

**GAINESVILLE PLANNING AND APPEALS BOARD
MINUTES OF MEETING
JULY 14, 2020**

CALL TO ORDER Vice-Chair Fleming at 5:30 p.m.

Members Present: Vice-Chair Jane Fleming and Board Members Rich White, Kelvin Simmons, Eddie Martin, Ryan Thompson and Carmen Delgado

Members Absent: Chairman Doug Carter

Staff Present: Community & Economic Development Deputy Director Matt Tate and Recording Secretary Gwen Fleming

Others Present: Council Member Barbara Brooks

MINUTES OF JUNE 9, 2020

Motion made by Board Member Thompson

Motion seconded by Board Member White

Vote – 6 favor, 1 absent (Carter)

NEW BUSINESS

A. Annexation Requests

- 1) Request from **Mauricio Ortega** to annex a 0.51± acre tract located on the south side of Cherrywood Drive, west of Cherry Circle (a/k/a **23 Cherrywood Drive**) and to establish zoning as Residential-I (R-I).

Ward Number: Four

Tax Parcel Number(s): 08-015-002-011

Request: Sewer for a single-family home

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

The applicant is proposing to annex the subject property in order to utilize sewer for a single-family home that was recently permitted in Hall County.

The property is adjacent to the city limits to the south and is zoned Residential-I (R-I) within unincorporated Hall County.

The subject property is a partially wooded lot and has access to Cherrywood Drive.

Adjacent uses include single-family homes located within Hall County as well as City owned property that contains sewer utilities and a pump station zoned for light industrial purposes within the city limits.

The proposed home is approximately 2,193 square feet with one access driveway from Cherrywood Drive.

The Future Development Map for the City of Gainesville places the property within the Low-Medium Density Residential land use category and is within the Suburban Residential Character Area which includes low-density to medium-density residential uses.

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: None

FAVOR: None

OPPOSE: None

Planning and Appeals Board Comments: None

There was a motion to recommend approval of the annexation request with Residential-I (R-I) zoning as presented.

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

- 2) Request from **1430 Calvary Church Rd LLC** to annex a 0.46± acre tract located on the west side of Calvary Church Road, southwest of its intersection with Calvary Drive (a/k/a **1442 Calvary Church Road**) and to establish zoning as Light Industrial (L-I).
Ward Number: Three
Tax Parcel Number(s): 15-035-000-001
Request: Granite South warehouse addition

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

The applicant is proposing to annex the subject 0.46± acre property to expand the existing Granite South business which fabricates granite and cabinets. Adjacent uses include mostly industrial uses within Gainesville and Hall County, residential uses located across Calvary Church Road in the County and land owned by the Gainesville Area Park Commission which includes the Elachee Nature Science Center. The subject property contains a vacant single-family home that will be demolished for a 19,500± square foot warehouse addition. The addition will extend from the existing 10,000 square foot office/warehouse building which is located on the larger adjacent property currently within the city limits. The intent is to combine the properties under one jurisdiction. The existing driveway will be redesigned and additional parking will be provided off of Calvary Church Road which is a County maintained road.

The Future Development Map for the City of Gainesville places the property within the Industrial land use category and the property is located within the Economic Development Gateways character area which includes a wide range of office, business, supportive commercial, light industrial, manufacturing, research and development uses.

The Planning Division staff is recommending conditional approval of the proposed annexation request with Light Industrial (L-I) zoning, based on the Comprehensive Plan and the adjacent non-residential land uses.

Applicant Presentation: Bradley Rush, 5351 Mt. Vernon Road, stated the property was purchased at the beginning of the year and they have been updating and renovating the current warehouse. He stated this will be a better use of the space which is an industrial area and really needs the space.

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 and to establish zoning as Light Industrial (L-I) with the following conditions:

Conditions

- 1. An updated as-built boundary survey/plat of the subject property, combining the subject property with the adjacent 1430 Calvary Church Road property and indicating all improvements required for the proposed use, shall be recorded prior to obtaining a Certificate of Occupancy.**
- 2. A minimum 3-foot high water table consisting of stucco, brick or rock material shall be required on the exterior front wall of the proposed building.**

Motion made by Board Member White

Motion seconded by Board Member Delgado

Vote – 6 favor, 1 absent (Carter)

NOTE: The annexation and rezoning requests by the Gainesville City Board of Education were presented together although the motions were made separately.

- 3) Request from the **Gainesville City Board of Education** to annex a 5.934± acres tract located on the east side of Gould Drive between McEver Road and S Smith Road (a/k/a **2550 and 2560 Gould Drive**) and to establish zoning as Office and Institutional (O-I) with a special use.

Ward Number: Four

Tax Parcel Number(s): 08-015-009-001 & 001B

Request: New Middle School / Existing single-family home

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

The Gainesville City Board of Education is proposing to develop a 22.6± acres tract of land for a second middle school campus. As well, part of the proposal includes special use approval to allow an existing single-family rental home to remain. As a reminder, the proposed middle school is permitted within any zoning district as it is considered a public use. The intent is to bring all of the parcels under one jurisdiction with a zoning of Office and Institutional (O-I). Overall, the property includes an assemblage of four parcels located east of Gould Drive and south of McEver Road, directly across from the older Free Chapel church campus. The properties are mostly wooded with the exception of the single-family

home. The adjacent uses include single-family homes in the County located along Gould Drive, three churches and undeveloped property.

The first part of the request involves annexing two parcels consisting of 5.934± acres with O-I zoning with a Special Use. The second part of the request involves rezoning two parcels consisting of 16.67± acres from R-I to O-I. The proposed middle school is designed to have a maximum enrollment of 1,275 students with a 125 staff including teachers. The development includes a two-story, 183,400 square foot building, multi-purpose field with field house and bleachers. Primary access is proposed off of McEver Road for parent drop-off/pick-up, buses and visitors. The school will operate with 14 buses. Secondary access is proposed off of Gould Drive which is a County maintained road and is for school staff including teachers. Coordination for access will be required with the Georgia Department of Transportation (GDOT) Gainesville Public Works and Hall County. An Intersection Control Evaluation was completed for the proposal for the proposed full access driveway on McEver Road. The findings of the study are summarized within the staff report.

Future Development Map for the City of Gainesville places the subject property within the *Mixed-Use General* land use category and within the *Suburban Residential* Character Area. This category includes low-density residential, medium-density residential, multi-family residential, public / institutional, commercial, and parks / recreation / conservation, mixed-use.

The Planning Division staff is recommending conditional approval of this annexation request with a special use and rezoning request with a zoning of Office and Institutional (O-I) based on the Comprehensive Plan and the adjacent and nearby mixture of uses.

Applicant Presentation: Jeremy Williams, 741 Chattahoochee Place, stated Gainesville Middle School currently houses over 1,800 students that was built for less than 1,500. He said all growth over the last decade has been on the southwest side of the city. He stated this would alleviate Mundy Mill elementary school, Gainesville Exploration Academy as well as a portion Centennial Arts Academy. He also said the timeline proposed is the end of this calendar year or first of next year and they agree with all the conditions.

FAVOR: None

OPPOSE: None

Planning and Appeals Board Comments: Vice-Chair Fleming reminded the Board to vote on the requests separately and in order it was presented.

There was a motion to recommend conditional approval of the request to annex the subject property and to establish zoning as Office and Institutional (O-I) with a special use to allow an existing single-family home to remain with the following conditions:

Conditions

1. The owner/developer shall screen the proposed buildings, parking lots, dumpster pad and stormwater facilities from the adjacent single-family homes located at 2550 and 2590 Gould Drive with a mixture of evergreen trees. The location, spacing, size and type of trees planted shall be subject to the approval of the Director of the Community and Economic Development Department.

2. Prior to a permit being issued for the proposed use, a Traffic Impact Study (TIS) shall be required by the developer/property owner to further study access improvements along Gould Drive. The scope of the study shall be determined by the Gainesville Public Works Department Director.
3. All access point design for the subject property shall be submitted for review by the Gainesville Public Works Director in coordination with Hall County and the Georgia Department of Transportation (GDOT). The approval of said design shall be required prior to issuance of a building permit. All required access/traffic/sidewalk improvements associated with the proposed development shall be at the full expense of the developer/property owner. As determined by the Public Works Director, the proposed sidewalk shall connect with the existing sidewalks along McEver Road.
4. The proposed signs shall adhere to Office and Institutional (O-I) zoning standards except that an internally illuminated sign may be allowed fronting McEver Road. An electronic message board sign shall not be permitted fronting Gould Drive.

Motion made by Board Member Martin
Motion seconded by Board Member White
6 favor, 1 absent (Carter)

B. Rezoning Request

- 1) Request from the **Gainesville City Board of Education** to rezone a 16.67± acres tract located on the south side of McEver Road, east of its intersection with Gould Drive (a/k/a **1263 and 1279 McEver Road, SW**) from Residential-I (R-I) to Office and Institutional (O-I).
Ward Number: Four
Tax Parcel Number(s): 08-006-001-070 and 08-015-009-020
Request: New Middle School

There was a motion to recommend conditional approval of the request to rezone the subject property from Residential-I (R-I) to Office and Institutional (O-I) with the following conditions:

Conditions

1. The owner/developer shall screen the proposed buildings, parking lots, dumpster pad and stormwater facilities from the adjacent single-family homes located at 2550 and 2590 Gould Drive with a mixture of evergreen trees. The location, spacing, size and type of trees planted shall be subject to the approval of the Director of the Community and Economic Development Department.
2. Prior to a permit being issued for the proposed use, a Traffic Impact Study (TIS) shall be required by the developer/property owner to further study access improvements along Gould Drive. The scope of the study shall be determined by the Gainesville Public Works Department Director.
3. All access point design for the subject property shall be submitted for review by the Gainesville Public Works Director in coordination with Hall County and the Georgia Department of Transportation (GDOT). The approval of said design shall be required prior to issuance of a building permit. All required access/traffic/sidewalk improvements associated with the proposed development

shall be at the full expense of the developer/property owner. As determined by the Public Works Director, the proposed sidewalk shall connect with the existing sidewalks along McEver Road.

- 4. The proposed signs shall adhere to Office and Institutional (O-I) zoning standards except that an internally illuminated sign may be allowed fronting McEver Road. An electronic message board sign shall not be permitted fronting Gould Drive.**

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

D. Zoning Amendment Request

- 1) Request from **OHC Lanier North, LLC** to amend the existing Planned Unit Development (P-U-D) zoning on a 26.16± acres tract located northeast of Dawsonville Highway and on the north side of the intersection of Strickland Drive and Sportsman Club Road, with road frontage on Karen Lane (a/k/a **0 and 2209 Karen Lane; 2106, 2234 and 2242 Sportsman Club Road; and 2049 Strickland Drive**).
Ward Number: One
Tax Parcel Number(s): 00-109-003-001, 004, 005; 00-109B-000-001, 002A and 036
Request: Active adult community and up to four residential lots

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

The applicant is proposing to amend an existing Planned Unit Development (P-U-D) on a 26.16± acres tract to allow for up to four estate lots. The property was previously annexed and zoned Planned Unit Development with sixteen conditions (P-U-D-c) in 2017. The current approved use for the property includes 90 active adult units consisting of terrace homes and townhomes with a community clubhouse and pool. There has been no development at this time.

The intent of this request is to retain the original P-U-D standards and allow the owner the option to subdivide the property into as many as four single family lots. In order to do so, zoning condition #16 will be amended and a new zoning condition #17 is proposed.

The Planning staff is recommending conditional approval of the request by amending following existing zoning condition #16 and the addition of zoning condition #17 as stated:

Applicant Presentation: Tad Braswell, 5256 Peachtree Road, Atlanta, Georgia stated Oak Hall Companies put together and zoned this 26 acres and 188 acres and purchased this portion of the development in 2018. They have been working on the financing which has been challenging. He stated they were approached by a single buyer wanting to build on the lake with a certain view. The buyer would like to build a single-family home on the back of the property, utilize the existing dock and might even want to build more than one house. But the intent for this buyer is to build on 6 to 8 acres and doesn't need 26 acres. There is a first right of refusal in the contract to buy back the balance of the property. Their intent is to have 1 to 4 estate lots in the back six to eight acres and then would buy back the balance of it and develop it. So once this is done we will know more if we develop an attached or detached product and more about the market and best use for it. He stated there are several traffic control and transportation requirements that are conditions of the property that are also conditions of the big piece, so any improvements on Sportsman Club will have to

be done in conjunction with it. He said some of the property is too steep to develop and they will be sensitive to the environment. He stated in the zoning conditions require a minimum square footage for the size of the townhome and they couldn't build anything smaller along with being restricted to retirement/age.

FAVOR: None

OPPOSE: **Teresa Strayhorn**, 2303 Mt. Crest Place, wanted clarification on the property approved for 90 units and is concerned the development is proposing to add 4 residential lots and not adding density which would overcrowd the units in a much smaller area.

Deputy Director Tate read the new zoning conditions again. The developer would submit the development plan to subdivide the property which would probably reduce the overall units to less than a total of 90.

Vice-Chair Fleming stated the developer would need approval from the city and there are conditions in place with the city regarding the size of the square footage if that happened. She also said the board will be glad to give more details after the meeting or answer any questions now.

Cyril Pcolinsky, 2200 Sportsman Club Road, stated he is not in opposition to the proposal but asking for adjustments. He pointed out on a photo the houses seem to be on the bottom side and that area is a large slope and would like to co-exist on R-I zoning and the P-U-D zoning and would propose some transition area between these two zonings. The transition area is specifically on the slope and is asking the developer and City of Gainesville not to build the four units on the slope area. He requested the project be decreased and not build four units on the slope because it would be rear facing sitting directly above their homes.

Brian Pinson, 2254 Karen Lane, stated he would like to know what other modifications would be a part of the development. He was concerned about a traffic signal at Dawsonville Highway and heavy traffic on Karen Lane.

Planning and Appeals Board Comments: Board Member Thompson and Vice-Chair Fleming asked if one estate lot was sold then could the other property still be used for multi-family units such as a retirement community. Mr. Tate stated the intent of the conditions is to retain the ability to develop for the current use but if it were to be subdivided for an estate lot then it could not be developed for more than 90 units. He also stated there is no specific plan as to where the property boundary would be subdivided. Mr. Tate stated the conditions require a signal warrant analysis study for the intersection at Dawsonville Highway and any improvements identified will require approval before any development.

There was a motion to recommend conditional approval of the zoning amendment request to allow up to four estate lots within Planned Unit Development (P-U-D) zoning as presented with the following conditions:

Conditions

Development Standards

1. The development standards within the applicant's narrative, concept plan and architectural renderings shall be made part of the zoning ordinance, and shall be subject to the Community Development Director approval. Any zoning conditions

adopted as part of this zoning ordinance that conflict with the applicant's narrative, concept plan and architectural renderings shall take precedence over the applicant's development standards.

2. The approved use for the property shall be limited to an active adult community for seniors not to exceed 90 terrace homes / townhome units as stated within the applicant's revised concept plan and narrative.
3. The development shall comply with applicable U. S. Department of Housing and Urban Development (HUD) rules for age-restricted communities. The organization established for the management of the development shall comply with HUD rules for verification of occupancy and shall maintain procedures for routinely determining the occupancy of each unit. Such procedures may be part of a normal leasing or purchasing agreement and must provide for regular updates as required by HUD.
4. A minimum 50-foot perimeter buffer shall be required against all adjacent roads and the adjacent private properties. The exterior 25 feet of this perimeter buffer will be undisturbed, except where disturbance is required for erosion control, storm water management, or the installation of utilities; the interior 25 feet of this buffer may be graded and replanted. Any additional plantings required will be in accordance with City of Gainesville's Buffer Standards. The Community Development Director shall have the final determination on the number, location and type of trees to be planted, as required by Article 9-16 of the Unified Land Development Code.
5. The minimum heated floor space for the terrace homes / townhomes shall be 1,100 square feet.
6. Covenants shall be put in place by the developer restricting against the parking of boats, trailers, and campers within driveways.
7. The proposed amenity clubhouse shall include a minimum 3:12 roof pitch and exterior facade materials shall be similar in architecture to the proposed terrace homes / townhomes.
8. A Uniform Sign Plan as identified within Section 9-18-7-4 of the Unified Land Development Code shall be required from the developer and is subject to approval by the Gainesville Community Development Director. All signs associated with residential uses shall be limited to indirect lighting. All signs shall be located outside of utility areas and shall not block visibility of vehicular traffic.
9. The proposed erosion control and water quality measures for the development shall at minimum meet the Georgia Storm Water Management Manual requirements. Storm water management for the development must provide water quality treatment for no less than 110% of the State required treatment volume. The City of Gainesville shall approve the final design of all water quality measures.

Transportation / Traffic

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

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

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

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

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

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

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

- 13. Prior to the issuance of a land disturbance permit, the intersection of Strickland Drive, Karen Lane and the new access road to the proposed development shall be redesigned to include realignment for better traffic circulation, and to meet current roadway design criteria. The improvements shall be completed prior to permitting direct access from the development onto Karen Lane and Strickland Drive and prior to the construction of the most northern Pod of terrace and cottage homes. All costs associated with the improvements shall be at the full expense of the developer.**

- 14. All new streets shall meet the standards within the current Gainesville Unified Land Development Code. All proposed residential uses and amenities shall provide for pedestrian connectivity throughout the development. All costs associated with the improvements shall be at the full expense of the developer.**

- 15. Prior to the issuance of a land disturbance permit, the developer shall seek documentation from Hall County to verify that no improvements will be required to the intersection of Sportsman Club Road and Strickland Drive.**

- 16. Access to the development shall be from either Strickland Drive or Karen Lane. In the event that the property owner/developer utilizes the property for one, single-family residence, then a driveway to service only such residence shall be allowed from Karen Lane. No other driveways for individual lots shall be allowed onto Sportsman Club Road, Strickland Drive or Karen Lane.**

- 17. All conditions above which pertain to the overall development and subdividing of the property shall be enforced at such time as the property owner/developer requests a Land Disturbance Permit to subdivide the property into more than 4 residential lots. In no case shall the total number of proposed homes exceed 90 units.**

Motion made by Board Member Martin
Motion seconded by Board Member White
Vote – 6 favor, 1 absent (Carter)

ADJOURNMENT

There was a motion to adjourn the meeting at 6:20 p.m.

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

Respectfully submitted,

Jane Fleming, Vice-Chair

Gwen Fleming, Recording Secretary