



AGENDA

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

1. CALL TO ORDER

2. MINUTES

A. October 9, 2018 PAB Meeting Minutes

3. OLD BUSINESS

4. NEW BUSINESS

A. Rezoning Requests

- (1) Request from **KRM 2016, LLC** to rezone a 0.855± acre tract located on the northeast and northwest side of the intersection of Athens Street and Mill Street (a/k/a **827, 831 and 851 Athens Street, SE**) from Residential-II (R-II) and Heavy Industrial (H-I) to Residential-II (R-II).

Ward Number: Three

Tax Parcel Number(s): 01-034-006-009 and 010; 01-034-001-013

Request: Five residential duplexes

B. Zoning Amendment Requests

- (1) Request from **Southeastern Land Solutions, LLC** to amend the existing Planned Unit Development (P-U-D) zoning on a 1.34± acres tract located on the northwest side of the intersection of McEver Road and Stephens Road (a/k/a **0 McEver Road, SW**).

Ward Number: Four

Tax Parcel Number(s): 08-042B-000-180

Request: Five single-family lots

5. MISCELLANEOUS

6. ADJOURNMENT

CITY OF GAINESVILLE

AGENDA REQUEST

Date Submitted: 10/25/2018
Presenter: N/A
Item of Business: October 9, 2018 PAB Meeting Minutes
Meeting Date: 11/13/2018

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
OCTOBER 9, 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., Ryan Thompson, Carmen Delgado, Rich White and Kelvin Simmons

Members Absent: None

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

Others Present: Council Members Barbara Brooks and George Wangemann

MINUTES OF SEPTEMBER 11, 2018

There was a motion to approve the minutes as presented.

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

NEW BUSINESS

A. Annexation Requests

- 1) Request from **David Gijon** to annex a 0.12± acre tract located southeast of the intersection of Ralston Street and Hazel Street (a/k/a **1509 Ralston Street**) and to establish zoning as Residential-I (R-I).
Ward Number: Four
Tax Parcel Number(s): 00-130-001-020
Request: Single-family home

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

The applicant is proposing to annex a 0.12 acre parcel into the City of Gainesville with Residential-I (R-I) zoning in order to utilize City sewer services to construct a single-family home. The subject property is zoned Residential-II (R-II) within Hall County and is part of a larger unincorporated County island. The adjacent city limits are located to the north, east and west. Adjacent uses include single-family homes both in the city and county and an auto repair shop and retail strip center. The property is currently undeveloped but previously contained a single-family home that was demolished approximately 15 years ago. The proposed home is approximately 1,300 square feet with one access driveway from Ralston Street.

The Future Development Map for the City of Gainesville places the subject property within the *Medium-High Density Residential* land use category and the Character Area map for the City of Gainesville places the subject property within the *West Side* character area, which are supportive of the request.

The Planning Division staff is recommending approval of this annexation request with Residential-I (R-I) zoning, based on the Comprehensive Land Use Plan and the adjacent residential land use.

Applicant Presentation: **David Gijon**, 1509 Ralston Street, stated he would like to construct a single-family home so he could utilize the City sewer services. The new construction home would be a 3 bedroom, 2 bath home that would help the area and him personally.

FAVOR: None

OPPOSE: None

Planning and Appeals Board Comments: None

There was a motion to recommend approval of the request to annex the subject property and to establish zoning as Residential-I (R-I).

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

NOTE: *The following two items were presented together although the motions were made separately.*

- 2) Request from **Hydro Extruder, LLC** to annex a 10.98± acres tract located northeast of the intersection of Old Oakwood Road and Mountain View Road (a/k/a **2829 Mountain View Road**) and to establish zoning as Light Industrial (L-I).

Ward Number: Four
Tax Parcel Number(s): 08-012-008-002
Request: Future industrial expansion

- 3) Request from **Hydro Extruder, LLC** to annex a 11.29± acres tract located southeast of the intersection of Old Oakwood Road and Mountain View Road (a/k/a **2949 Old Oakwood Road**) and to establish zoning as Light Industrial (L-I).

Ward Number: Four
Tax Parcel Number(s): 08-012-008-004
Request: Future industrial expansion

NOTE: *Board Member Delgado recused herself from the meeting due to a conflict of interest with these requests.*

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

The applicant is proposing to annex two properties totaling 22.27± acres in size with a zoning of Light Industrial (L-I). The northern property is 10.98± acres and has road frontage on Mountain View Drive. The southern property is 11.29± acres in size with road frontage on Old Oakwood Road. Surrounding uses include single-family homes mostly within unincorporated Hall County, hair salon, Family Dollar store under construction, various industrial uses; Mundy Mill mixed use development and the railroad. The purpose of the request is to someday utilize City sewer services for the future expansion of the Hydro

Extruder industrial use (previously Sapa), which is currently located within the city limits and is located between the two subject parcels. The current operations involve the further manufacturing, fabrication and finishing of aluminum products. The existing industrial use was constructed in 1986 in Hall County and was later annexed into the city limits in 1990 for sewer with a zoning of L-I.

The Development Map for the City of Gainesville places the subject properties within the *Low-Medium Density Residential* land use category and within the Gainesville Character Area Map places the properties within the Economic Development Gateways character area

The Planning Division staff is recommending conditional approval of the annexation requests based on the Comprehensive Plan and the adjacent industrial uses with four conditions.

Applicant Presentation: Donnie Hunt, 1001 Riverside Drive, attorney with Hunt & Taylor Law Firm representing the applicant, stated the land the applicant has been interested in has been tied up in a trust for a number of years and the property has now become available on the market. The applicant is not yet ready to expand but have goals to expand in the next three to five years. Mr. Hunt stated the plant is very well run and one of the cleanest plants he has ever seen. He shared some history of the plant and explained the manufacturing process for the aluminum products they produce which leaves very little waste and reduces the noise level. Transporting products and/or materials would have minimal impact to roads due to the extremely light materials used. As shown on the location maps, the parcels to be annexed are on either side of the existing plant which is already within the city limits of Gainesville. The existing plant currently has approximately 400 employees and the future expansion would create more jobs for Hall County and Gainesville residents. Mr. Hunt stated the applicant was agreeable to the four conditions as proposed by staff.

FAVOR: None

OPPOSE: None

Planning and Appeals Board Comments: None

There was a motion to recommend conditional approval of the request to annex the subject property located at 2829 Mountain View Road and to establish zoning as Light Industrial (L-I) with the following conditions:

Conditions

1. Prior to a land development permit application being submitted for the subject properties, the property owner shall be required to submit a site plan review application for a public hearing before the Planning and Appeals Board.
2. A minimum fifty foot (50') wide vegetated buffer consisting of existing vegetation and additional evergreens trees shall be required along the perimeter of the subject properties adjacent to any single-family use along Old Oakwood Road and Mountain View Road. Driveways and powerline easements are exempt from this requirement. The intent of the buffer is to supplement the existing vegetation with buffer trees to provide for an effective buffer. The location, spacing, size and type of trees planted shall be subject to Community Development Department Director approval.

3. **A Traffic Impact Study shall be required with the submittal of the site plan review application if determined necessary by the Gainesville Public Works Department Director.**
4. **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 proposal or any additional improvements identified within the Traffic Impact Study, if determined necessary, shall be at the full expense of the property owner.**

Motion made by Board Member Thompson
Motion seconded by Board Member Simmons
Vote – 6 favor, 1 recusal (Delgado)

There was a motion to recommend conditional approval of the request to annex the subject property located at 2949 Old Oakwood Road and to establish zoning as Light Industrial (L-I) with the following conditions:

Conditions

1. **Prior to a land development permit application being submitted for the subject properties, the property owner shall be required to submit a site plan review application for a public hearing before the Planning and Appeals Board.**
2. **A minimum fifty foot (50') wide vegetated buffer consisting of existing vegetation and additional evergreens trees shall be required along the perimeter of the subject properties adjacent to any single-family use along Old Oakwood Road and Mountain View Road. Driveways and powerline easements are exempt from this requirement. The intent of the buffer is to supplement the existing vegetation with buffer trees to provide for an effective buffer. The location, spacing, size and type of trees planted shall be subject to Community Development Department Director approval.**
3. **A Traffic Impact Study shall be required with the submittal of the site plan review application if determined necessary by the Gainesville Public Works Department Director.**
4. **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 proposal or any additional improvements identified within the Traffic Impact Study, if determined necessary, shall be at the full expense of the property owner.**

Motion made by Board Member Thompson
Motion seconded by Board Member Martin
Vote – 6 favor, 1 recusal (Delgado)

B. Code Amendment Request

- 1) Request from the **City of Gainesville** to amend Chapter 9-8-7 entitled "Midtown Overlay Zone" of the Unified Land Development Code for the City of Gainesville, Georgia to include additional prohibited and permitted uses and to provide for minimum front yard setback requirements within the Midtown Overlay Zone.

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

The proposed ordinance is to amend Chapter 9-8-7 entitled "Midtown Overlay Zone" to include additional prohibited and permitted uses and to provide for minimum front yard setback requirements within the Midtown Overlay Zone.

The Midtown Overlay is roughly a 350 acres area located south of the CBD and borders E. E. Butler Parkway, Jesse Jewell Parkway, Queen City Parkway and the Norfolk Southern Rail Line also including a 200-foot wide buffer. Significant public investment has occurred within Midtown including Public Safety facilities, Midtown greenway/park, connectivity to the Highlands to Islands trail network, regional storm water pond and the recent demolition of the jail site. Private Investment is now happening.

Specifically, Section 9-8-7-6 entitled "Permitted Uses is to be changed to "Permitted and Prohibited Uses" in order to prohibit additional uses that have been found to be in conflict with the purpose and intent of the overlay vision which is to set higher standards for the appearance and functionality of the land uses.

Some of the additional prohibited uses include gas stations, group homes, rooming houses, homeless shelters, jails, pawn shops, kennels, massage parlors, tattoo parlors, salvage yards and industrial uses causing the emission of noise, vibration, smoke, dust, gas, fumes, odors and outdoor storage which conflict with the redevelopment efforts in Midtown.

Apartments are also included in this list of prohibited uses; however, loft dwellings, townhomes, single-family homes and condominiums are now residential uses allowed by right regardless of the underlying zoning district.

In addition, Section 9-8-7-7 entitled "Property Design Standards" is proposed to be amended by adding a subsection (e) in order to provide for a minimum front yard setback of 15-feet within the Midtown Overlay Zone. Many of the existing buildings within the overlay are already located close to the road including some with 0-foot front yard setbacks.

FAVOR: None

OPPOSE: None

Planning and Appeals Board Comments: Board Member Martin asked about the status of the existing prohibited businesses. Community Development Director Rusty Ligon stated that existing businesses would be grandfathered in; however, if they went out of business or the use changed, no new businesses listed on the prohibited list could be established. Mr. Ligon stated the City has opted not to rezone the industrial properties in Midtown but to prohibit specific uses instead.

There was a motion to recommend approval to amend Chapter 9-8-7 entitled "Midtown Overlay Zone" of the Unified Land Development Code to include additional prohibited and permitted uses and to provide for minimum front yard setback requirements within the Midtown Overlay Zone.

Motion made by Board Member Martin

Motion seconded by Board Member Delgado

Vote – 7 favor

ADJOURNMENT

There was a motion to adjourn the meeting at 5:58 p.m.

Motion made by Board Member White

Motion seconded by Board Member Martin

Vote – 7 favor

Respectfully submitted,

Doug Carter, Chairman

Brandy Palmero, Recording Secretary

CITY OF GAINESVILLE

AGENDA REQUEST

Date Submitted: 10/24/2018

Presenter: Matt Tate

Item of Business: Request from **KRM 2016, LLC** to rezone a 0.855± acre tract located on the northeast and northwest side of the intersection of Athens Street and Mill Street (a/k/a **827, 831 and 851 Athens Street, SE**) from Residential-II (R-II) and Heavy Industrial (H-I) to Residential-II (R-II).
Ward Number: Three
Tax Parcel Number(s): 01-034-006-009 and 010; 01-034-001-013
Request: Five residential duplexes

Meeting Date: 11/13/2018

Purpose of Request:

The applicant is proposing to rezone the subject properties from Residential-II (R-II) and Heavy Industrial (H-I) to Residential-II (R-II) for the purpose of constructing five residential duplexes. The properties are undeveloped but previously contained residential structures many years ago. According to the applicant, the main purpose for the development is to provide affordable quality housing that are architecturally consistent with the neighborhood. The applicant desires to subdivide the existing parcels and position the homes in the same manner as the other homes on Mill Street. Each home will be constructed with fiber-cement siding on all four sides and each unit will be approximately 1,100 square feet in size with two bedrooms/two baths and two parking spaces per unit. A total of five driveways are proposed off of Mill Street and two driveways are proposed on Athens Street in order to accommodate parking for the first two units. Adjacent and nearby uses include single-family homes, Harper-Smith historic house, Newell Recycling Scrap Iron & Metal, Fockele Garden Company and Burger King restaurant.

History/Background:

Facts & Issues for Consideration:

Department Recommendation:

Staff recommended approval with four conditions. See 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 Report	Report
☐ Location Maps	Backup Material
☐ Narrative	Backup Material
☐ Site Plan	Backup Material
☐ Architectural Renderings	Backup Material

GAINESVILLE PLANNING and APPEALS BOARD
STAFF RECOMMENDATION

Applicant and Property Owner..... KRM 2016 LLC
Location..... 827, 831 and 851 Athens Street SE
Request..... Rezone from R-II and H-I to R-II
Total Acres 0.855± acre
Ward..... Three
Proposed Use..... Five residential duplexes
Planning Division Staff Recommendation **Approval, with conditions**
Date..... November 13, 2018

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

The proposal is to rezone the subject properties from Residential-II (R-II) and Heavy Industrial (H-I) to Residential-II (R-II) for the purpose of constructing five residential duplex homes for rent. The properties are currently undeveloped but previously contained residential structures many years ago. According to the applicant, the main purpose for the development is to provide affordable quality housing that is architecturally consistent with the neighborhood. The applicant desires to subdivide the existing parcels and position the homes in the same manner as the other homes on Mill Street. In order to do so, future setback variances will be necessary to construct the homes closer to the street. Each home will be constructed with fiber-cement siding on all four sides and each unit will be approximately 1,100 square feet in size with two bedrooms/two baths and two parking spaces per unit. The elevation of the homes will not exceed 1.5 stories. A total of five driveways are proposed off of Mill Street and two driveways are proposed on Athens Street in order to accommodate parking for the first two units. Solid waste service will be provided by the City of Gainesville.

▪ **Adjacent Land Use and Zoning**

Location	Use	Zoning
North	Single-family homes	Neighborhood Conservation (N-C)
South	Burger King restaurant; Fockele Garden Company	Heavy Industrial (H-I)
East	Newell Recycling Scrap Iron & Metal	Heavy Industrial (H-I)
West	Harper-Smith historic house	Heavy Industrial (H-I)

▪ **Other Departmental Comments**

There were no other departmental comments regarding this request.

▪ **Zoning History**

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

2016 – A request by the Gainesville Housing Authority to rezone 11.671± acres located at 233, 240, 315, and 323 Atlanta Street; 207, 209, 221, 223 and 229 Summit Street from Residential-II (R-II), Neighborhood Business (N-B) and General Business (G-B) to Planned Unit Development (P-U-D) for low income apartments was approved with conditions. The request also included the abandonment of a 0.603± acre portion of Atlanta Street right-of-way.

2010 – A request by My Sister's Place of Gainesville, Inc. for a Special Use for a crisis center for women and children on 1.17± acres located at 2480 Martin Luther King, Jr. Blvd. within Residential-II (R-II) zoning was approved with conditions.

2009 – A request by the City of Gainesville to rezone 28.63± acres (129 Parcels) located between the southeast side of Jesse Jewell Parkway and E. E. Butler Parkway, having road frontage along Boone Street, Carlton Street, Chamblee Court, College Avenue, Fair Street, High Street, Hobbs Alley, Hunter Street, Prior Street, Summit Court, Summit Street, and Watson Place, from Residential-II (R-II) and Planned Unit Development (P-U-D) to Neighborhood Conservation (N-C) was approved with conditions.

▪ **Staff Analysis**

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

The surrounding area consists of a mixture of residential, commercial and industrial uses including single-family homes, Harper-Smith historic house, Newell Recycling Scrap Iron & Metal, Fockele Garden Company and Burger King restaurant. While the majority of the property is zoned for heavy industrial purposes, the proposal for residential duplexes is more suitable with the residential properties located along Mill Street.

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

The proposal is small in scale consisting of a total of five residential duplex homes constructed to resemble single-family residences. Given the close proximity of existing residential homes, the proposal would appear to be a good transition from the adjacent commercial and industrial uses to the existing single-family residential homes along Mill Street. There should be no adverse impacts to the neighborhood as the duplex homes will be of similar scale/architecture as the adjacent single-family homes.

(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 *Traditional Neighborhoods* Character Area specifically within the *Fair Street Area NPU subarea*. The vision for this area affirms the traditional single-family character of the neighborhood through goals of historic preservation, architectural standards, code enforcement, and increased safety and beautification. Land uses allowed within this subarea include medium-density residential, public, institutional, parks/recreation/conservation, mixed-use and commercial limited to the fringe of arterial corridors. 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 applicant is proposing to downzone the balance of the property from H-I to R-II for a residential development. The majority of the property could be developed for industrial or commercial purposes under its current zoning which would seem to be less desirable to the

neighborhood. There is a portion of the property zoned R-II which currently allows for a residential use such as a duplex. It appears the proposal is reasonable as the property has historically functioned as a residential use. The proposed development will provide for much needed quality housing downtown with an overall density range of 11.69 dwelling units per acre.

(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?

City water, sewer and public safety services are currently provided to the property. Gainesville Fire Station #1 is located off of Queen City Parkway and is approximately 1.25± miles from the subject property.

The proposal will slightly increase ingress and egress traffic movements along Mill Street and Athens Street. According to the Institute of Transportation Engineers (ITE) Trip Generation Handbook (9th Edition), the five residential duplexes on average could generate 67± new trips per day, 6± A.M. and 7± P.M. peak hour trips.

The proposal will have minimal impacts on the Gainesville City School System given there are only 10 residential units proposed. Nearby residential uses have children that attend City schools.

(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 Comprehensive Plan identifies the need for quality housing that meets the needs of different household types, sizes and incomes. The subject property is conducive for residential purposes as it is situated within an area that is walkable to Desota Park, Boys and Girls Club, Fair Street School, community churches and employment opportunities. Development along Mill Street corridor has mostly been limited to single-family homes. The existence of commercial and industrial is expected to remain along Athens Street due to the nearby railroad and its proximity to the intersection of E.E. Butler Parkway and Martin Luther King, Jr. Boulevard.

(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?

Based on the Comprehensive Plan and the adjacent mixture of uses, the proposed rezoning request with the recommended conditions appears to reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to unrestricted use of property.

▪ **Staff Recommendation**

The Planning Division staff is recommending **conditional approval** of this rezoning request based on the Comprehensive Plan and the adjacent mixture of uses.

Conditions

- 1. The proposed duplex structures shall be generally consistent with the standards depicted on the pictures provided with this application not to exceed a maximum of 1.5 stories in height with a minimum 3:12 pitched roof. The exterior walls shall**

consist of cementitious siding materials with a minimum 3-foot high brick water table on the front and side exterior walls of the structure. In addition, each unit shall include a covered front porch.

2. The developer shall provide for a frontage landscape area along Athens Street which may include trees/shrubs and a decorative fence consisting of brick, wrought iron, aluminum or vinyl materials not to exceed 4-feet in height. The location, spacing, size and type of trees/shrubs planted and fence shall be subject to Community Development Department Director approval.
3. All driveway locations shall be submitted for review by the Gainesville Public Works Director, and approval of said design shall be required prior to issuance of a building permit. Any required access/traffic/sidewalk improvements associated with the proposed development shall be at the full expense of the developer/property owner.
4. An updated survey/plat of the subject properties shall be recorded prior to obtaining a Certificate of Occupancy.



Applicant:

KRM 2016, LLC

Gainesville Community Development Department

REZONING REQUEST

-  Subject Property
-  Right-of-Way to be Rezoned



0 60 120 180 240 Feet

1" = 100'



Request:

Rezone from R-II and H-I to R-II for five residential duplexes

Subject Area Address:

827, 831 & 851 Athens Street, SE

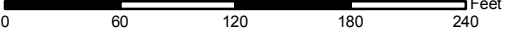
Meeting: 11/13/2018

Prepared: 10/24/2018

Tax Parcel:

01-034-006-009 and 010; 01-034-001-009



Applicant:		Gainesville Community Development Department	
KRM 2016, LLC			
REZONING REQUEST			
	Request:	 Subject Property and Right-of-Way to be Rezoned	
	Subject Area Address:	Aerial from 2015	
	827, 831 & 851 Athens Street, SE		
	Meeting: 11/13/2018		
Prepared: 10/24/2018	Tax Parcel:		1" = 100'
		01-034-006-009 and 010; 01-034-001	

827, 831, 851 SE Athens Street

Redevelopment Narrative

The redevelopment project located at the corner of SE Athens Street and Mill Street contains 3 properties. The legal addresses are 827 SE Athens Street, 831 SE Athens Street, and 851 SE Athens Street. 827 Athens Street contains .094 acres or 4,096 square feet. 831 Athens Street contains .217 acres or 9,433 square feet. 851 Athens Street contains .544 acres or 23,696 square feet. The application for rezoning is to allow 5 single family duplexes (10 units total). The main purpose for this development is to provide affordable quality housing for residents of Gainesville. The zoning change request is from Heavy Industrial to R2.

This proposal is compatible with the purpose and intent of the Comprehensive Plan. As Mill Street is predominately residential and currently walkable in design, there will be no excessive impact or burden to public facilities and services. Individual units (around 1100 sf) will have 2 bedrooms thus attracting a rental market of older couples, newlywed couples, and single adults. All units will face Mill Street. The tenants will enter and exit on Mill St. with the exception of 2 of the 10, they will exit on Athens St. All parking is contained inside each lot because driveways are sufficient enough to not require on street parking. The buildings will be 1 story with fiber-cement lap siding on all 4 sides (a consistent look with existing homes) and 2 parking spaces per unit.

Public facilities, schools, water and sewer, police and fire, etc are all adequate to serve this development. Refuse containers will be properly screened and lighting will be controlled as to not adversely affect others. The height and size of the buildings is consistent with surrounding properties. The desire is to give the development an architectural style reminiscent of the houses currently exhibited on the street. Gainesville is in need of housing close to downtown. While single family houses and apartments are the most common developments, middle housing like duplexes are under-developed.



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The New Orleans Shotgun House | a...

archi-dinamica architects, llc - WordPress.com

Four-Bay Double Shotgun

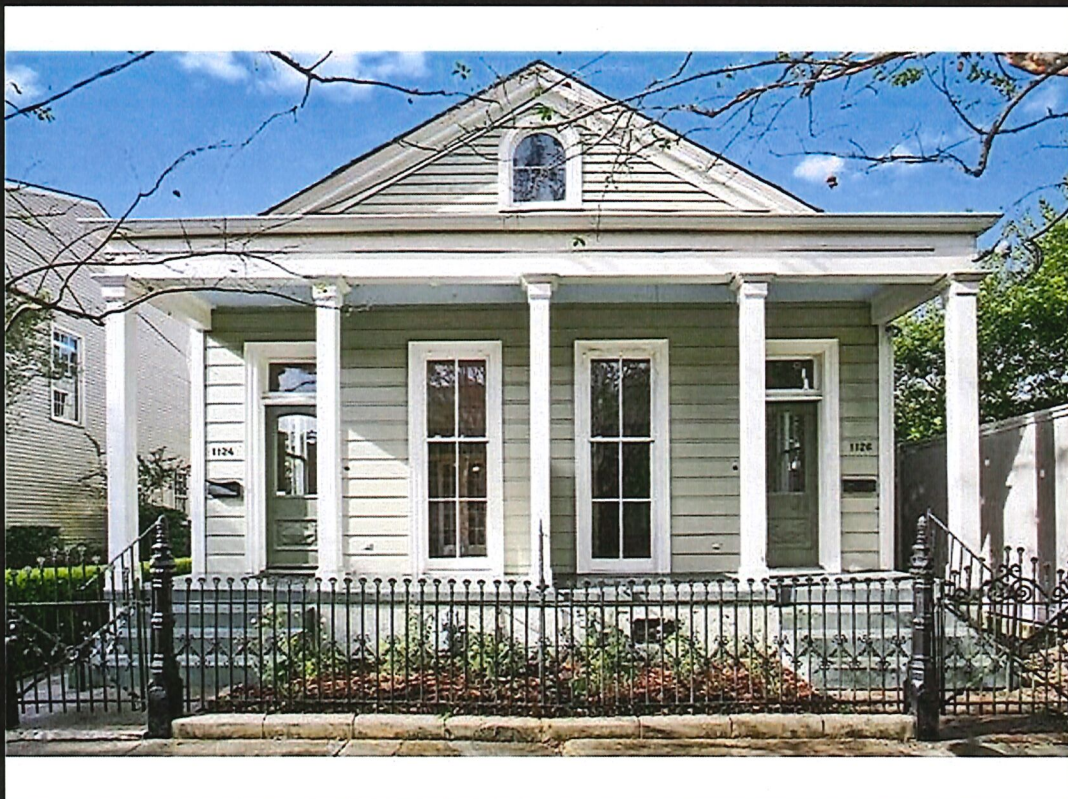
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COMMENT FORM

Date: October 30, 2018

From: Margaret Osborne
772 Fair Street

Request: KRM 2016, LLC
827, 831 and 851 Athens Street

Received By: Judy Foster

Mrs. Osborne called about a public notice letter she received in the mail and asked for clarification of the request. After the proposal was explained to her, she stated she would not be able to attend the public hearing but felt the rezoning from heavy industrial to residential on the north side of Athens Street was appropriate as requested by the applicant. However, she felt the south side of Athens Street should remain commercial (not a part of the request). She asked that her comments be made available to the Board.

CITY OF GAINESVILLE

AGENDA REQUEST

Date Submitted: 10/24/2018

Presenter: Mate Tate

Item of Business: Request from **Southeastern Land Solutions, LLC** to amend the existing Planned Unit Development (P-U-D) zoning on a 1.34± acres tract located on the northwest side of the intersection of McEver Road and Stephens Road (a/k/a **0 McEver Road, SW**).
Ward Number: Four
Tax Parcel Number(s): 08-042B-000-180
Request: Five single-family lots

Meeting Date: 11/13/2018

Purpose of Request:

The applicant is proposing to amend part of an existing Planned Unit Development which was approved in 1999 and developed for the 177 lot Copper Springs subdivision. The subject property was to serve as a small neighborhood retail center but was never constructed. The applicant is proposing to include the subject property as part of a future 112-lot single-family home and 75 unit townhome development that recently received annexation/zoning approval within the City of Oakwood. Specifically, the property will be developed with five single-family lots but would remain in the City of Gainesville. The property is located within the Gateway Corridor Overlay Zone and the adjacent uses include single-family homes, gas station and undeveloped land.

History/Background:

Facts & Issues for Consideration:

Department Recommendation:

Staff recommended approval with four conditions. See 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 Report	Report
☐ Location Maps	Backup Material
☐ Narrative	Backup Material
☐ Survey	Backup Material
☐ Site Plan	Backup Material
☐ Architectural Renderings	Backup Material
☐ Letter from Gainesville City Schools	Backup Material

**GAINESVILLE PLANNING and APPEALS BOARD
STAFF RECOMMENDATION**

Applicant and Property Owner..... Southeastern Land Solutions, LLC
Location..... 0 McEver Road, SW
Request..... Amend Planned Unit Development
(P-U-D) zoning
Size 1.34± acres
Ward..... Four
Proposed Use..... Five single-family lots
Planning Division Staff Recommendation **Approval, with conditions**
Date..... November 13, 2018

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

The applicant is proposing to amend the existing Planned Unit Development (P-U-D) zoning on a 1.34± acres tract to allow five single-family lots instead of a small neighborhood retail center. The subject property is currently within the city limits of Gainesville and was part of a larger planned development which includes the adjacent 177 lot Copper Springs Subdivision. The purpose of the request is to allow the subject property to be made part of the adjacent/future “Brannon Ridge” development recently annexed into Oakwood. The development is to consist of 112 single-family lots and 75 townhomes.

Each home will not exceed two stories in height with two-car garages on minimum lot sizes of 4,800 square feet (40' wide x 120' deep). The architecture of the single-family homes will have a craftsman style consisting of an earth tone color palate, a mixture of masonry materials, accented by wood trim, fiber cement siding, glass and metal building materials on the front elevations giving each and every home a signature look for Brannon Village. The side elevations will consist of a masonry water table up to 30” tall with the balance being of fiber cement siding. The rear elevations will consist of fiber cement siding to compliment the rest of the architectural features of the homes. Approximately 2.65± acres within the entire development will be useable green space. Buffers are to include a 15' landscape strip around the rear and side adjacent to residential properties, a 25' landscape strip around the entire frontage of the property fronting all three roads. Amenities are to include a swimming pool and clubhouse, a common mail kiosk, sidewalks throughout the community, and common storm water management facilities. Access to the subject property is proposed through the subdivision from Waverly Way which is a County road.

▪ **Adjacent Land Use and Zoning**

Location	Use	Zoning
North	Copper Springs Single-family Sub.	Planned Unit Development (P-U-D) - City
South	Gas station	Commercial-1 (C-1) - Oakwood
East	Undeveloped land	Commercial-1 (C-1) - Oakwood
West	Single-family homes	Residential-I (R-I) - County Future Planned Unit Development (P-U-D)- Oakwood

▪ **Other Departmental Comments**

The Gainesville Public Works Department states that all right-of-way, streets and solid waste pick-up should remain private.

The Gainesville Fire Department states that access to the City portion of the development would be a concern. The roadways should be built to City of Gainesville standards. Otherwise access will be necessary from McEver Road. There could also be some service delivery issues with the fire departments regarding jurisdiction with only five lots being covered by Gainesville and the rest covered by Hall County.

A letter from the Gainesville City School System was provided for this request which is included as an attachment. In summary, the letter states the proposed project would create a dually-served subdivision with Gainesville City School System students in the cul-de-sac and Hall County School System students in the remaining residences. The transportation logistics for serving both school systems are not feasible, if residences include school-age children. The applicants and subsequent home buyers should have official notifications of the school systems' zones of responsibility.

Zoning History

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

2016 – A request by Butler Property, LLC to amend a 92.06± acres portion of a Planned Unit Development located at 3035 Old Oakwood Road and 3523 Mountain View Road was approved with conditions for single-family homes, multi-family apartments, office/warehouse and commercial uses.

2011 – A request by ACR Property Services, LLC to amend the zoning conditions for a 105.51± acres tract located within the Mundy Mill development at 0 Mundy Mill Road; 2975 Mountain View Road SW; and 3755 Meeks Drive SW zoned Planned Unit Development (P-U-D) was approved to amend conditions 17 and 18 to reduce the minimum square footage for apartments.

2011 – A request by Butler Property, LLC. to amend the zoning conditions for a 65.425± acres tract located within the Mundy Mill development at 2975 Mountain View Road SW; and 3755 Meeks Drive SW zoned Planned Unit Development (P-U-D) was approved to amend conditions 17 and 18 to reduce the minimum square footage for apartments.

2010 – A request by the City of Gainesville to amend the zoning conditions for a 605.0± acres tract known as the Mundy Mill development zoned Planned Unit Development (P-U-D) was approved to amend conditions 1, 2, 4, 5, 11, 16, 17, 22, 23, 25, 28 and 29 for better clarification.

▪ **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 the northwest side of the intersection of McEver Road and Stephens Road and is located within the Gateway Corridor Overlay Zone. The proposed five single-family lots appear to be suitable with the existing and planned single-family properties located adjacent to the property. However, the property would also be suitable for its current approved use as a small neighborhood retail center considering its proximity to a commercial intersection.

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

The proposal should not adversely affect the existing use or usability of the adjacent property which includes property zoned for both residential and commercial purposes. Specifically, the proposed five lots will be sufficiently buffered from the adjacent Copper Springs subdivision located within Gainesville. As well, access will be limited through the adjacent planned residential development in Oakwood.

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

The Gainesville 2030 Future Development Map 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 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?

Presently, the subject property is zoned Planned Unit Development (P-U-D) and is zoned for a small neighborhood retail center which now seems less desirable considering the adjacent planned residential development. The property is planned as part of an overall 34.35± acres development within Oakwood to include a mixture of single-family detached homes and attached townhomes. If the request were to be denied, the applicant would be required to redesign the proposal to include the property as a neighborhood scale retail center.

(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 change of use from commercial to residential will be somewhat burdensome in regards to the maintenance of streets, storm water, solid waste pick up, public safety and schools. Given the location of the property and its planned access, public services other than water and sewer would be best provided privately or by the City of Oakwood.

Both the Fire and Police Departments respond to properties located in the adjacent Copper Springs neighborhood which is more easily accessible directly from McEver Road. The closest fire stations include Gainesville Fire Station #4 located 4.0± miles off of Memorial Park Drive

and Hall County Fire Station #4 located 2.5± miles off of McEver Road. The City and County have an automatic aid agreement which allows the city or county to respond first in the event of a fire or medical emergency. There could be some service delivery issues with the fire departments regarding jurisdiction with only five lots being covered by Gainesville and the rest covered by Hall County.

Should the future residents have school-age children, there would be a moderate increase to the Gainesville City School System including the need to bus the school aged children. This would be more demanding as access to the property is not within an existing bus route and is not feasible according to the Gainesville City School System.

(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 subject property is unique in that it is positioned between three merging jurisdictions of Gainesville, Oakwood and Hall County. As well, the property is located adjacent to both residential and commercially zoned property. The Gainesville Future Development Map places the subject property within the *Mixed Use General* land use category allowing for both non-residential and residential uses which still seems appropriate for the property.

(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?

Based on the Comprehensive Land Use Plan and the surrounding mixture of land uses, the proposed residential use appears to be allowable but presents some logistical challenges regarding public services due to its limited access. Therefore, the conditional proposal appears to reflect a balance between the promotion of the public health, safety, morality, or general welfare and the right to unrestricted use of property.

▪ **Staff Recommendation**

The Planning Division staff is recommending **conditional approval** of this zoning amendment request based on the comprehensive plan and the adjacent residential use.

Conditions

1. The proposed single-family homes shall be generally consistent with the standards depicted on the concept plan and architectural elevations provided with this zoning amendment application.
2. The City of Gainesville shall assume no responsibility to provide for the maintenance of streets, solid waste pickup and/or stormwater management, due to the subject property's limited access through the jurisdictions of Hall County and the City of Oakwood. The owner/developer expressly consents to this rezoning condition.
3. In the event that the owner/developer sells any of the lots within the subject property, the owner/developer shall provide written notification within each deed of sale for of the preceding condition that the City of Gainesville shall not be responsible for the maintenance of streets, solid waste pickup and/or stormwater management.
4. The subject property shall be limited to five (5) age-restricted single-family lots for seniors 55 years of age and up. 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.



Applicant:
SOUTHEASTERN LAND SOLUTIONS, LLC

ZONING AMENDMENT REQUEST



Request:

Amend existing P-U-D zoning
to allow five single-family lots

Subject Area Address:

0 McEver Road

Meeting: 11/13/2018

Prepared: 10/22/2018

Gainesville Community Development Department

 Subject Property

0 180 360 540 720 Feet

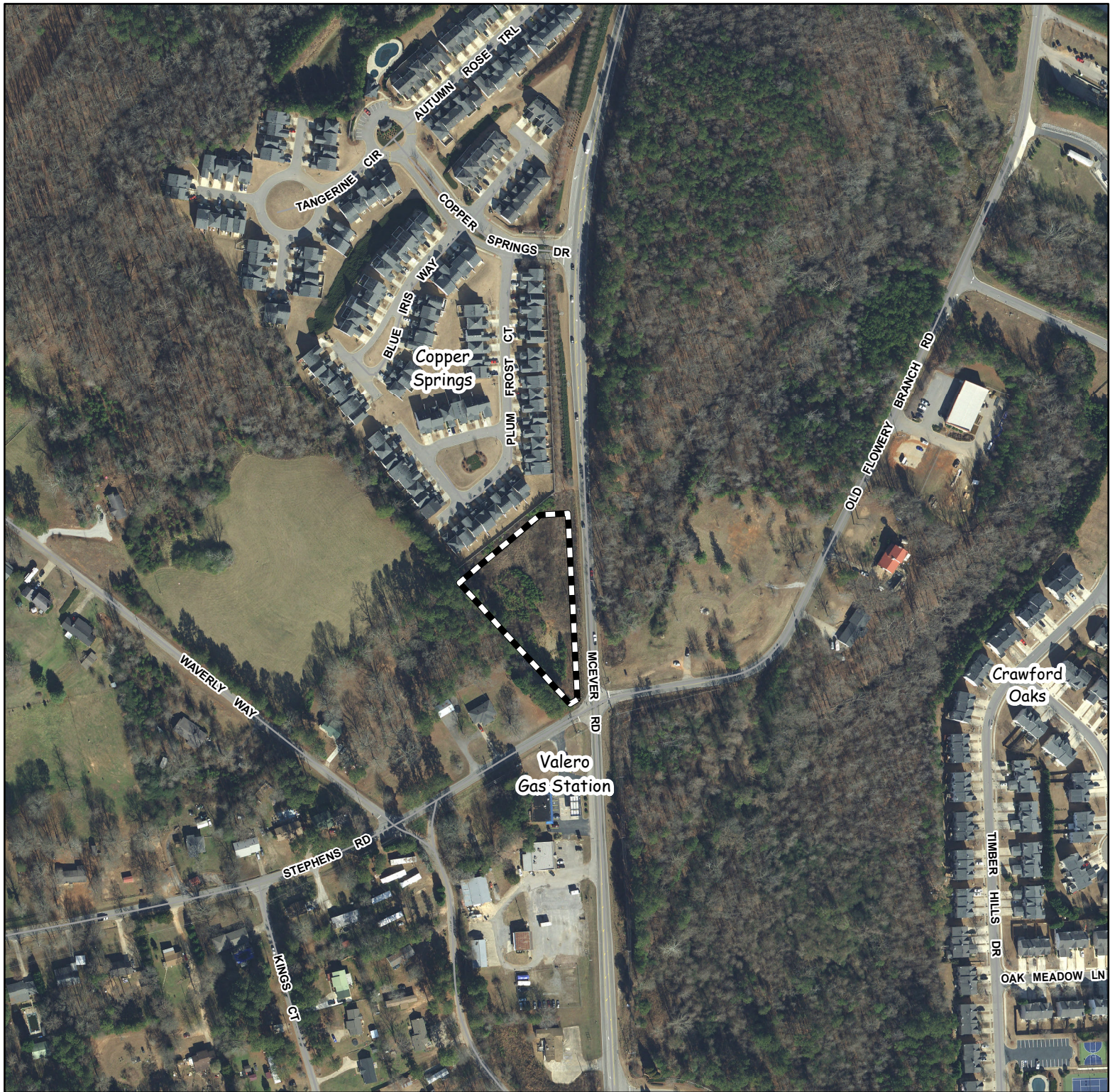


1" = 300'

Tax Parcel:

08-042B-000-180

Page 29 of 37



Applicant:
SOUTHEASTERN LAND SOLUTIONS, LLC

ZONING AMENDMENT REQUEST



Request:

Amend existing P-U-D zoning
to allow five single-family lots

Subject Area Address:

0 McEver Road

Meeting: 11/13/2018

Prepared: 10/22/2018

Gainesville Community Development Department



Subject Property

Aerial from 2015

0 180 360 540 720 Feet



1" = 300'

Tax Parcel:

08-042B-000-180

Page 30 of 37

October 5, 2018
Revised on October 17, 2018

Mayor and City Council Members
c/o Rusty Ligon
Community Development Director
City of Gainesville, GA
PO Box 2496
Gainesville, GA 30503

**Re: Amendment to Zoning Application
 Copper Springs – Ordinance No. 99-34
 Hall County Tax Parcel: 08042B000180**

Mayor and City Council Members,

On behalf of Southeastern Land Solutions, LLC (the "Applicant") we are submitting this Amendment to Zoning Application (the "Application") to the City of Gainesville, GA (the "City") for the proposed residential development called Brannon Ridge located on real property commonly identified as Hall County Tax Parcel 08042B000180 consisting of approximately ± 1.34 acres (the "Subject Property"). The Subject Property is currently part of the Copper Springs residential development and it is the understanding of the Applicant that the Subject Property was reserved as the commercial component of that community.

Given that the commercial component of the Copper Springs community was never constructed, the Subject Property went into a receivership situation and was purchased by the current land owner, John Cauthen. Mr. Cauthen is under contract with the Applicant to sell the Subject Property along with several other parcels that he owns along Stephens Road and Waverly Way which will all be located in the master planned Brannon Ridge residential community consisting of approximately ± 34.35 acres.

All of the proposed lots shown on the Subject Property are located within the city limits of the City, and conversely the balance of the lots not located on the Subject Property are all located within the City of Oakwood, GA ("Oakwood"), subject to rezoning and annexation by Oakwood.

Our proposed development, Brannon Ridge, is a proposed Oakwood zoned PRD residential community consisting of (112) single family lots that are a minimum of 40' wide, (75) townhouse units that are 24' wide by 50' deep, approximately ± 2.65 acres of useable Green Space, a 15' Landscape Strip around the rear and side adjacent to residential properties, a 25' Landscape Strip around the entire frontage of the property fronting all three roads, a Swimming Pool and Clubhouse, a common Mail Kiosk, sidewalks throughout the community, and common stormwater management facilities.

The architecture of the single-family homes and the townhouses will have a craftsman style consisting of an earth tone color palate, a mixture of masonry materials, accented by wood trim, fiber cement siding, glass and metal building materials on the front elevations will give each and every home a signature look for Brannon Village. The side elevations will consist of a masonry water table up to 30" tall with the

balance being of fiber cement siding. The rear elevations will consist of fiber cement siding to compliment the rest of the architectural features of the homes.

The Applicant believes that Brannon Ridge will be a unique PRD residential community in the City and in Oakwood that meets the needs of the booming demand for residential housing options as identified in the Oakwood 2017 Comprehensive Plan. Young professionals are returning home along with new students attending the University of North Georgia, and the empty nesters who simply wants to down size and stay near their beloved family members, are all viable residents of this proposed residential community. The swimming pool and the connecting sidewalks in the community will provide opportunities for the residents to exercise. The fully landscaped street frontages and provide a complete look and feel to this development.

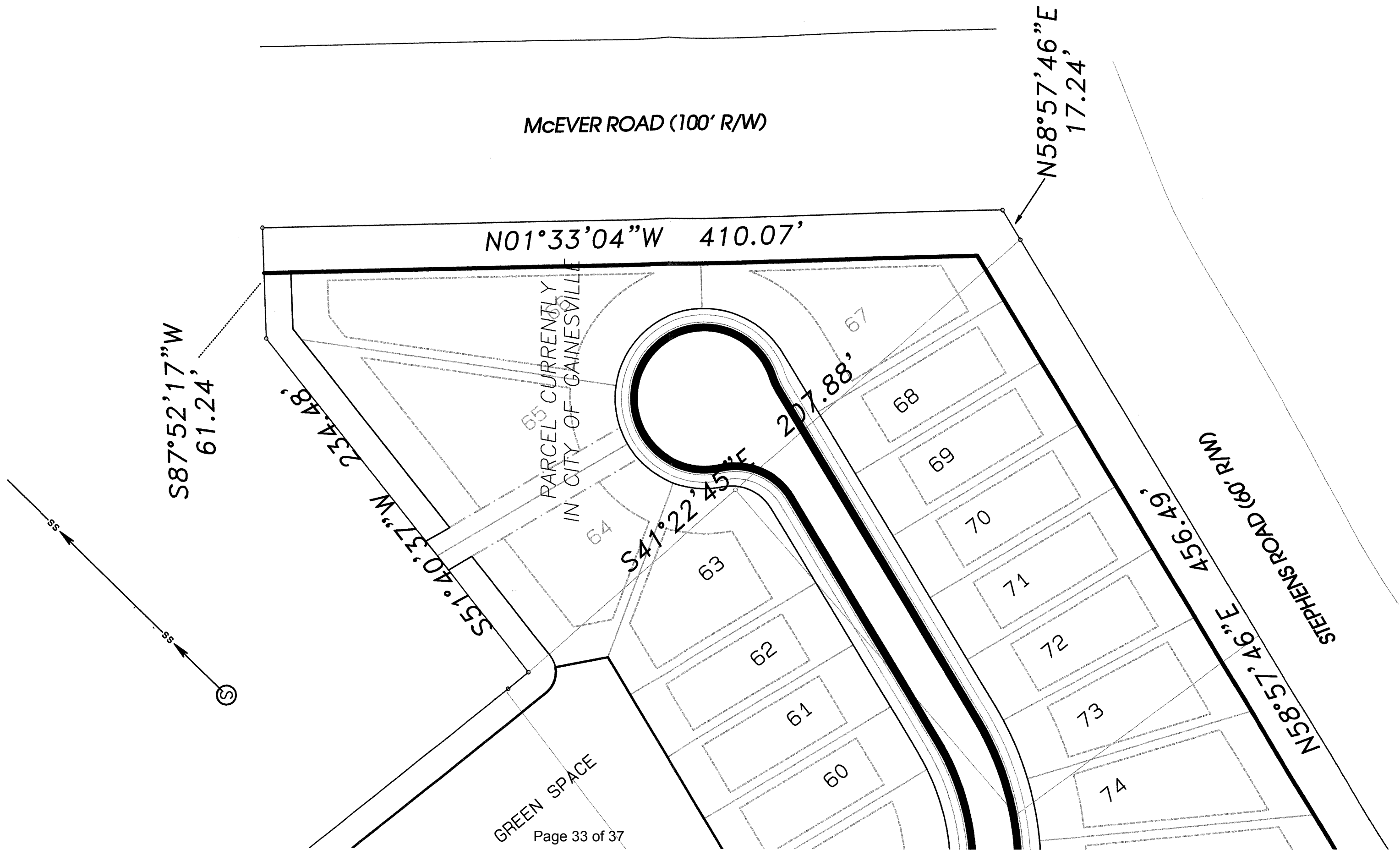
We respectfully request the City to grant approval of this Application for the amendment to zoning of the Subject Property in the City and as part of the Copper Springs community. We are happy to meet with the City and its staff members to further discuss the merits of this request and will provide additional information upon request.

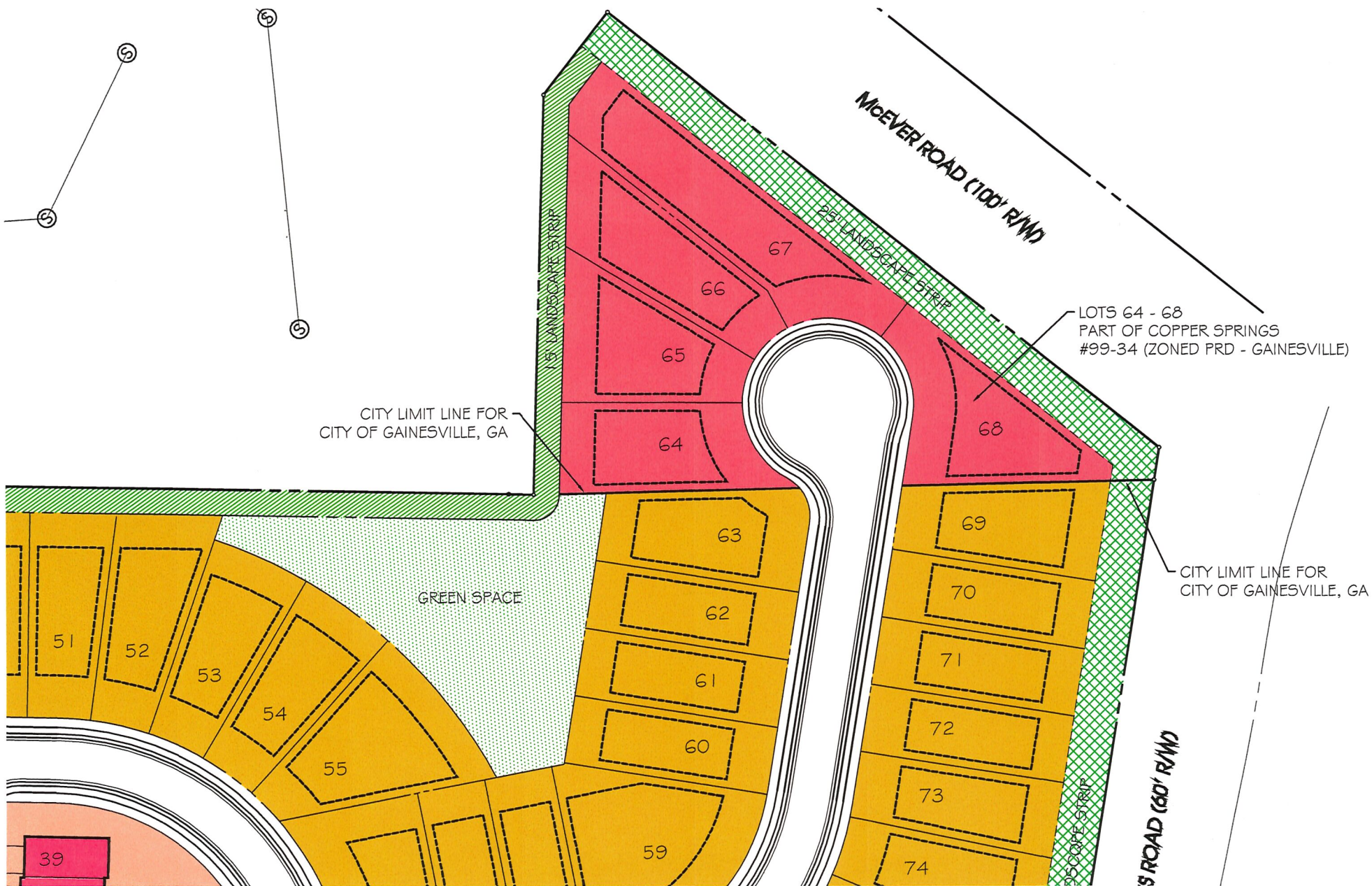
Sincerely,

Eric Johansen, RLA
Agent for the Applicant

Cc: Southeastern Land Solutions, LLC
File

Attached: Ordinance No. 99-34
Conceptual Site Plan of Brannon Ridge







Board of Education
John Filson, Chair
Willie Mitchell, Vice Chair
Sammy Smith, Treasurer
Dr. Heather Ramsey, Board Member
Andy Stewart, Board Member



Jeremy H. Williams, Ed.D.
Superintendent

GAINESVILLE CITY SCHOOL SYSTEM

***ONE GAINESVILLE:** We will **inspire, nurture, challenge,** and **prepare** our students.*

October 31, 2018

Gainesville Planning & Appeals Board:

The application of Southern Land Solutions, LLC indicates a dual-municipality challenge with residences proposed inside and outside the corporate limits of Gainesville. Upon reviewing the public documents, our comments follow:

- The Gainesville City Board of Education decided to allow the Tax Sharing Agreement with Hall County School System to expire in June, 2018. It is the Board's intent to work with the City of Gainesville and Hall County School System to reduce dually-served housing, such as subdivisions and apartment/townhome developments.
- The proposed project would create a dually-served subdivision with Gainesville City School System students in the cul-de-sac and Hall County School System students in the remaining residences. The transportation logistics for serving both school systems are not feasible, if residences include school-age children. The applicants and subsequent home buyers should have official notifications of the school systems' zones of responsibility.
- The proposed project includes 112 single-family homes and a 75-unit townhome development. Of the residences, only 5 single family homes are in the City of Gainesville, resulting in 2.7%.

Thank you.

Gainesville City Board of Education