



AGENDA

**Gainesville Planning and Appeals Board
Tuesday, March 13, 2018, 5:30 PM
Gainesville Justice Center**

1. CALL TO ORDER

2. MINUTES

A. February 13, 2018 PAB Meeting Minutes

3. OLD BUSINESS

4. NEW BUSINESS

A. Variance Request

- (1) Request from **Paige Pethel** to vary the front yard setback requirements from Thompson Bridge Road and Green Street Circle on a 0.32± acre tract located on the west side of Thompson Bridge Road, north of its intersection with Green Street Circle (a/k/a **1169 Thompson Bridge Road NW**), having a zoning classification of Neighborhood Business (N-B).

Ward Number: Two

Tax Parcel Number(s): 01-074-003-003

Request: Retail/Office

B. Rezoning Requests

- (1) Request from **Lake 53, LLC** to rezone a 6.227± acres tract located on the west side of Dawsonville Highway, north of Avonlea Way (a/k/a **1995 Dawsonville Highway NW**) from General Business (G-B) to Planned Unit Development (P-U-D).

Ward Number: One

Tax Parcel Number(s): 01-110A-003-003

Request: 79 residential condos and office space

- (2) Request from **John Harris** to rezone a 5.73± acres tract located on the southeast side of Lanier Valley Drive, west of Otila Drive (a/k/a **1331 Lanier Valley Drive NW**) from Residential-II (R-II) and General Business (G-B) to General Business (G-B).

Ward Number: One

Tax Parcel Number(s): 01-115-002-002

Request: Non-profit residential facility

5. MISCELLANEOUS

6. ADJOURNMENT

CITY OF GAINESVILLE

AGENDA REQUEST

Date Submitted: 2/20/2018

Presenter: N/A

Item of Business: February 13, 2018 PAB Meeting Minutes

Meeting Date: 3/13/2018

Purpose of Request:

The purpose of this request is to allow the Planning and Appeals Board to approve the minutes from the referenced meeting.

History/Background:

Facts & Issues for Consideration:

The draft minutes were reviewed by the Planning Manager and Community Development Director.

Department Recommendation:

Approval of the minutes as presented.

Department Director:

Rusty Ligon

If funding is involved, are funds approved within the current budget?

N/A

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description		Type
☐	Draft Minutes	Minutes

GAINESVILLE PLANNING AND APPEALS BOARD
DRAFT MINUTES OF MEETING
FEBRUARY 13, 2018

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

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

Members Absent: None

Staff Present: Planning Manager Matt Tate and Recording Secretary Judy Foster

Others Present: Council Members Ruth Bruner and George Wangemann

MINUTES OF JANUARY 16, 2018

There was a motion to approve the minutes as presented.

Motion made by Board Member Delgado
Motion seconded by Board Member White
Vote – 6 favor, 1 vacancy

NEW BUSINESS

A. Zoning Amendment Request

- 1) Request from **Geosam Capital US (Atlanta), LP** to amend the existing Planned Unit Development (P-U-D) zoning on a 85.45± acres tract located at the terminus of Lilac Creek Trail and Shady Lane Drive, south of Gaines Mill Road within the Heritage Pointe Subdivision (a/k/a **0 Gaines Mill Road, SE**).
Ward Number: Three
Tax Parcel Number(s): 15-022-000-014 (part)
Request: 100 single-family detached lots

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

The applicant is proposing to amend an 85.45± acres portion of a 220± acres property known as the Heritage Pointe subdivision zoned Planned Unit Development (P-U-D). The property located within Phase 4 of the subdivision is mostly wooded and contains a stream that traverses the property. The purpose of the request is to allow for 100 single-family lots instead of 97 townhomes that were originally approved as part of the zoning in 2006 but were never built. If approved, there will be 392 single-family lots of which there are approximately 167 existing homes and an additional 15 home sites under construction. Access will be provided from the extension of Lilac Creek Trail, which is an existing road within Phase 2 of the subdivision and water/sewer utilities are to be extended. The homes and development standards will be consistent with the existing homes within the subdivision with minimum lot sizes of 10,000 square feet, minimum 1,300 square foot ranch homes and minimum 1,700 square foot two-story homes. However, due to the shape and size of the property, the applicant is proposing a minimum 55-foot lot width instead of a 65-foot lot width which is currently required for the home sites within the first three phases.

The Gainesville Future Development Map for the City of Gainesville places the property within the *Low-Medium Density Residential* land use category and within the *Suburban*

Residential Character Area. The proposal is consistent with the Comprehensive Plan and is within density range at an overall density of 1.78 dwelling units per acre.

The Planning Division staff is recommending **conditional approval** of this zoning amendment request, based on the Comprehensive Land Use Plan and the adjacent single-family residential uses with six conditions. The proposed zoning conditions are similar to the previously adopted conditions for the Heritage Pointe subdivision but have been amended to remove the townhome requirements.

Applicant Presentation: **Alise Hoffman**, Geosam, 2170 Satellite Boulevard, Suite 425, Duluth, stated the staff report basically covered everything but added the applicant wants the neighborhood to be more cohesive throughout and they plan to do this by eliminating the townhomes and keeping the subdivision as all single-family detached homes. However, in order to achieve that goal, they would require a 10-foot reduction in the lot width for those 100 lots.

FAVOR: None

OPPOSE: None

Planning and Appeals Board Comments: None

There was a motion to recommend conditional approval of the request to amend the existing Planned Unit Development (P-U-D) zoning to allow 100 single-family detached lots instead of 97 townhomes with the following conditions:

Conditions

1. The proposed single-family homes shall be compatible with the existing single-family homes under construction within the Heritage Pointe subdivision and are to consist of a combination of brick, stone, and vinyl siding exterior facades.
2. The minimum heated floor space per single-family dwelling shall be 1,300 square feet for ranch homes and 1,700 square feet for two-story homes.
3. A buffer consisting of minimum 5-foot high evergreen buffer trees shall be required around all detention pond areas, per Community Development Department Director approval.
4. All amenity parking areas shall be appropriately screened from the adjacent residential property. The screening is to consist of a minimum 8-foot high opaque privacy fence that is architecturally compatible with the amenity pavilion. In addition, minimum 5-foot tall Leyland Cypress trees shall be required between the fence and the residential property, as per Community Development Department approval.
5. All interior roads shall meet City of Gainesville standards. Sidewalks within the remaining future phases shall be required on both sides of the road and shall be a minimum width of 5-feet.
6. Any road or access improvements deemed necessary by the Gainesville Public Works Director for the scope of the project shall be the expense of the applicant/developer. The scope of the project shall be defined as the area in which the subject property fronts along Gaines Mill Road.

Motion made by Board Member Martin
Motion seconded by Board Member White
Vote – 6 favor, 1 vacancy

ADJOURNMENT

There was a motion to adjourn the meeting at 5:39 p.m.

Motion made by Board Member Thompson
Motion seconded by Board Member Delgado
Vote – 6 favor, 1 vacancy

Respectfully submitted,

Doug Carter, Chairman

Judy Foster, Recording Secretary

CITY OF GAINESVILLE

AGENDA REQUEST

Date Submitted: 2/20/2018

Presenter: Matt Tate

Item of Business: Request from **Paige Pethel** to vary the front yard setback requirements from Thompson Bridge Road and Green Street Circle on a 0.32± acre tract located on the west side of Thompson Bridge Road, north of its intersection with Green Street Circle (a/k/a **1169 Thompson Bridge Road NW**), having a zoning classification of Neighborhood Business (N-B).
Ward Number: Two
Tax Parcel Number(s): 01-074-003-003
Request: Retail/Office

Meeting Date: 3/13/2018

Purpose of Request:

The applicant is requesting to vary the front yard setback requirements from 40-feet to 0-feet along Thompson Bridge Road and Green Street Circle for the purpose of constructing two retail office buildings, approximately 3,200 square feet and 4,000 square feet in size. The property is the previous location of Syfan Landscaping and contains an older metal building, shed and an open greenhouse structure that will be removed. The applicant is basing the hardship on the small size and shape of the lot, as well as, having two road frontages. According to the concept plan, access is proposed from Thompson Bridge Road. The adjacent properties include Stan's Biscuits and Deli, small retail shops, offices, single-family homes and Jacobs Media/WDUN.

History/Background:

Facts & Issues for Consideration:

Department Recommendation:

Planning staff recommends conditional approval with four conditions.

See the attached Staff Recommendation Report for details.

Department Director:

Rusty Ligon

If funding is involved, are funds approved within the current budget?

N/A

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
☐ Staff Recommendation Report	Report
☐ Location Maps	Backup Material
☐ Statement of Hardship	Backup Material
☐ Survey	Backup Material
☐ Site Plan	Backup Material

**GAINESVILLE PLANNING AND APPEALS BOARD
STAFF RECOMMENDATION**

Applicant:.....Paige Pethel
794 Cherokee Road
Gainesville, GA 30024

Property Owner:.....Tim and Paige Pethel

Request:..... Vary the front yard setback from Thompson Bridge Road
and Green Street Circle

Zoning:..... Neighborhood Business (N-B)

Location:..... 1169 Thompson Bridge Road NW

Staff Recommendation:.....**Approval, with conditions**

Meeting Date:.....March 13, 2018

▪ **Request**

The applicant is requesting to vary the front yard setback requirements from 40-feet to 0-feet from Thompson Bridge Road and Green Street Circle for the purpose of constructing two retail office buildings, approximately 3,200 square feet and 4,000 square feet in size. According to the pictures submitted with the application, the proposed buildings will present an upscale, neighborhood scale boutique look. Primary access is proposed from Thompson Bridge Road and a secondary driveway exists on Green Street Circle.

▪ **Background Information and Existing Conditions**

The subject property is 0.32± acre in size and is located within the Gateway Corridor Overlay Zone. The property is the previous location of Syfan Landscaping and contains an older 1,500± square foot metal building, shed and an open greenhouse structure all of which will be removed. The adjacent properties include Stan's Biscuits and Deli, small retail shops, offices, single-family homes and Jacobs Media/WDUN.

▪ **Significant Factors**

The Ordinance requires that the applicant's claim for hardship must be based on the size or shape of the lot, its topography, or other physical characteristics inherent in the lot itself and not on the desired aesthetics. Further, the Code states that a variance shall not be granted as a convenience to the applicant or as a way to gain any advantage or interest over similarly zoned properties.

The applicant is basing the hardship on the small size and shape of the lot, as well as, having two road frontages.

In 2016 a front yard setback variance from 30' to 18' was approved for Stephen Lovett for a three car garage and bonus room addition fronting Longview Avenue.

- **Other Departmental Comments**

According to the Gainesville Public Works Department and the Georgia Department of Transportation, the development shall meet GDOT requirements regarding clear zone and sight distance based on the GDOT Driveway and Encroachment manual. The development shall coordinate with GDOT to establish if any improvements will be required for the existing driveway access along SR 60/Thompson Bridge Road. Documents from GDOT will need to be submitted from the developer to the Public Works Department establishing whether any improvements will be required. Additional information is needed to determine if a Traffic Impact Study (TIS) will be required for the development. The developer shall coordinate with Public Works Department regarding any necessary driveway access improvements on Green Street Circle.

- **Supporting Documents**

Statement of Hardship, Plat, Concept Plan, Architectural Pictures

- **Analysis**

(1) Are there extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography?

The subject property is small in size and borders both Thompson Bridge Road and Green Street Circle. The topography is flat and the property contains a few trees. The front property line is approximately 17 feet from the curb on Thompson Bridge Road and varies from 3 feet to zero feet from the curb on Green Street Circle. It appears the combination of the lot size, narrow shape and the two road frontages limits the buildable area.

(2) Would the application of the Unified Land Development Code to this particular piece of property create an unnecessary hardship?

The purpose of the building setback requirement is to provide for uniformity of building placement, sufficient access, as well as to provide for adequate separation from neighboring properties for fire safety.

The code requires a 40-foot front yard setback from both Thompson Bridge Road and Green Street Circle. The combined depth of these front yard setbacks total 80 feet on a lot that is only 107 feet at its deepest point. The two side yard lot lines allow for a 0-foot setback upon the buildings being properly fire rated, which is beneficial for the redevelopment. It appears that some relief may be reasonable from the code given the hardships and the fact that adjacent buildings are encroaching.

(3) Are there conditions that are peculiar to the property which adversely affect its reasonable uses or usability as currently zoned?

The property is zoned Neighborhood Business (N-B) which has a minimum lot size requirement of 15,000 square feet. The subject property is only 13,940 square feet in size and is considered legal non-conforming. As well, the location of the existing building and detached structures do not conform to the setback requirements. Redevelopment of the property under the current zoning setback requirements would appear to require some relief or require a different design of more building(s) positioned more to the center of the property which would cause access and parking issues.

(4) Would relief, if granted, cause substantial detriment to the public good or impair the purposes and intent of this ordinance?

The applicant's proposal for two buildings (4,000 sq. ft. and 3,200 sq. ft.) is somewhat aggressive for the site given the need to provide for enough parking and landscaping. However, some flexibility to orientate the buildings may be needed to redevelop the site. The buildings as proposed would be 7-feet closer to Green Street Circle than the neighboring retail center but would be no closer to the curb on Thompson Bridge Road.

(5) There must be a proved hardship by showing beyond a doubt the inability to make a reasonable use of the land if the zoning ordinance were applied literally.

The applicant could improve the existing building and property without the need for a variance. However, the property does appear to have physical hardships which include the small size and narrow shape of the lot and its orientation along two road frontages. The applicant's concept plan is similar to the neighboring (Little Ladybug) retail center to the north but depicts larger buildings on even a smaller lot. Staff believes the proposal is somewhat aggressive for the small property. Therefore, the new building(s) should not encroach any closer than the adjacent retail center.

(6) The hardship cannot be self-created; e.g., as in a case where the lot was purchased with the knowledge of an existing restriction.

The applicant did not create the shape or size of the lot. According to the applicant they were unaware of the two front yard setback requirements.

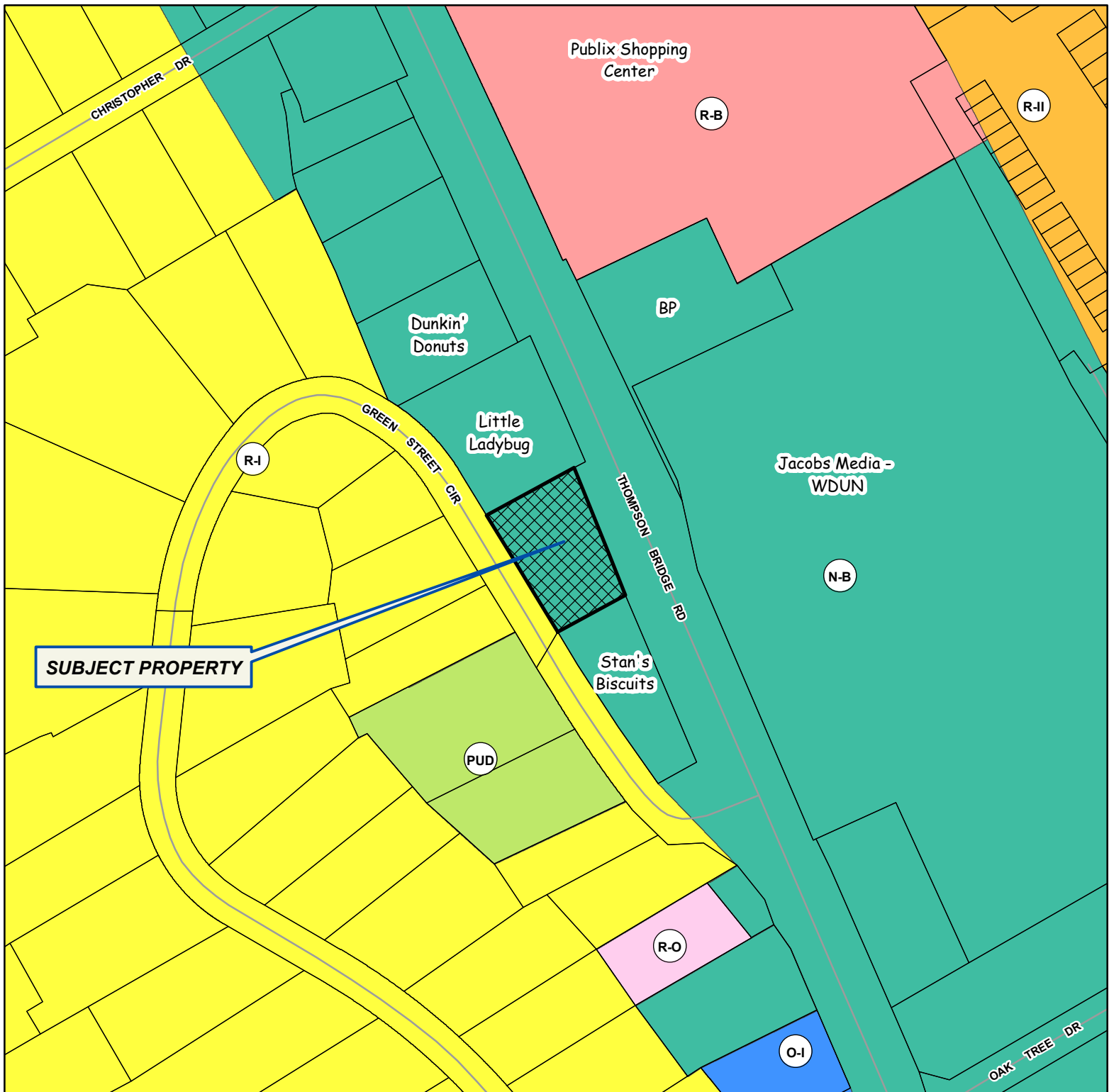
▪ **Staff Recommendation**

The Planning Division staff is recommending **conditional approval** of this variance request based on the property having two road frontages and the shape and size of the property.

Conditions

1. The proposed use buildings shall be generally consistent with the standards depicted on the architectural pictures provided with this variance application including exterior materials.
2. The existing chain link fence shall be removed from the subject property.
3. The subject property shall be limited to one monument sign fronting Thompson Bridge Road.
4. The proposed buildings shall have a front yard setback of no closer than one foot (1') from Thompson Bridge Road and seven feet (7') from Green Street Circle under the following requirements.
 - a) The development shall meet Georgia Department of Transportation (GDOT) requirements regarding clear zone and sight distance based on the GDOT Driveway and Encroachment manual.
 - b) The development shall coordinate with GDOT to establish if any improvements will be required for the existing driveway access along SR 60/Thompson Bridge Road. Documents from GDOT will need to be submitted from the developer to the Public Works Department Director establishing whether any improvements will be required.

- c) Development shall coordinate with the Public Works Department Director regarding any necessary driveway access improvements on Green Street Circle.
- d) All required access/traffic/sidewalk improvements associated with the proposed development shall be at the full expense of the property owner.
- e) Additional information is needed from the applicant to determine if a Traffic Impact Study will be required for the development.



Applicant:

VARIANCE REQUEST

PAIGE PETHEL



Request:

Vary front yard setback requirements from Thompson Bridge Rd and Green Street Cir on a 0.32+/- acre tract for retail/office

Subject Area Address:

1169 Thompson Bridge Road, NW

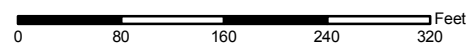
Meeting: 3/13/2018

Prepared: 2/12/2018

Gainesville Community Development Department

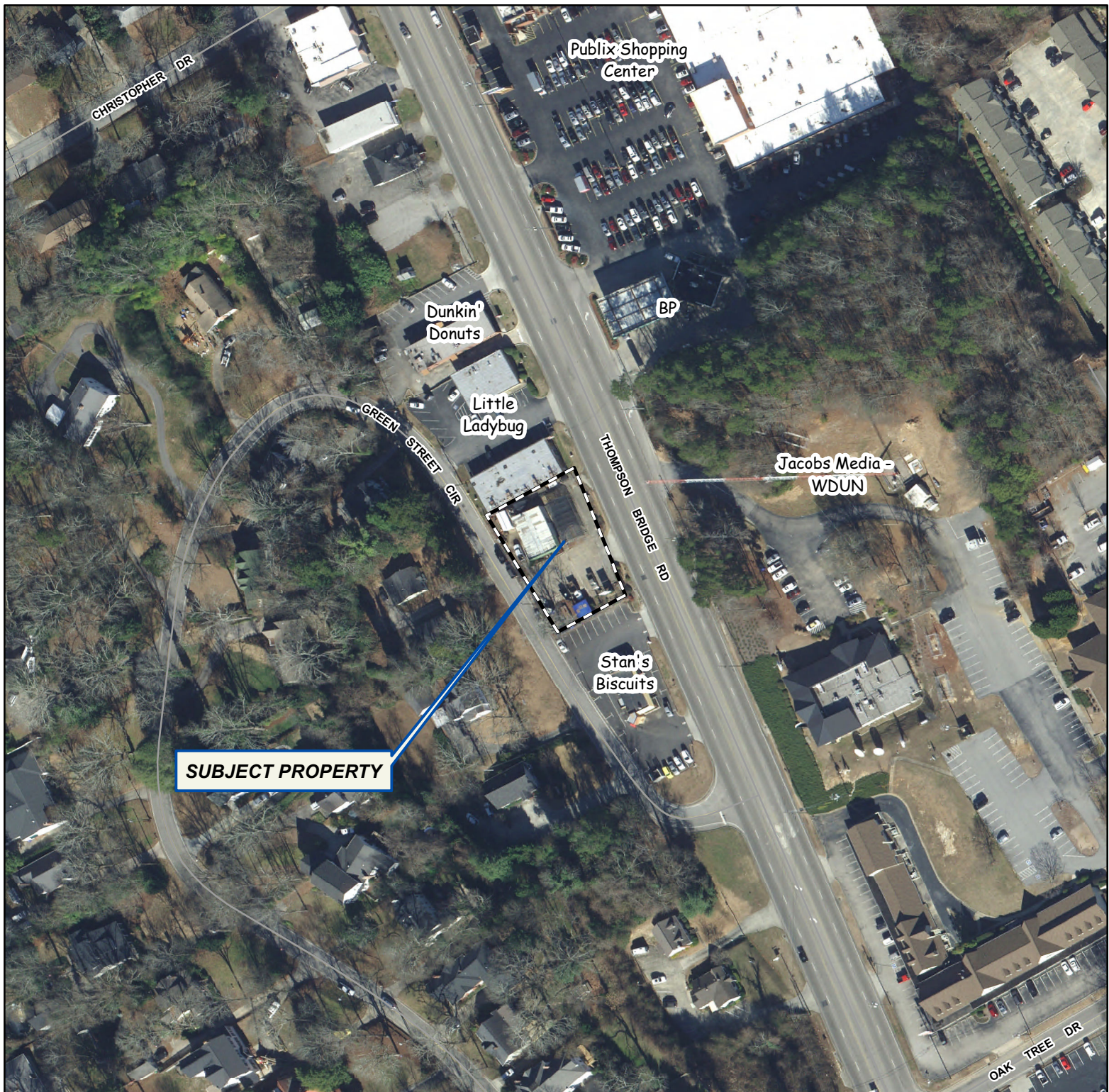


Subject Property



1" = 149'

Tax Parcel: 01-074-003-003



Applicant:

VARIANCE REQUEST

PAIGE PETHEL



Request:

Vary front yard setback requirements from Thompson Bridge Rd and Green Street Cir on a 0.32+/- acre tract for retail/office

Subject Area Address:

1169 Thompson Bridge Road, NW

Meeting: 3/13/2018

Prepared: 2/12/2018

Gainesville Community Development Department



Subject Property

Aerial from 2015

0 80 160 240 320 Feet



1" = 149'

Tax Parcel: 01-074-003-003

Variance Request

STATEMENT OF HARDSHIP

The Gainesville Planning and Appeals Board has the authority, in specific cases, to grant variances from the terms of the Unified Land Development Code of the City of Gainesville, Georgia, when the variance will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the Unified Land Development Code will, in specific cases, result in unnecessary hardship and so that the resolution shall be observed, public safety and welfare secured, and substantial justice done. The authority to grant such variances shall be limited to those instances where a hardship is clearly established as required by the Unified Land Development Code. Variances may be granted only upon a finding by the Gainesville Planning and Appeals Board that:

Describe how each situation listed below relates to your application.

1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography. (The hardship must relate to the physical character of the lot and not to a personal or economic hardship.)

The property size does not meet the minimum 15,000 square foot lot size for the Neighborhood Business zoning district, creating hardship when setbacks are applied. The shape of the lot narrows on one end thereby increasing the problem.

2) The application of the requirements of this resolution to this particular property would create an unnecessary hardship.

The property is positioned in a manner between two roads that give it two front setbacks. Current double frontage setback requirements greatly reduce the usable lot size, incur unsafe traffic circulation, inadequate and unsightly parking, and decrease reasonable usability.

3) There are conditions that are peculiar to the property which adversely affect its reasonable use or usability as currently zoned.

The right-of-way cuts back in closer to this property than from the neighboring property, making it impossible to have the desired "build-to-line" equal to the neighbor. This inhibits compatibility to the adjacent property, continuity, and consistency that is promoted in the NB zoning district.

4) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this Ordinance.

For example, granting the variance would not confer any special privilege that is denied by this regulation to other property in the same zoning district. Such conditions are not the result of any actions of the property owner.

Relief from double frontage setbacks would benefit the public with increased vehicle maneuverability, safer egress upon entering and exiting, promote a pedestrian scale atmosphere, and a more compatible appearance when the building lines up with neighboring building.

5) There must be a proved hardship by showing beyond a doubt the inability to make a reasonable use of the land if the zoning ordinance were applied literally.

If the current double frontage setbacks are applied then the depth of the potential building would be diminished to an unreasonably limited size and egress through the property would be lessened to an impractical level.

6) The hardship cannot be self-created; e.g., as in a case where the lot was purchased with the knowledge of an existing restriction.

The existing restrictions create hardship upon the potential usability, safety, and appearance of the property.

I hereby certify that the above information and all attached information is true and correct.

Signature of Applicant

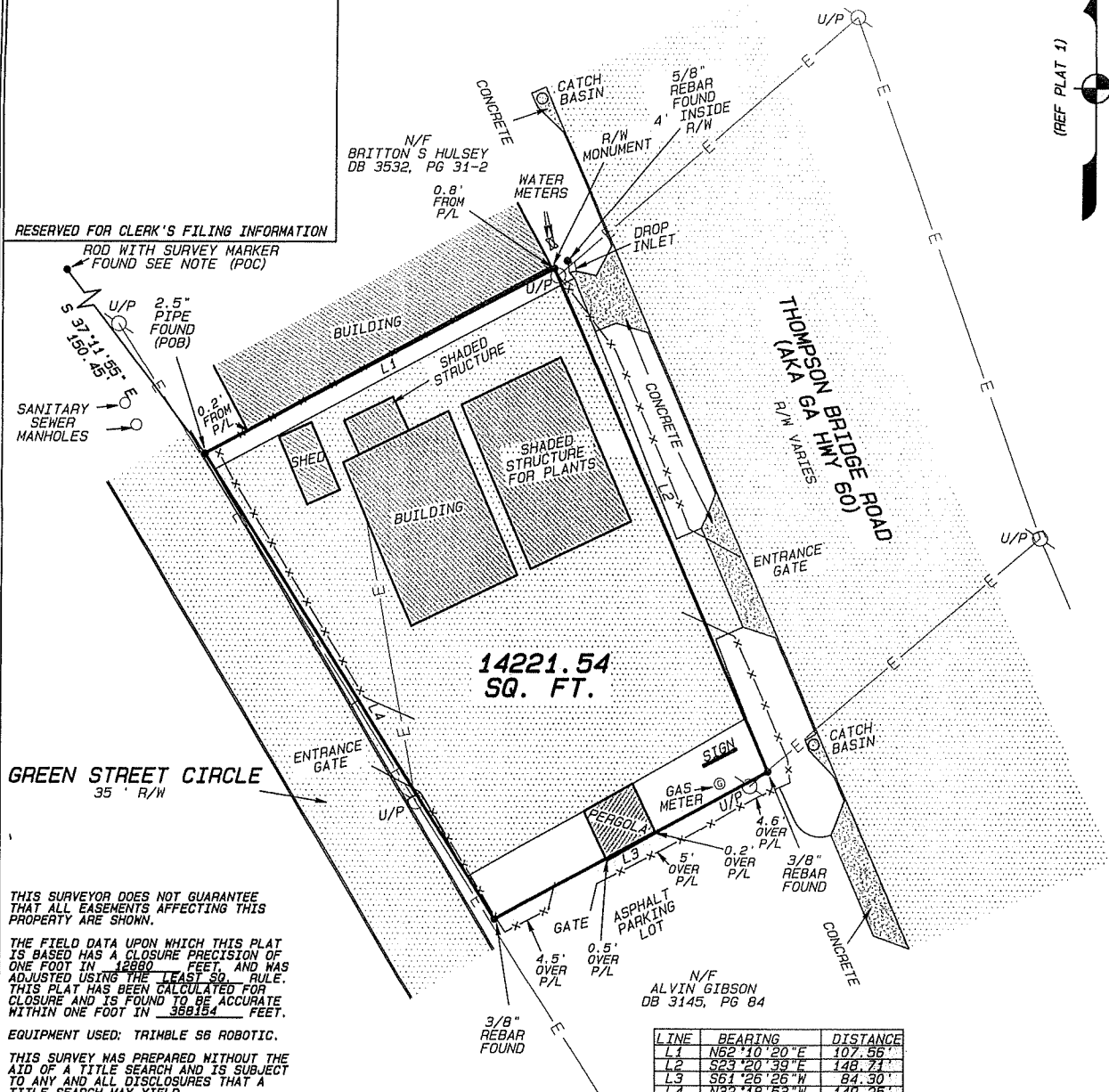
KEITH PERUEL

Date

1/29/18

NOTE:
ROD WITH SURVEY MARKER FOUND
AT THE END OF MASONRY WALL ALONG
LINE COMMON TO HLY COLUMNS LLC &
BRITTON S. HULSEY.

REFERENCES:
1: PLAT SLIDE 442 PAGE 10A
2: PLAT RECORDED IN DEED BOOK 3, PAGE 26
3: CIVIL DOCKET 90-CV-490-B



THIS SURVEYOR DOES NOT GUARANTEE THAT ALL EASEMENTS AFFECTING THIS PROPERTY ARE SHOWN.

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 12880 FEET, AND WAS ADJUSTED USING THE LEAST SQ. RULE. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 388154 FEET.

EQUIPMENT USED: TRIMBLE S6 ROBOTIC.

THIS SURVEY WAS PREPARED WITHOUT THE AID OF A TITLE SEARCH AND IS SUBJECT TO ANY AND ALL DISCLOSURES THAT A TITLE SEARCH MAY YIELD.

THIS SURVEY IS CERTIFIED SOLELY TO THE PARTY OR PARTIES NAMED HEREON.

UNDERGROUND UTILITIES WERE NOT LOCATED AS PART OF THE SCOPE OF THIS SURVEY.

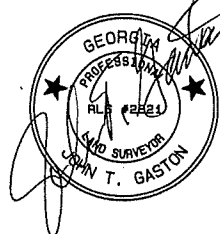
CURRENT OWNER
TIMOTHY D. PETHEL
DB 7638, PG 259
TAX MAP 01074, PARCEL 003003

This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated hereon. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A., Section 15-6-67.

Timothy D. Pethel

N/F = NOW OR FORMERLY
R/W = RIGHT OF WAY
P/L = PROPERTY LINE
U/P = UTILITY POLE
-E- = OVERHEAD WIRES
-X- = CHAIN LINK FENCE LINE
DB = DEED BOOK
PB = PLAT BOOK
PG = PAGE
CAB = PLAT CABINET
SL = SLIDE
POC = POINT OF COMMENCEMENT
POB = POINT OF BEGINNING

SCALE 1 INCH = 30 FEET



PLAT OF SURVEY FOR

TIM & PAIGE PETHEL

LAND LOT 146, 9TH DISTRICT, 1ST SECTION
CITY OF GAINESVILLE, HALL COUNTY, GEORGIA

LSF # 1074; ALTASURV LLC dba

GEOIMAGE
LAND SURVEYING, LAND PLANNING & DESIGN
21 ENOTA STREET, DAHLONEGA, GA 30533, (706) 864-7298

PLAT DATE: JUNE 21, 2017
FIELD DATE: JUNE 14, 2017
FIELD CREW: JDH/JM
DRAWN BY: JDH
DRWG FILE: PETHEL
JOB # 4116

NOTE:
ROD WITH SURVEY MARKER FOUND
AT THE END OF MASONRY WALL ALONG
LINE COMMON TO HLY COLUMNS LLC &
BRITTON S. HULSEY.

REFERENCES:
1: PLAT SLIDE 442 PAGE 104
2: PLAT RECORDED IN DEED BOOK 3, PAGE 26
3: CIVIL DOCKET 90-CV-490-B

RESERVED FOR CLERK'S FILING INFORMATION

ROD WITH SURVEY MARKER
FOUND SEE NOTE (POC)

U/P
S 37°11'55" E
190.45'
2.5" PIPE
FOUND (POB)
0.2' FROM P/L
SANITARY
SEWER
MANHOLES

GREEN STREET CIRCLE
35' R/W

THIS SURVEYOR DOES NOT GUARANTEE
THAT ALL EASEMENTS AFFECTING THIS
PROPERTY ARE SHOWN.

THE FIELD DATA UPON WHICH THIS PLAT
IS BASED HAS A CLOSURE PRECISION OF
ONE FOOT IN 12880 FEET, AND WAS
ADJUSTED USING THE LEAST SQ. RULE.
THIS PLAT HAS BEEN CALCULATED FOR
CLOSURE AND IS FOUND TO BE ACCURATE
WITHIN ONE FOOT IN 368154 FEET.

EQUIPMENT USED: TRIMBLE S6 ROBOTIC.

THIS SURVEY WAS PREPARED WITHOUT THE
AID OF A TITLE SEARCH AND IS SUBJECT
TO ANY AND ALL DISCLOSURES THAT A
TITLE SEARCH MAY YIELD.

THIS SURVEY IS CERTIFIED SOLELY TO
THE PARTY OR PARTIES NAMED HEREON.

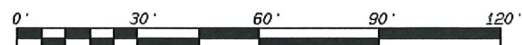
UNDERGROUND UTILITIES WERE NOT LOCATED
AS PART OF THE SCOPE OF THIS SURVEY.

CURRENT OWNER
TIMOTHY D. PETHEL
DB 7638, PG 259
TAX MAP 01074, PARCEL 003003

LINE	BEARING	DISTANCE
L1	N62°10'20"E	107.56'
L2	S23°20'39"E	148.71'
L3	S61°26'26"W	84.30'
L4	N32°18'53"W	149.25'

⊕ = SURVEY CONTROL NAIL
N/F = NOW OR FORMERLY
R/W = RIGHT OF WAY
P/L = PROPERTY LINE
U/P = UTILITY POLE
-E- = OVERHEAD WIRES
-X- = CHAIN LINK FENCE LINE
DB = DEED BOOK
PB = PLAT BOOK
PG = PAGE
CAB = PLAT CABINET
SL = SLIDE
POC = POINT OF COMMENCEMENT
POB = POINT OF BEGINNING

SCALE 1 INCH = 30 FEET



THIS DRAWING IS AN UNCERTIFIED
DRAFT COPY FOR REVIEW ONLY.
THIS IS NOT FOR TITLE PURPOSES.

PLAT OF SURVEY FOR
TIM & PAIGE PETHEL

LAND LOT 146, 9TH DISTRICT, 1ST SECTION
CITY OF GAINESVILLE, HALL COUNTY, GEORGIA

LSF # 1074: ALTASURV LLC dba

GEOIMAGE

LAND SURVEYING, LAND PLANNING & DESIGN
21 ENOTA STREET, DAHLONEGA, GA 30533, (706) 864-7298

REVISED JULY 2017
PLAT DATE: JUNE 21, 2017
FIELD DATE: JUNE 14, 2017
FIELD CREW: JDH/JM
DRAWN BY: JDH
DRWG FILE: PETHEL R1
JOB # 4116















CITY OF GAINESVILLE

AGENDA REQUEST

Date Submitted: 2/20/2018

Presenter: Matt Tate

Item of Business: Request from **Lake 53, LLC** to rezone a 6.227± acres tract located on the west side of Dawsonville Highway, north of Avonlea Way (a/k/a **1995 Dawsonville Highway NW**) from General Business (G-B) to Planned Unit Development (P-U-D).

Ward Number: One

Tax Parcel Number(s): 01-110A-003-003

Request: 79 residential condos and office space

Meeting Date: 3/13/2018

Purpose of Request:

The applicant is proposing to rezone the subject property for the purpose of constructing 79 residential condominiums and a 2,275 square foot office building for 2 to 3 units. The proposed condominiums are to consist of two 6-story buildings, each containing a ground level covered parking area and five levels of residential units. The size of each unit will be 2,359 square feet of heated space (3 bed / 3 bath), and 285 square feet of deck space. Amenities are to include common area, pool, cabana and a one of the units will be converted for a club house area. Two right in/out driveways are proposed on Dawsonville Highway and a cart path to connect to the adjacent Gainesville Marina property. The applicant anticipates a one phase development to begin during the summer of 2019. Adjacent properties include, Gainesville Marina, Martin Docks, auto repair business, sewer pump station, Lake Lanier Club Apartments and Lake Lanier. The property was originally rezoned in 2000 for an office, bank and retail development but has remained undeveloped. The property is heavily wooded with sloping topography.

History/Background:

Facts & Issues for Consideration:

Department Recommendation:

Planning staff recommends conditional approval with three conditions.

See the attached Staff Recommendation Report for details.

Department Director:

Rusty Ligon

If funding is involved, are funds approved within the current budget?

N/A

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
☐ Staff Recommendation Report	Report
☐ Location Maps	Backup Material
☐ Narrative	Backup Material
☐ Survey	Backup Material

- Site Plan
- Architectural Renderings
- Floor Plan

- Backup Material
- Backup Material
- Backup Material

**GAINESVILLE PLANNING and APPEALS BOARD
STAFF RECOMMENDATION**

Applicant and Property Owner..... Lake 53, LLC
Location..... 1995 Dawsonville Highway
Request..... Rezone from G-B to P-U-D
Total Acres 6.227[±] acres
Ward..... One
Proposed Use..... 79 residential condos and office space
Planning Division Staff Recommendation **Approval, with conditions**
Date..... March 13, 2018

▪ **Applicant's Proposal and Background Information**

The applicant is proposing to rezone the subject property for the purpose of constructing 79 residential condominiums and a 2,275 square foot office building containing 2 to 3 suites. The proposed gross residential density is 12.68 dwelling units per acre. The condominiums are to consist of two, 6-story buildings, not to exceed 80-feet in height. Each building will have a ground level covered parking area and five levels of residential units. The size of each unit will be 2,359 square feet of heated space (3 bed / 3 bath), with 285 square feet of deck space.

Amenities are to include common area, pool, cabana and one of the units will be converted for a club house area. A minimum of 20% of open space will be maintained on site. Proposed setbacks are zero feet (0') adjacent to the Corps of Engineers property and a minimum of 10-feet from the front property line. Proposed signage is to include one monument sign not to exceed 15-feet in height, 80 square feet of sign face, 120 square feet of total sign structure with internal or indirect lighting. Parking will be provided at 2.2 spaces for each unit and 1 space per 300 square feet for the office space. Two right in/out driveways are proposed on Dawsonville Highway and a cart path to connect to the adjacent Gainesville Marina property. The applicant anticipates a one phase development to begin during the summer of 2019.

The property was originally rezoned in 2000 for four buildings consisting of a 3-story, 16,800 square foot office building, 8,822 square foot bank, and two retail buildings consisting of 20,000 square feet of retail space.

Adjacent Land Use and Zoning

Location	Use	Zoning
North	Martin Docks; Parks Import Service and Repair (County)	Agricultural Residential-III (AR-III)
Northwest	Gainesville Marina; Lake Lanier (County)	Vacation Cottage (V-C)
Southeast	Single-family; Vacant Land	Planned Unit Development (P-U-D)
Southwest	Sewer Pump Station; Lake Lanier Club Apartments; Lake Lanier	General Business (G-B) Planned Unit Development (P-U-D) Vacation Cottage (V-C)

▪ **Other Departmental Comments**

Coordination for the proposed driveways and encroachment is required by the Georgia Department of Transportation (GDOT).

According to the Gainesville Public Works Department, a Traffic Impact Study (TIS) will be required for the development. The development shall coordinate with the Georgia Department of Transportation (GDOT) to establish improvements required by the developer along Dawsonville Highway. The documents from GDOT shall be submitted to the Public Works Department pertaining to any improvements along the corridor and shall coordinate with Public Works regarding any necessary improvements along the City street.

▪ **Zoning History**

The following zoning actions have taken place in the immediate area during the last ten years:

2017 – A request by Oak Hall Companies, LLC to rezone a 157.98± acres tract located at 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) zoning for a mixed-use, age restricted community was approved with conditions.

2017 – A request by Oak Hall Companies, LLC to annex a 50.81± acres tract with a zoning of Planned Unit Development (P-U-D) and General Business (G-B) located at 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 was conditionally approved for a mixed-use, age restricted community.

2017 – A request by Oak Hall Companies, LLC to annex a 26.16 ± acres tract with a zoning of Planned Unit Development (P-U-D) located at 0 and 2209 Karen Lane; 2106, 2234 and 2242 Sportsman Club Road; 2049 Strickland Drive was conditionally approved for an age restricted, active adult community.

2015 – A request by West Ahaluna, LLC to annex an 8.74± acres tract with a zoning of Residential-I-A (R-I-A) located at 0 and 1264 Ahaluna Drive was conditionally approved for no proposed use.

2014 – A request by West Ahaluna, LLC to annex a 70.23± acres tract with a zoning of Planned Unit Development (P-U-D) located at 0 and 1817 Ahaluna Drive; 1982 Dawsonville Highway; 2208 Karen Lane; 2008, 2016 and 2029 Strickland Drive was approved with conditions. In addition, the same applicant requested to rezone a 31.93± acres tract located at 0 Ahaluna Drive NW and 1489 West Lake Drive NW from Residential-I (R-I) to Planned Unit Development (P-U-D) was also approved with conditions for a 199-lot single-family subdivision.

2013 – A request by America's Home Place, Inc. to rezone a 25.11± acres tract located at 0 and 1198 Dawsonville Highway; 1232 Ahaluna Drive and 1162 Lakeshore Circle from Residential-I (R-I), Residential-II (R-II) and Office and Institutional (O-I) to General Business (G-B) zoning for a commercial shopping center was approved with conditions.

2012 – A request by America's Home Place, Inc. to rezone a 4.711± acres tract located at 0, 1122, 1138, 1162 and 1198 Dawsonville Highway from Residential-II (R-II), Office and Institutional (O-I) and General Business (G-B) to General Business (G-B) zoning for retail, restaurant and vehicle service uses was approved with conditions.

2011 – A request by Kauffman Tire Inc. for a special use within Regional Business (R-B) zoning on a 1.19± acres tract located at 801 & 805 Dawsonville Highway was approved with conditions for an automotive tire and service store.

2010 – A request by Bill Dupree to annex a 7.11± acres tract with General Business (G-B) zoning and rezone a 2.44± acres tract from Residential-II (R-II) to General Business (G-B) located at 0, 1293, 1297 and 1139 Dawsonville Highway was approved with conditions for a business center with retail, office and restaurant uses.

▪ **Staff Analysis**

(1) Is the proposed use suitable in view of the zoning and development of adjacent and nearby property?

The subject property is located on a sloping, wooded peninsula adjacent to the shore line of Lake Lanier and is west of Dawsonville Highway. The adjacent and nearby property consists of a mixture of multi-family, semi-public, commercial and single-family uses both within the jurisdictions of Gainesville and Hall County which appear to support the proposal. The surrounding zonings are Agricultural Residential-III (AR-III) within unincorporated Hall County and Residential-II (R-II) and General Business (G-B) within the City of Gainesville. The neighboring Gainesville Marina and Lake Lanier Club Apartments continue to be vibrant uses along the Dawsonville Highway corridor.

(2) Will the proposed use adversely affect the existing use or usability of adjacent or nearby property?

The proposed residential condominiums are intended to cater to empty nesters and light office users. The subject property is located adjacent to Lake Lanier, multi-family residential and commercial uses. Maintaining proper soil erosion measures will be critical during the development process given the subject property's sloping topography and proximity to Lake Lanier. The development will increase traffic and turning movements on Dawsonville Highway as the property is currently undeveloped. It is recommended that the applicant coordinate with the developer of the adjacent 235± acres, mixed-use development in regards to necessary transportation improvements.

(3) Is the proposed use compatible with the purpose and intent of the Comprehensive Plan?

The Gainesville 2030 Future Development Map for the City of Gainesville places the subject property within the *Mixed Use General* land use category. This category includes areas containing or planned for a mixture of land uses including office, neighborhood retail, and residential.

According to the Character Area map for the City of Gainesville, the subject property is located within the *Suburban Residential* Character Area. The vision for this area is to preserve older, stable residential subdivisions and encourage newer projects with smaller lot sizes, pedestrian infrastructure, and buildings patterned after traditional local housing, possibly containing a small neighborhood-serving "village center". As the housing market recovers, stalled projects will need attention and possible redesign to capitalize on changing household demographics.

As well, the quality community objectives state that housing choices should continue to be diversified to support a range of household incomes, sizes, types, but consist mostly of traditional single family detached lots. In areas where natural features or sensitive environments are

important, cluster housing or conservation subdivision design may be appropriate. Land uses allowed in the Suburban Residential Character Area include low-density residential, medium-density residential, multi-family residential, public / institutional, commercial, and parks / recreation / conservation, mixed-use.

It appears the proposed use with the recommended conditions is compatible with the purpose and intent of the Comprehensive Plan.

(4) Are there substantial reasons why the property cannot or should not be used as currently zoned?

The proposal would essentially down zone the property from commercial to allow mostly residential with office uses. The existing zoning of General Business (G-B) was originally planned in 2000 for a mixture of office and retail uses. The applicant desires to develop the property for residential condominiums and office due to its proximity to Lake Lanier. If denied, the applicant would retain its right to develop the property for office and retail purposes which has no restrictions on the type of use that could include a gas station, restaurants, retail strip center, restaurant, or other similar commercial uses.

(5) Will the proposed use cause an excessive or burdensome use of public facilities or services, including but not limited to streets, schools, water or sewer utilities, and police or fire protection?

The nearby properties currently utilize City water and sewer services and there is sufficient capacity to serve the development. The property is adjacent to a sewer pump station.

Existing public safety services respond to the adjacent and nearby properties. Gainesville Fire Station #1 is located approximately 3.5 miles from the property.

The applicant states that the development is designed to cater to empty nesters. However, the development is not age restricted. Therefore, school aged children could live within the development which could impact the school system depending on the number of children living within the facility. The Gainesville City School System currently provides bus transportation to the adjacent apartment property.

According to the Institute of Transportation Engineers (ITE) Trip Generation Handbook (9th Edition), the proposed use on average would generate 355± new trips per day, 55± A.M. and P.M peak hour trips.

(6) Is the proposed use supported by new or changing conditions not anticipated by the Comprehensive Plan or reflected in the existing zoning on the property or surrounding properties?

The expected use for the subject property is for mixed-use purposes. Properties located along both sides of Dawsonville Highway have experienced significant growth over the past two decades. Some of the growth includes the Northlake Square shopping center, Carrington Park retail center, Village Shoppes of Gainesville, Home Depot, Best Buy, McEver Corners shopping center, Texas Roadhouse, Olive Garden, Cheddar's, Buffalo Wild Wings, child day care facility, a 94-room Holiday Inn Express currently under construction and Culver's Restaurant under construction. In addition, a proposed 235± acres mixed-use development located across from the subject property was approved for a total of 860 age-restricted residential units, 56,000 square feet of commercial space and 24,000 square feet of retail/office/restaurant space, which is anticipated to be developed over the next 6 to 7 years.

(7) Does the proposed use reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to unrestricted use of property?

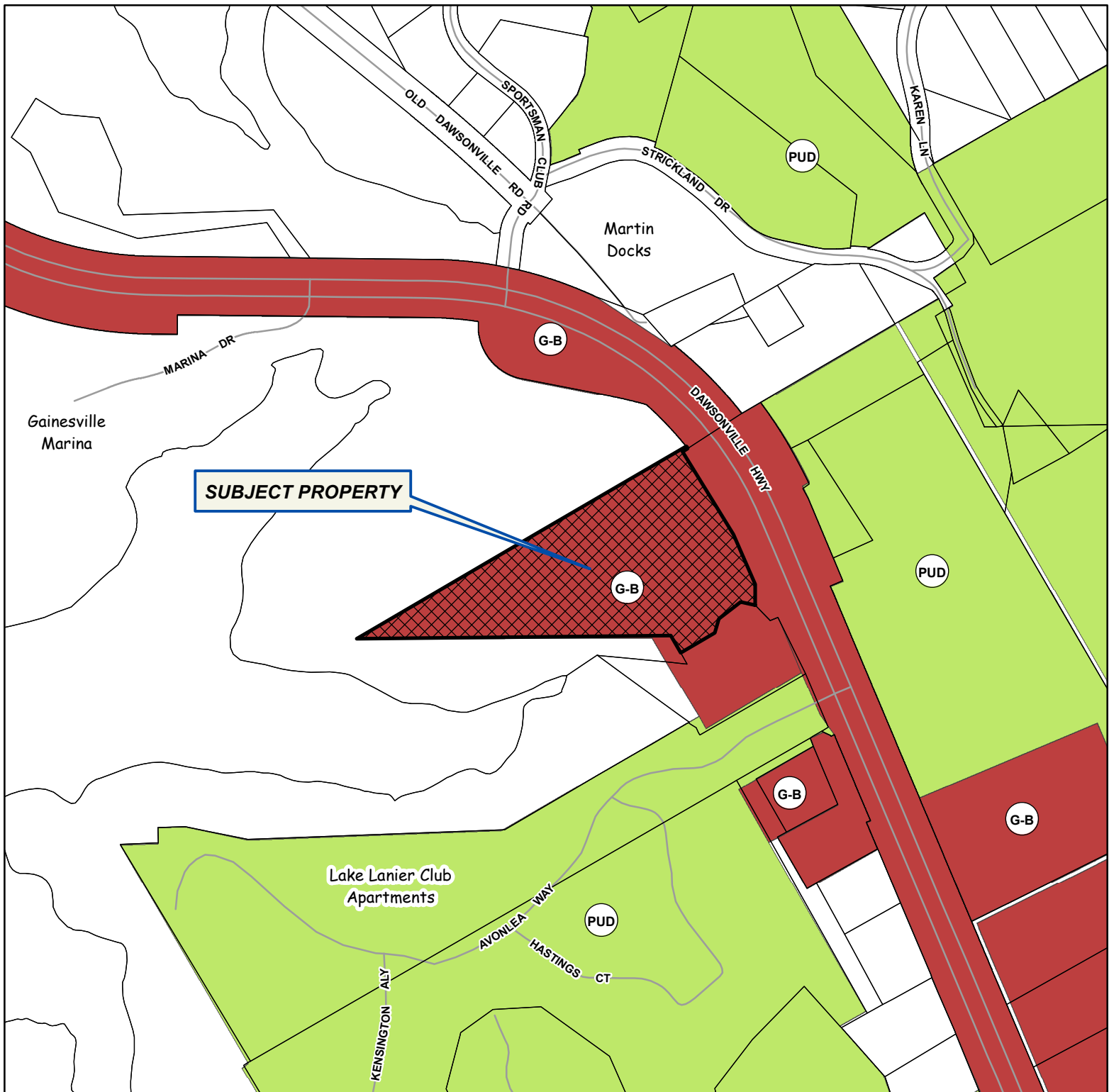
Due to the subject property's proximity to existing residential and commercial land uses, the proposal, with the recommended zoning conditions appears to promote a reasonable balance between the interests of the City, the property owner, and neighboring residents and property owners.

▪ **Staff Recommendation**

The Planning Division staff is recommending **conditional approval** of this rezoning request with **P-U-D zoning**, based on the Comprehensive Plan and the adjacent residential and non-residential land uses.

Conditions

1. The proposed use buildings shall be generally consistent with the landscaping standards and architectural elevations provided with this rezoning application including exterior materials and roof pitch to present a residential appearance.
2. Prior to a permit being issued for the subject property, a Traffic Impact Study (TIS) shall be required. All access point design for the subject property shall require review and approval by the Georgia Department of Transportation and the Gainesville Public Works Department Director. All required access/traffic/sidewalk improvements associated with the proposed development or any additional improvements identified within the Traffic Impact Study, shall be at the full expense of the developer/property owner.
3. An updated as-built boundary survey/plat of the subject property, indicating all improvements required for the proposed use, shall be recorded prior to obtaining a Certificate of Occupancy.



Applicant:

REZONING REQUEST

LAKE 53, LLC



Request:

Rezone from G-B to P-U-D on a 6.227+/- acres tract for 79 residential condos and office space

Subject Area Address:

1995 Dawsonville Highway, NW

Meeting: 3/13/2018

Prepared: 2/16/2018

Gainesville Community Development Department

 Subject Property

0 210 420 630 840 Feet



1" = 350'

Tax Parcel: 01-110A-003-003



Applicant:

REZONING REQUEST

LAKE 53, LLC



Request:

Rezone from G-B to P-U-D on a 6.227+/- acres tract for 79 residential condos and office space

Subject Area Address:

1995 Dawsonville Highway, NW

Meeting: 3/13/2018

Prepared: 2/16/2018

Gainesville Community Development Department



Subject Property

Aerial from 2015

0 210 420 630 840 Feet



1" = 350'

Tax Parcel: 01-110A-003-003

Lake Lanier Condos Mixed Use Development
1995 Dawsonville Hwy

Current Zoning: GB

Current Use: Vacant Land

Proposed Zoning: PUD

Proposed Use: 79 Residential Condos, and 2,275 sq. ft. Office Space

Proposed Improvements: The two buildings will have a total of 79 units and one clubhouse area. Ground floor will be a concrete parking level. Floors 2-6 will have 4 units on each floor of both buildings except one unit will be modified to serve as clubhouse area for common use. Each unit will have 2359 sq. of heated space and 285 sq. ft. of deck space. Each level will be provided garbage chute with regular trash pickup. Each building will have two elevators, one will be center in the first level parking area and the other elevator will be a freight elevator towards the front of the building. Maximum height of the building will be 80' which includes a total of 6 floors with the ground level as covered parking area. Professional office space will be 2,275 sq. ft. and will provide 9 parking spaces.

There are two entrances and exits proposed with decel lanes along Dawsonville Hwy with landscape improvements at the turn around along Dawsonville Hwy. Pedestrian improvements will include walkway & railing to Gainesville Marina. Parking will be provided under the building on ground level with additional parking in front of the buildings. Parking area will be well landscaped and meet or exceed City requirements along with a water quality control pond.

Site set backs are shown on site plan as 10' on front, rear and sides (0') zero adjacent to Corps of Engineers property except at any identified stream buffers which are 25'/50'/75'. Open space of 20% will be maintained on this site. 2.2 parking spaces will be provided for each residential unit. 1 parking space per 300 square feet of office space will be provided.

Signage: Project will maintain one monument sign not to exceed 15' in height, 80 square feet of sign face, 120 square feet of total sign structure with internal or indirect lighting.

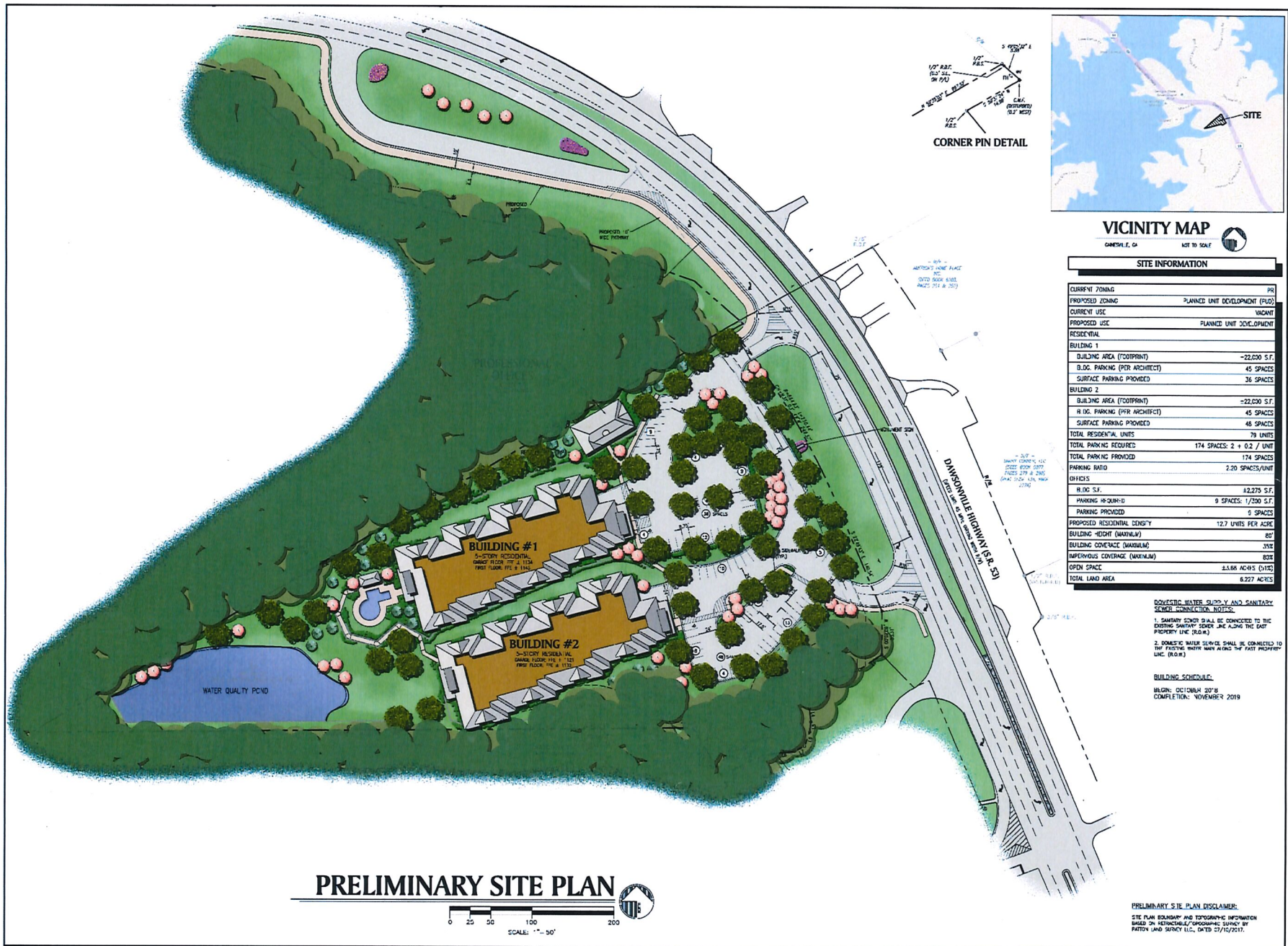
Building: Elevation will consist of a minimum of 8/12 roof pitch parapet around the perimeter of the building. This project will have and maintain a condo home owners association. Association will collect fees and maintain all common areas, landscape, parking, pool and water quality for the project. Wall covering will be stone and concrete siding mix with a craftsman look. Amenities will include a common area of 2,225 sq. ft. for residents. Pool and cabana area will be provided for residents. Plans are to build the entire project in one phase. Office space of 2,275 square feet will be constructed with similar material and style to match the condos exterior. Office space will have the option to be split into 2 or 3 units if necessary. The developer reserves the right to change the orientation of the buildings as long as the building adhere to the required setbacks. Flexibility to orientate the buildings is necessary to provide for the maximum number of lake views possible.

Traffic: With only 79 units, traffic impact will be minimal and a traffic study is not required.

Utilities: Water and sewer will be provided by City of Gainesville. A pond for water quality will be constructed on site to filter the water before entering Lake Lanier. No detention will be required.

Timeline: Planning, marketing and preparing for financing this project will take 12 -14 months. We anticipate this project to begin Spring or Summer of 2019 and take 12 -14 months to complete.

Summary: Project will provide large upscale condos with views of Lake Lanier and connectivity with Gainesville Marina. Project will give Gainesville an upscale development on Lake Lanier that will enhance the Gateway Corridor. Give the community an opportunity for condo living along the shoreline of Lake Lanier and adjacent to Gainesville Marina. With Lake Lanier Club Apartments, City of Gainesville Regional Pump Station and Gainesville Marina as adjacent properties this will be the best use for this property.



LAND PLANNERS
ENGINEERS • SURVEYORS
TRANSPORTATION
LANDSCAPE ARCHITECTS
85-A Mill Street
Suite 200
Kusville, Georgia 30075
VOICE 770.650.7448
FAX 770.650.7444
www.paulsonmitchell.com

PAULSON MITCHELL
INCORPORATED

POST CONDO DEVELOPMENT

LAND LOT 173
914 LAND DISTRICT
DAVISVILLE HWY (HWY 53)
CITY OF GAINESVILLE
HALL COUNTY, GEORGIA
EDB

AMERICA'S HOMEPLACE, INC.

P.O. BOX 1316
2144 HILTON DR.
GAINESVILLE, GA 30603
CONTACT: Ke'ln Brown
678-989-5268

ZONING INFORMATION

ZONING CLASSIFICATION:
JURISDICTION: CITY OF GAINESVILLE, GA
EX. ZONING: CB (GENERAL BUSINESS)
PROPOSED: PUD

BUILDING SETBACKS
FRONT (PROPOSED): 30'
SIDE: 0' (ADJ. TO C.O.E.)
REAR: NONE

LANDSCAPE STRIP / BUFFERS
FRONT/STREET: 10' L.S.S.
SIDE: 25'/50'/75' STREAM BUFFER
REAR: NONE

BUILDING SUMMARY
MAX. BUILDING HEIGHT (PROPOSED): 80' (6 STORIES)
MAX. BUILDING COVERAGE: 35%

PARKING SUMMARY
RESID. REQ.: 2.2 SPACES/3 BEDROOM UNIT
OFFICE REQ.: 1/300 S.F.

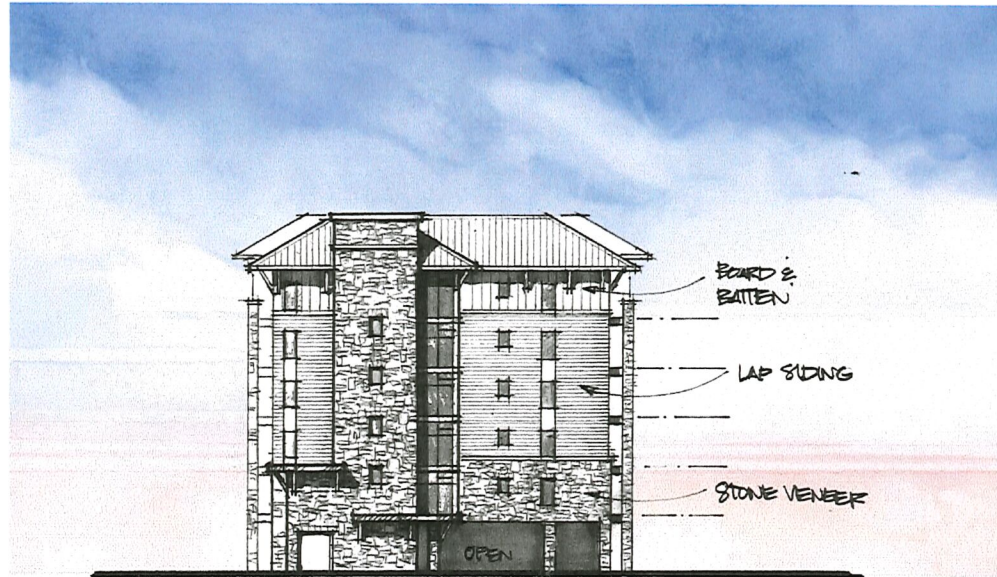
STANDARD STALL (PROPOSED): 8'-0" x 17'-6"
COMPACT STALL DIMENSIONS: 8' x 11'
COMPACT STALLS ALLOWED: 20% (7% PROPOSED)
MIN. 10'/10' STALL WIDTH: 24'/24'

LANDSCAPE VEGETATIONS
TREE DENSITY (PROPOSED): 18 UNITS/ACRE
ISLAND REQ.: 1 (LAND)/20 S-ACRES
MIN. ISLAND SIZE/WIDTH: 150 S.F./10'

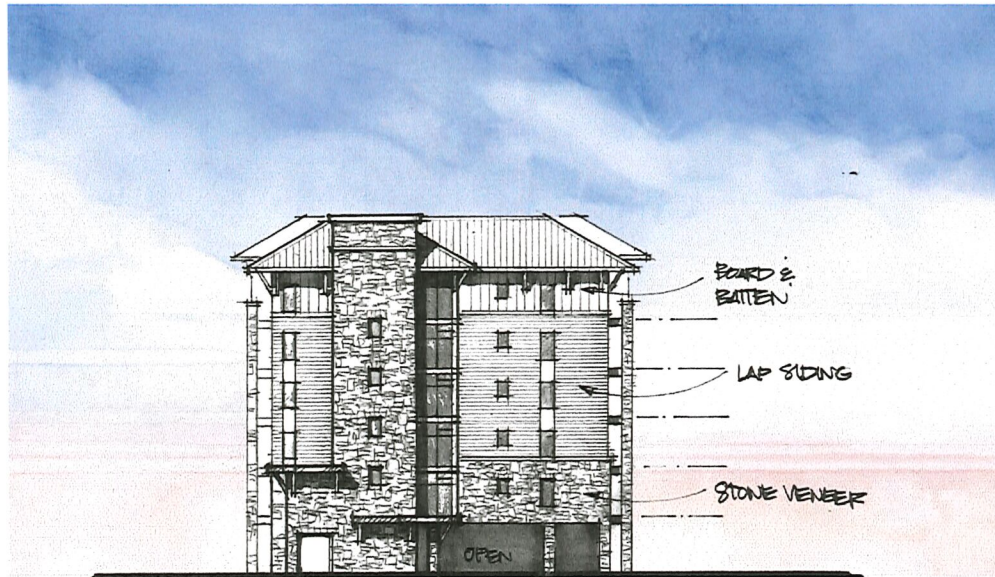
OPEN SPACE R: 20%
FEMA MAP
FIRM PANEL #: --
DRAWING RECORD
DRAWN BY: SHH

2015203 PS-7
PRELIMINARY SITE PLAN

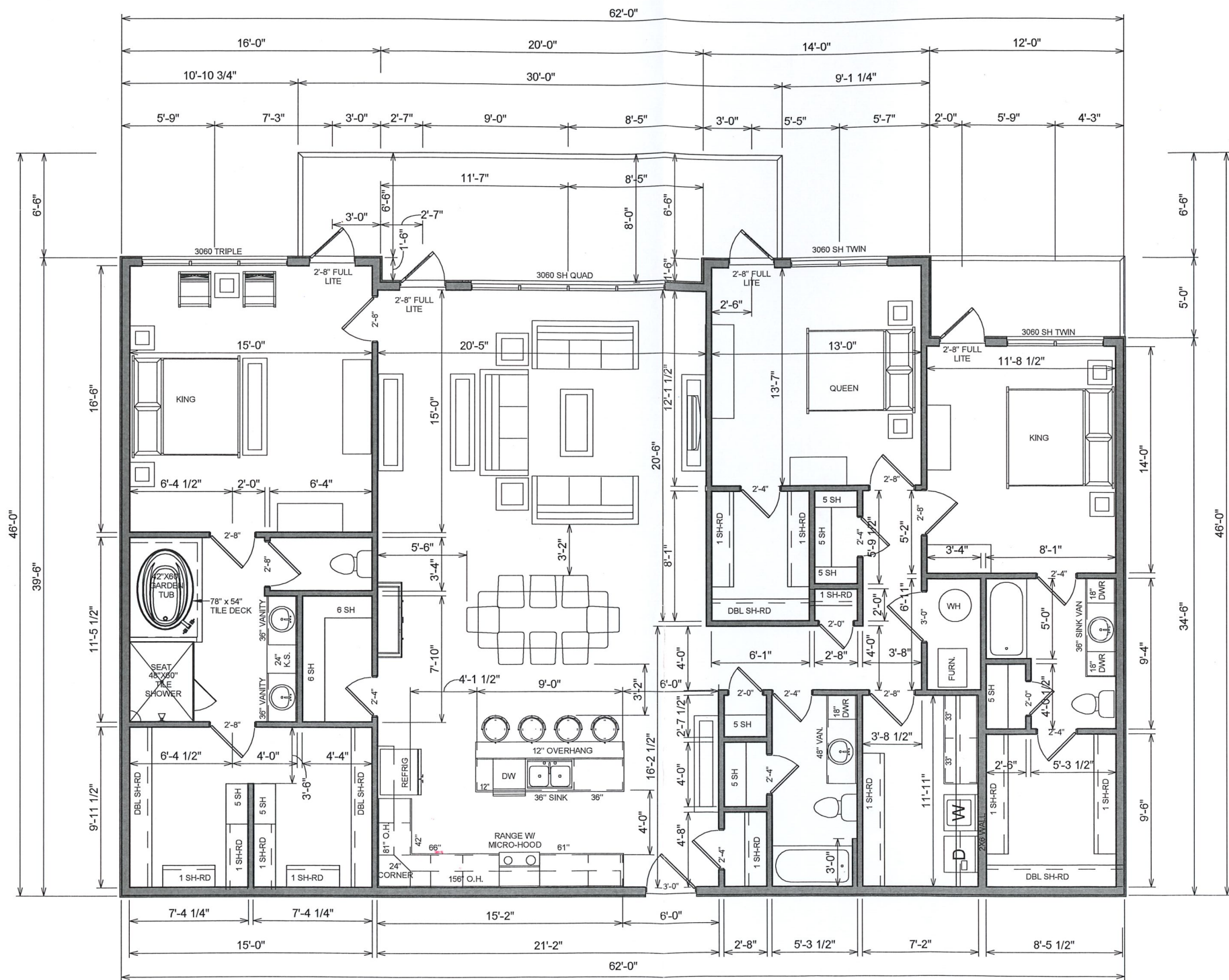
SHEET PS-7



LAKE LANIER CONDOS -- VISION & STRATEGY
GAINESVILLE, GA
NOVEMBER 9, 2017







1 FIRST FLOOR PLAN - DESIGN
1/8" = 1'-0"

OPT. PAPER SIZE: For 1/4" = 1'-0" on 24"x36" PAPER SIZE ENLARGE PRINTS TO 200%

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PAPER SIZE: 11" x 17"

SCALE: 1/8" = 1'-0"

REVISED 10/09/2017

SCALE: 1/8" = 1'-0"		SHEET NUMBER: DP-3		PROPERTY OF:		DRAWN BY: Author		JOB# XXX-XX-XXX		THE: CONDO LAYOUT		AREAS:		Revision Schedule																													
						CHECKED BY: Checker		2x4 EXTERIOR WALLS UNLESS OTHERWISE NOTED		FOR: CUSTOMER NAME		<table><tr><td>Name</td><td>Area</td></tr><tr><td>HEATED</td><td>2359 SF</td></tr><tr><td>HEATED TOTAL</td><td>2359 SF</td></tr><tr><td>DECK 1</td><td>225 SF</td></tr><tr><td>DECK 2</td><td>60 SF</td></tr><tr><td>TOTAL DECKS</td><td>285 SF</td></tr></table>		Name	Area	HEATED	2359 SF	HEATED TOTAL	2359 SF	DECK 1	225 SF	DECK 2	60 SF	TOTAL DECKS	285 SF	<table><tr><td>Rev. #</td><td>Description</td></tr><tr><td></td><td></td></tr><tr><td></td><td></td></tr><tr><td></td><td></td></tr><tr><td></td><td></td></tr><tr><td></td><td></td></tr><tr><td></td><td></td></tr><tr><td></td><td></td></tr></table>		Rev. #	Description														
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CITY OF GAINESVILLE

AGENDA REQUEST

Date Submitted: 2/20/2018

Presenter: Matt Tate

Item of Business: Request from **John Harris** to rezone a 5.73± acres tract located on the southeast side of Lanier Valley Drive, west of Otila Drive (a/k/a **1331 Lanier Valley Drive NW**) from Residential-II (R-II) and General Business (G-B) to General Business (G-B).
Ward Number: One
Tax Parcel Number(s): 01-115-002-002
Request: Non-profit residential facility

Meeting Date: 3/13/2018

Purpose of Request:

The applicant is proposing to rezone the subject property for a local non-profit residential facility that will provide counseling, support groups and residential services/housing for primarily women and children in need of assistance. The property has a split zoning of General Business (G-B) and Residential-II (R-II) and the applicant desires to rezone the entire property to General Business (G-B). The property is undeveloped, heavily wooded, and contains a 100-foot wide power line easement. The proposal includes the construction of a 15,000 square foot residential style building that will consist of 3,000 square feet of office space, 5,000 square feet of support group rooms and 7,000 square feet of residential space. A gated driveway is proposed from Lanier Valley Drive and the property will be fenced and landscaped to screen all building, parking and outdoor areas. The adjacent uses include a Georgia Power substation, daycare, multi-family apartments, church and single-family homes.

History/Background:

Facts & Issues for Consideration:

Department Recommendation:

Planning staff recommends conditional approval with eight conditions.

See attached Staff Recommendation Report for details.

Department Director:

Rusty Ligon

If funding is involved, are funds approved within the current budget?

N/A

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
☐ Staff Recommendation Report	Report
☐ Location Maps	Backup Material
☐ Narrative	Backup Material
☐ Survey	Backup Material

- Site Plan
- Architectural Renderings

- Backup Material
- Backup Material

**GAINESVILLE PLANNING and APPEALS BOARD
STAFF RECOMMENDATION**

Applicant and Property Owner..... John Harris
Location..... 1331 Lanier Valley Drive
Request..... Rezone from R-II and G-B to G-B
Total Acres 5.73[±] acres
Ward..... One
Proposed Use..... Non-profit residential facility
Planning Division Staff Recommendation **Approval, with conditions**
Date..... March 13, 2018

▪ **Applicant's Proposal and Background Information**

The applicant is proposing to rezone the subject property for a local non-profit residential facility that will provide counseling, support groups and residential services/housing for primarily women and children in need of assistance. According to the applicant, the facility is not designed to provide rehabilitation for addiction, nor is it to provide services or housing for criminal offenders. There will be trained employees on site 24 hours a day/every day.

The property has a split zoning of General Business (G-B) and Residential-II (R-II) and the applicant desires to rezone the entire property to General Business (G-B). The property is undeveloped, heavily wooded, and contains a 100-foot wide power line easement. The proposal includes the construction of a 15,000 square foot building that will consist of 3,000 square feet of office space, 5,000 square feet of support group rooms and 7,000 square feet of residential space. Specifically, there will be 17 residential bedrooms, 6 common areas, 6 support group rooms, and 15 offices. The residents will be families with an average of 3 members totaling 51 people or less at any given time. The proposed building will be residential in character and a maximum of two stories in height. The property will be fenced and landscaped to screen all building, parking and outdoor areas. A gated entrance drive is proposed from Lanier Valley Drive which is within the jurisdiction of Hall County.

▪ **Adjacent Land Use and Zoning**

Location	Use	Zoning
Northeast	Power substation; Church; Commercial retail/restaurant	General Business (G-B)
Northwest	Apartments; Daycare Center; Single-family home (county)	Residential-II (R-II) General Business (G-B) Agricultural Residential-III (AR-III)
Southeast	Apartments	Residential-II (R-II)
Southwest	Single-family homes (county); Apartments	Agricultural Residential-III (AR-III) Residential-II (R-II)

The subject property is located just west of Dawsonville Highway and east of Lake Lanier. Other nearby significant uses includes the Lanier Pointe Park Athletic Complex and the Northlake Square Shopping Center (Academy Sports).

▪ **Other Departmental Comments**

According to the Gainesville Public Works Department, a Traffic Impact Study (TIS) will be not be required for the development at this time based on the information provided. However, once the development proceeds, the developers engineering firm will be required to add projected trip generations to the design plans. The concern is in regards to the development traffic adding to the congestion on Dawsonville Highway and the ball field traffic on the weekends. The development shall coordinate with the Georgia Department of Transportation (GDOT) to establish improvements required by the developer along Dawsonville Highway. The documents from GDOT shall be submitted to the Public Works Department pertaining to improvements along the corridor. The development shall coordinate with the Public Works Department regarding any necessary improvements along the City street.

▪ **Zoning History**

The following zoning actions have taken place in the immediate area during the last ten years:

2017 – A request by Oak Hall Companies, LLC to rezone a 157.98± acres tract located at 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) zoning for a mixed-use, age restricted community was approved with conditions.

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2014 – A request by West Ahaluna, LLC to annex a 70.23± acres tract with a zoning of Planned Unit Development (P-U-D) located at 0 and 1817 Ahaluna Drive; 1982 Dawsonville Highway; 2208 Karen Lane; 2008, 2016 and 2029 Strickland Drive was approved with conditions. In addition, the same applicant requested to rezone a 31.93± acres tract located at 0 Ahaluna Drive NW and 1489 West Lake Drive NW from Residential-I (R-I) to Planned Unit Development (P-U-D) was also approved with conditions for a 199-lot single-family subdivision.

2013 – A request by America's Home Place, Inc. to rezone a 25.11± acres tract located at 0 and 1198 Dawsonville Highway; 1232 Ahaluna Drive and 1162 Lakeshore Circle from Residential-I (R-I), Residential-II (R-II) and Office and Institutional (O-I) to General Business (G-B) zoning for a commercial shopping center was approved with conditions.

2012 – A request by America's Home Place, Inc. to rezone a 4.711± acres tract located at 0, 1122, 1138, 1162 and 1198 Dawsonville Highway from Residential-II (R-II), Office and Institutional (O-I) and General Business (G-B) to General Business (G-B) zoning for retail, restaurant and vehicle service uses was approved with conditions.

2011 – A request by Kauffman Tire Inc. for a special use within Regional Business (R-B) zoning on a 1.19± acres tract located at 801 & 805 Dawsonville Highway was approved with conditions for an automotive tire and service store.

2010 – A request by Bill Dupree to annex a 7.11± acres tract with General Business (G-B) zoning and rezone a 2.44± acres tract from Residential-II (R-II) to General Business (G-B) located at 0, 1293, 1297 and 1139 Dawsonville Highway was approved with conditions for a business center with retail, office and restaurant uses.

▪ **Staff Analysis**

(1) Is the proposed use suitable in view of the zoning and development of adjacent and nearby property?

The adjacent and nearby property consists of a mixture of single-family, multi-family semi-public and commercial uses. The surrounding zonings are Agricultural Residential-III (AR-III) within unincorporated Hall County and Residential-II (R-II) and General Business (G-B) within the City of Gainesville. Much of the development within the immediate area has included multi-family and commercial retail/restaurant growth with some limited single-family housing. It appears the proposal is suitable given the variety of uses that surround the property.

(2) Will the proposed use adversely affect the existing use or usability of adjacent or nearby property?

The proposed use should not adversely affect the existing use or usability of adjacent or nearby property over and above what uses are currently zoned for the property. The proposal includes office space, residential space and common area which will function similarly to but at a smaller scale than nearby multi-family, office and church facilities. Because the property is undeveloped, there will be an increase of traffic on Lanier Valley Drive at its intersection with Dawsonville Highway.

(3) Is the proposed use compatible with the purpose and intent of the Comprehensive Plan?

The subject property is located within the *Medium-High Density Residential* land use category within the Future Development Map for the City of Gainesville. The *Medium-High Density Residential* land use category includes areas containing or planned for single-family attached or multi-family housing at densities ranging from four to twelve units per acre. Limited light office (home occupation, etc.) use is allowed.

The subject property is also located within the *Suburban Commercial* Character Area. This area will continue to grow as a regional retail center for the City and Hall County, but should diversify over time to include multi-family housing and a higher-density mix of retail, office, services and high-quality employment. In addition, expanding premium retail could offer a variety of shopping options that are currently not available elsewhere in the City. As it grows, the area will become one of the most prominent commercial corridors and gateways into the City, and a thriving economic anchor for the northwest side. When development occurs, adequate buffers should be maintained around development to protect watersheds and sensitive environments. Land uses allowed include commercial, public / institutional, multi-family residential and mixed use.

It appears the proposed use with the recommended conditions is compatible with the purpose and intent of the Comprehensive Plan.

(4) Are there substantial reasons why the property cannot or should not be used as currently zoned?

The subject property is zoned Residential-II (R-II) and General Business (G-B). In general, the Residential-II (R-II) portion of the property could be developed for multi-family housing and the General Business (G-B) zoned portion of the property could be developed for various office, commercial and institutional uses. While the General Business (G-B) zoned portion of the property currently allows for the proposed use, the applicant's desire is to have the entire property zoned General Business (G-B) which would provide more buildable space for the proposed use. Of note, the proposed non-profit residential facility would function similarly to a rooming/boarding house, crises center and office which is an acceptable use within the General Business (G-B) zoning district.

(5) Will the proposed use cause an excessive or burdensome use of public facilities or services, including but not limited to streets, schools, water or sewer utilities, and police or fire protection?

The nearby properties currently utilize City water and sewer services and there is sufficient capacity to serve the development.

Existing public safety services respond to the adjacent and nearby properties. Gainesville Fire Station #1 is located approximately 2.9 miles from the property.

There may be limited impacts to the school system depending on the number of school age children living within the facility. The Gainesville City School System currently provides bus transportation to the adjacent Carrington Park at Lake Lanier apartment complex.

Based on the established history of providing for these services to the community, the applicant estimates that daily traffic generated from the development will range from 10 to 45 visits on Saturday and Sunday, 20 to 90 visits Monday and Thursday, and 25 to 75 visits on Tuesday, Wednesday and Friday. While minimal, the additional traffic generated by the proposal or any new development will add to the existing peak hour delays experienced along Dawsonville Highway and nearby intersections.

(6) Is the proposed use supported by new or changing conditions not anticipated by the Comprehensive Plan or reflected in the existing zoning on the property or surrounding properties?

The anticipated use for the subject property is for medium to high density residential.

The property is located between Dawsonville Highway and Lake Lanier, and is within one of Gainesville's most active regional commercial corridors. This area has experienced tremendous growth over the past 15 to 20 years, some of which include the Northlake Square shopping center, Carrington Park retail center, Village Shoppes of Gainesville, Home Depot, Best Buy, McEver Corners shopping center, Texas Roadhouse, Olive Garden, Cheddar's, Buffalo Wild Wings, child day care facility, a 94-room Holiday Inn Express currently under construction and Culver's Restaurant under construction. In addition, a proposed 235± acres mixed-use development located to the north between Ahaluna Drive and Sportsman Club Road was approved for a total of 860 age-restricted residential units, 56,000 square feet of commercial space and 24,000 square feet of retail/office/restaurant space. This development is anticipated to be built over the next 6 to 7 years.

(7) Does the proposed use reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to unrestricted use of property?

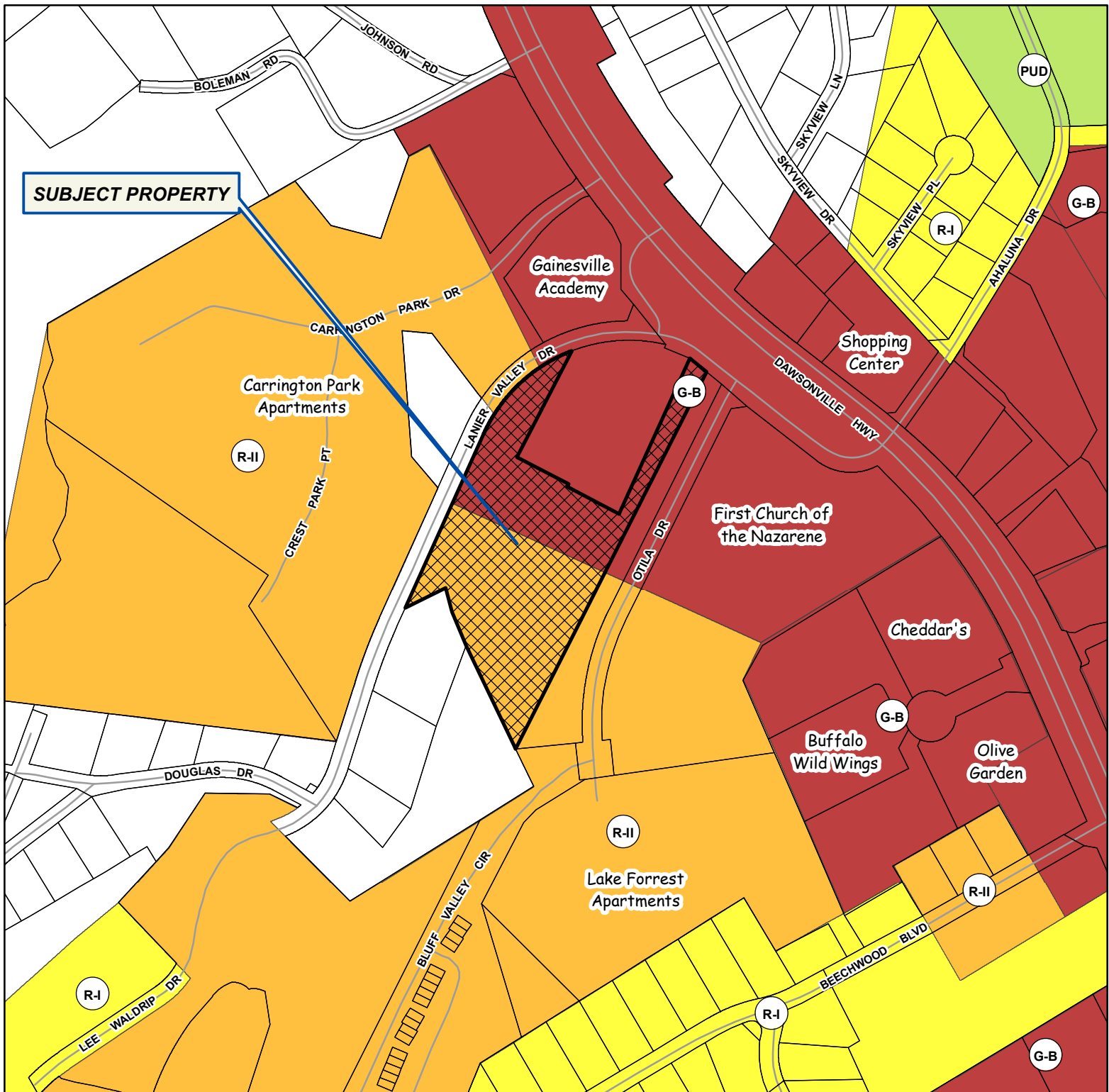
Due to the subject property's proximity to existing residential and commercial land uses, the proposal, with the recommended zoning conditions appears to promote a reasonable balance between the interests of the City, the property owner, and neighboring residents and property owners.

▪ **Staff Recommendation**

The Planning Division staff is recommending **conditional approval** of this rezoning request with **G-B zoning**, based on the Comprehensive Plan and the adjacent residential and non-residential land uses.

Conditions

1. The proposed use building shall be generally consistent with the standards depicted on the architectural pictures provided with this rezoning application including exterior materials and roof pitch to present a residential appearance.
2. The subject property shall be limited to the proposed use and professional office uses. A different type of non-profit residential facility is not permitted for the property.
3. The development shall require a minimum 35-foot wide evergreen planted buffer adjacent to all single-family properties as required by the code and upon meeting the planting requirements within the power line easement. The location, spacing, size and type of trees planted shall be subject to Community Development Department Director approval.
4. The property shall be limited to one monument style sign not to exceed 32 square feet in size with indirect (ground) lighting.
5. The proposed fence and gate shall be wrought iron or a black vinyl coated chain link fence.
6. Prior to a permit being issued for the subject property, a Traffic Impact Study shall be required if determined necessary by the Gainesville Public Works Department Director and the Georgia Department of Transportation (GDOT).
7. All access point design for the subject property shall require review and approval by Hall County and the Gainesville Public Works Department Director. All required access/traffic/sidewalk improvements associated with the proposed development along Lanier Valley Drive or any additional improvements identified within the Traffic Impact Study, if determined necessary, shall be at the full expense of the developer/property owner.
8. 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:

REZONING REQUEST

JOHN HARRIS



Request:

Rezone from R-II and G-B to G-B on a 5.73+/- acres tract for a non-profit residential facility

Subject Area Address:

1331 Lanier Valley Drive, NW

Meeting: 3/13/2018

Prepared: 2/16/2018

Gainesville Community Development Department

 Subject Property

0 210 420 630 840 Feet



1" = 350'

Tax Parcel: 01-115-002-002



Applicant:

REZONING REQUEST

Gainesville Community Development Department

JOHN HARRIS

 Subject Property

Aerial from 2015



Request:

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0 210 420 630 840 Feet

1" = 350'

NARRATIVE REPORT

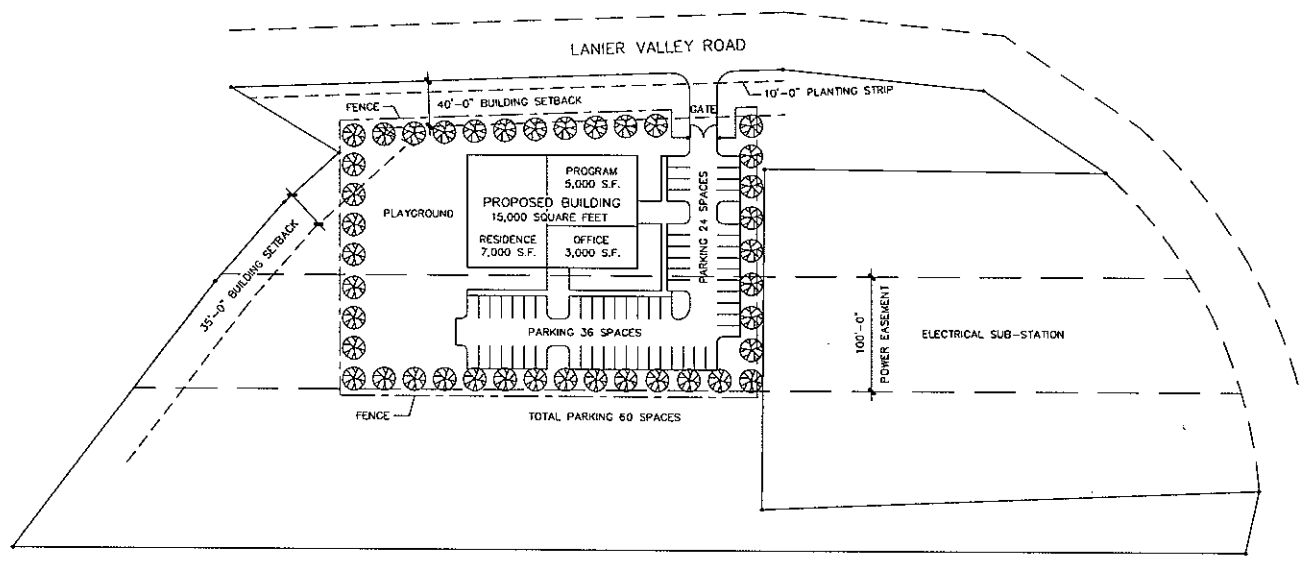
The seller is attempting to rezone this property to General Business so that it may accommodate a local nonprofit agency that provides counseling, support groups and residential services. The people receiving services in this facility will primarily be women and their children who are needing assistance through no fault of their own. The purpose of the services offered is not to provide rehabilitation for addiction, nor is it to provide services housing for criminal offenders. Trained employees will be on site 24/7/365.

Based on its established history of providing these services in the community, the agency estimates that it will have the following traffic counts in this location:

Saturday – Sunday	10-45 visits per day.
Monday and Thursday	20-90 visits per day.
Tuesday, Wednesday and Friday	25-75 visits per day.

The facility will be approximately 15,000 SF. The space will be used roughly in the following way:

- 3,000 staff offices
- 7,000 residential spaces
- 5,000 support group rooms.



SITE PLAN

SCALE: 1" = 50'-0"



Architects
Columbia, Georgia 30501
770.334.0612

Bailey Associates

CALM G PROPERT HOLDINGS
GAINESVILLE, GEORGIA

Project No 18001
Drawn By JKB
Checked By
Date JAN. 25, 2018
Revisions

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OF 1



