the airspace directly above the nearby Pines of Lanier apartment complex or any future adjacent residential use.

Applicant Presentation: John Kennedy, 2350 Browns Bridge Road, stated he was the CFO for Carriage North, LLC and stated the helipad would only be used 8 or 10 times per month and they had no problem with the proposed conditions, noting they had already made application with the Federal Aviation Administration (FAA). Mr. Kennedy stated they have over a million dollars of coverage on the helicopter already which is used by the owner, David Basha, to travel back and forth from a new dealership he opened in Woodstock.

FAVOR: None

OPPOSE: Attorney Jim Walters, 311 Green Street, stated he represented H & T, LLC, whose principle is Mark Hurst. He stated that if the special use request was approved, Mr. Hurst's property, which is zoned residential and within approximately 150-feet from the proposed helipad, would be automatically devalued. Mr. Walters also shared the following concerns: It would be difficult for him to sell his property; The uses for his property would be

drastically diminished; Safety issues; and Many people would not even consider buying a property with a helicopter flying overhead and within 150-feet from a helipad. He stated no one had issues with the helicopters used by the hospital or the police because they serve a purpose and saves lives, even though they are very loud, intrusive, and cause noise pollution. However, Mr. Walters stated the applicant is requesting Mr. Hurst to give up the value for his property for the inconvenience of a 10 minute drive to/from the airport. If the special use is approved, the FAA will get involved and can limit the height of buildings in the area and have all types of regulations. He stated the subject property was too small for a helipad and felt it was a slippery slope because others may want to do the same. Mr. Walters respectfully asked the Board to deny the request.

Rustin Smith, 200 Main Street, Stewart Melvin & Frost attorney, stated he represented Smith Motors Realty Corporation which owns the Cadillac of Lake Lanier dealership across Browns Bridge Road from the subject property. He stated Mr. Walters had covered a lot of his points, but felt his client was representative of other dealerships in the area. He stated the helicopter has been causing problems for his client as the applicant has been using the subject property as a helipad for years, ever since his client owned his business. He stated the helicopter hovers over his client's dealership causing the walls and glass to rattle and forcing his client to contact the Police who gave a citation to either the pilot or the owner but had continued at least once since then. Mr. Smith stated some of the concerns were as follows: Flammable materials were a safety concern; Applicant was showboating and causing a distraction for customers at the dealerships; Causes wind gusts; Noisy; and It goes against the grain of what the City is trying to do along the Browns Bridge Road corridor with signage requirements and trying to make it look less commercial and industrial. He stated his client has expensive inventory if something happened and asked why the proposed helipad was needed. The request comes down to the benefit of one owner for his personal use. He stated the pilot told the Police they were giving rides to children at the dealership, but it appears that was not the case since the helicopter is only for the owner's personal use according to Mr. Kennedy. Mr. Smith respectfully asked the Board to deny the request.

Martin Pecora, 2355 Browns Bridge Road, Cadillac of Lake Lanier, stated the helicopter is landing and taking off more than 10 times a month. He stated he has lived through helicopter crashes and knows what it could do to someone, noting if it were to crash on one of the car lines or in the middle of Browns Bridge Road, you can't stop the detonation and it would spread to both sides of the road. Mr. Pecora stated he did not want to be responsible for the damage that could be done to families and employees if something were to happen. He stated there was a reason helipads are located at airports and it is too congested in the Browns Bridge Road corridor to have one. He stated no matter how good a pilot was the helicopter could crash and Gainesville or no one else is equipped to handle such a detonation.

REBUTTAL: John Kennedy stated that as far as he knew, they had never hovered over the Cadillac dealership because the approach area does not even cross over their property. He stated he did not know there was opposition to the request since there are currently no homes in the immediate area. Mr. Kennedy stated the helicopter was small and only stays on the ground for 15 to 20 minutes and only 8 to 10 times per month and should not create a lot of problems for anyone. He stated there was no one living in the area to the rear of the subject property where the trees are and did not think there would be anything back there for at least two years. Mr. Kennedy stated he was sorry the Cadillac dealership was having problems but the helicopter simply was not large enough to rattle walls and windows of businesses.

Planning and Appeals Board Comments: None

There was a motion to recommend denial the special use request.

Motion made by Vice-Chair Fleming
Motion seconded by Board Member Martin
Vote – 7 favor

ADJOURNMENT

There was a motion to adjourn the meeting at 7:43 p.m.

Motion made by Board Member White
Motion seconded by Board Member Rucker
Vote – 7 favor

Respectfully submitted,

Doug Carter, Chairman

Judy Foster, Recording Secretary