

**GAINESVILLE PLANNING AND APPEALS BOARD
MINUTES OF MEETING
SEPTEMBER 8, 2020**

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

Members Present: Chairman Doug Carter, Vice-Chair Jane Fleming and Board Members Rich White, Kelvin Simmons, Eddie Martin and Carmen Delgado

Members Absent: Board Member Ryan Thompson

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

Others Present: Council Members Barbara Brooks and George Wangemann

MINUTES OF AUGUST 11, 2020

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

NEW BUSINESS

A. Annexation Requests

- 1) Request from **Packaging Specialties of GA** to annex a 4.16± acres tract located on the southwest side of Murphy Boulevard at its terminus (a/k/a **0, 2390 and 2400 Murphy Boulevard**) and to establish zoning as Light Industrial (L-I).
Ward Number: Five
Tax Parcel Number(s): 08-007-003-008J and 030; 08-008-000-040
Request: Utility improvements

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

The applicant is proposing to annex the subject property for a water meter upgrade. There is no other change in use proposed. The property is adjacent to the city limits to the south and west and is zoned Light Industrial (I-I) within unincorporated Hall County. The surrounding uses include industrial uses and undeveloped land both within the City of Gainesville and Hall County. The subject property consists of three tracts and is the location of Packaging Specialties of Georgia which produces flexographic printing and packaging for commercial products. The existing building is approximately 68,500 square feet in size and has been expanded three times since it was originally built in 1980. Access is on Murphy Boulevard which is a County maintained road. Adjacent uses include industrial uses and undeveloped land within the City and County

The Future Development Map for the City of Gainesville places the subject property within the *Industrial* land use category and the property is located within the *Browns Bridge Corridor* Character Area which both allow for industrial uses.

The Planning Division staff is recommending approval of this annexation request with a zoning of Light Industrial (L-I) based on the Comprehensive Plan and the adjacent industrial uses.

Applicant Presentation: Tony Gilleland, 2400 Murphy Boulevard, stated he is the plant manager and wants to expand the water usage and output. He is very appreciative of the help from Mr. Tate and ready to get started.

FAVOR: None

OPPOSE: None

Planning and Appeals Board Comments: None

There was a motion to recommend approval of the annexation request and to establish zoning as Light Industrial (L-I) as presented.

Motion made by Board Member Martin

Motion seconded by Board Member Delgado

Vote – 6 favor, 1 absent (Thompson)

- 2) Request from **CenterPoint Integrated Solutions** to annex a 7.81± acres tract located on the north side of Browns Bridge Road, east of its intersection with Cherry Hill Drive (a/k/a **2602 Browns Bridge Road**) and to establish zoning as General Business (G-B).

Ward Number: Four

Tax Parcel Number(s): 08-015-009-021 (Part)

Request: CarMax Auto Superstore

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

The applicant is proposing to annex the subject 7.81± acres property to develop a CarMax Auto Superstore which sells pre-owned vehicles. The zoning of the property is Agricultural Residential-III (AR-III) within unincorporated Hall County and the city limits boundary is located to the east and west. The surrounding uses include a church, outdoor trailer and mulch/pine straw business and single-family homes are located in the County directly across Browns Bridge Road. The property is located within the Gateway Corridor Overlay Zone and contains an older home and various out buildings that will be demolished.

The proposal includes a 7,590 square foot auto dealership building, a detached 936 square foot carwash facility to service the inventory and associated parking for customers, employees and inventory. Access is proposed from an existing shared driveway fronting Browns Bridge Road located at the western edge of the property. Coordination will be required with the Georgia Department of Transportation (GDOT). There were no departmental comments for this request. Exterior finishes to the building are to include brick, split faced block material with accent EIFS material and standing seam metal roofs intended to adhere to the Gateway Overlay standards. The subject property is within both the *Retail/Commercial* and *Mixed-Use General* land use categories and the *Browns Bridge Corridor* Character Area which support commercial uses and automotive related businesses.

The Planning Division staff is recommending conditional approval of this annexation request with a zoning of General Business (G-B) based on the Comprehensive Plan and the adjacent and nearby mixture of uses.

Applicant Presentation: Brad Lauth, 355 Union Boulevard Suite 301, Lakewood CO, stated he is the project manager with CenterPoint Integrated Solutions. Also in attendance was the development team, a representative from CarMax, attorney and civil engineer. He also said they are available to answer any questions on the request. He wanted to clarify the operating hours in the staff report and are for general operating purposes. He stated the operating hours appear to be for service and not for sales. He said sales hours are Monday through Friday 10 am to 9 pm, Saturday 9 am to 9 pm and Sunday 12 pm to 7 pm. He stated these hours are subject to the business model of CarMax and things may change in the future and may not always be the operating hours.

FAVOR: None

OPPOSE: None

Planning and Appeals Board Comments: Chairman Carter asked Mr. Tate if the Board needed to address the change of hours mentioned by Mr. Lauth. Mr. Tate stated there was no need since it is not a condition of zoning and he was aware the hours might change.

There was a motion to recommend conditional approval of the annexation request with a zoning of General Business (G-B) with the following conditions:

Conditions

1. The proposed buildings shall meet the exterior building material requirements of the Gateway Corridor Overlay Zone.
2. An electronic message board sign shall not be permitted for the subject property.
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 owner/developer.

Motion made by Board Member White

Motion seconded by Board Member Simmons

Vote – 6 favor, 1 absent (Thompson)

NOTE: Vice-Chair Fleming recused herself at 5:43 p.m. The annexation and zoning amendment requests by Frank Norton, Jr. were presented together although the motions were made separately.

- 3) Request from **Frank Norton, Jr.** to annex a 2.16± acres tract located on the northeast side of Quarry Street and north side of Highland Street near its intersection (**a/k/a 39, 44, 48 and 49 Quarry Street; 4 Highland Street**) and to establish zoning as Planned Unit Development (P-U-D).

Ward Number: Two

Tax Parcel Number(s): 00-063-009-001, 002, 003, 004 and 012

Request: Existing and new homes totaling 19 units

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

The proposal includes two requests which includes the annexation of 2.16± acres with PUD zoning and a zoning amendment of a 14.43± acres tract currently zoned PUD. All together the properties total 16.59± acres and a total of 49 residential units. Some of the surrounding uses include single-family and duplex homes within the New Holland Village, Church, Gainesville Middle School, Frances Meadows Aquatic Center and land under development for the Limestone Greenway mixed-use development.

The proposed annexation includes five parcels which are adjacent to the city limits to the north, east and west. The property to be annexed is zoned R-II within unincorporated Hall County and consists of 7 existing residential units (1 single-family home and 3 duplex homes which have been or are in some phase of renovation. The applicant is proposing 12 new townhome-style rental homes to be located behind the existing homes which will total 19 residential units (existing and new). The new homes will mostly be located behind the existing homes fronting Quarry Street and Highland Street. The homes are intended to compliment the neighboring 14.43± acres Liberty Lakeview property that was previously annexed with P-U-D zoning in 2018 as part of an overall 75.12± acres mixed-use development. The second part of the request includes a PUD amendment of the same 14.43± acres Liberty Lakeview property. At this time a permit has been issued to develop three of the homes which are under construction and have temporary access to Quarry Street. The homes will eventually access the future subdivision road off of Lakeview Drive which has been permitted but has not been developed. The current zoning of the property allowed up to 33 homes and required the homes to provide three-bedrooms and two-bathrooms within a minimum of 1,100 square feet of heated floor space. The proposed amendment will include 30 homes, reducing the development by 3 homes. The amendment will provide the option to build homes with two-bedrooms and two-bathrooms within the same 1,100 square feet of heated floor space. There are no other changes proposed.

The Gainesville Future Development Map places the subject property within the *Low-Medium Density Residential* land use category which includes areas containing or planned for single-family detached or semi-detached housing at densities up to 4.0 dwelling units per acre. The proposal seeks an overall gross residential density of 2.95± dwelling units per acre which includes both the 2.16± acres annexation and 14.43± acres zoning amendment tracts totaling 49 units. The subject property is also located within the *Historic Mill Villages* Character Area which allows for medium density residential, mixed-use, commercial, public / institutional, and parks / recreation / conservation.

The Planning Division staff is recommending conditional approval of this annexation and zoning amendment request with a zoning of Planned Unit Development (P-U-D) based on the Comprehensive Plan and the adjacent and nearby residential uses.

Applicant Presentation: Frank Norton, Jr., 687 East Lake Drive, stated he represents Sanctum, the owner of Liberty Lakeview, a zoned 14.43± acres, 30 unit gated residential community currently under construction. He stated as they began creating Liberty Lakeview, the investors became interested in improving the character and appearance of the homes along Quarry Street and Highland. He stated they have purchased five properties adjacent to their fourteen acres. New Holland itself is an island within the County and are proposing to annex houses that physically touch their property although their firm is

involved in purchasing other properties and restoring other assets in the New Holland community. He said they could redevelop the houses under the current county codes, they felt the need for unity, control, standards throughout the entire community. This is the original Wendell Stark Development and they were designed as a historical buffer with lower intensity than the retail proposed to transition the historic homes of New Holland with his major impact development which is currently underway on Limestone. They have discovered several things one being the site of the original water tower for New Holland and have been moved for sewer issues. He also pointed out that this use to be the cattle range in late 1800's and stables that were built in the community park and are incorporated some of those ruins in the amenity area. There is a historic cottage section, some townhome sections and a tower section. The development is to be environmentally sensitive and are trying to save as many trees as possible. Gibbs Construction has been hired to tag major trees, realign the roads and to try to build the houses especially on the Tower hill in between the trees with the tree and four floor plans available. The entire property will be fenced, secured parking element off Quarry Street as well as a gated entrance off Lakeview. There will be four product types, two historic product types and two-story townhouse which were originally built as a duplex with one bedroom and a study for the residents. He stated they have also purchased one of the three bedroom/two bath houses on Highland and are converting the townhouses to a duplex residence. Also, a new product with single interns and a strong demand for a roommate plan. They are asking for modifications to build 24 two-and-a-half bath townhouses, 18 single family two-bedroom cottages which are 1400 square feet, the two bedroom/two bath are roughly 1200 square feet. Also, a sidewalk has been added along Quarry with grass and a picket fence much like New Holland use to be to try to keep the historical character. They are using antique fixtures and added another full bath upstairs for a one bedroom study plus 2 baths. Also, tenants will be provided with private rear patios and a charcoal grill anchored for safety and insurance purposes. There is also a cottage product similar to Enota with three bedroom/two bath houses with an extra feature of a study carol, working fireplaces with firewood stations throughout. Everything has laminate floor and granite counter tops including the historical units and all with standard stainless steel appliances furnished with an alarm system included in the rent. The townhouse product is similar in concept to the four houses built on Forest Avenue and the 14 houses under construction in Midland which are 75 square feet bigger. The third space oramenity space was originally planned across the power line but for social distancing and other issues, it was moved closer to the overall development. It fronts Highland and uses the original foundation of the stables as decking, multiple station playground and will be building the first outside gym in Hall County with a fitness station, a small library, central Amazon box station and some guest parking overflow and it's in place with about 90 percent complete.

FAVOR: None

OPPOSE: Odis Sisk, 31 Quarry Street, stated he directly attaches to this piece of property as well. He stated after living at this location through the entire process staring back since 2018, coming to multiple City Council meetings he's seen the ball has been slowly rolling, change this a little bit, come back next time change a little until now it is exactly what they intended for this to be. But the words that are important to think about are control, fencing, security, for those parts and pieces being in that one little area now that is still the county, and everything else that is going to be annexed into the city, they have segregated the entire neighborhood. He purchased a 120 year old neighborhood. Annexing these particular properties into the city destroys a lot of things. For one thing technically it does not meet PUD standard which means it would have to be 1.5 acres. These are individual plots of land as where a PUD status normally are one large piece of land that are planned

as units and then developed as units. Integrating these historic homes into this other unit, it's not feasible. He stated these are individual homes so that does not meet the 1.5 acres as individual homes. They are bundling multiple properties together to try to get them to go together into this property. He stated if you took two of the townhomes which they are planning on building, that's the exact same footprint of one historic home. But putting 3 other townhomes behind the other one and compares to three 30 foot RV's. So Gainesville has a Historic Preservation Manual and Design Guideline. So if this is annexed into the city it should meet historic preservation codes or guidelines. In doing so the placement of those individual houses which his neighbor owns the next house over now he has 6 properties looking into his neighbor's house and has lived there many years. Mr. Sisk's house was purchased by family in 1953 and was renovated over the years. The homes purchased by Mr. Norton belonged to Hall County residents and have been given two options which is either pay a rent increase or 30 to 60 days to get out. Also he stated concern for his neighbors having two other homes built close behind them along with the children having to change schools from East Hall to Gainesville. He stated this annexation is separating their community. He stated this is a historic community and he did not leave it alone but branded it with a huge star on the side of it and have done it to all the homes they own through the process. He stated as a county resident he does not get any benefit of the 26 parking areas. With the addition 400 people going back and forth and Mr. Norton said these individuals they are targeting have odd hours and coming at all times of the night. So the kind of people they are targeting inside the gated community are not to mingle with lower individuals on the outside and this is creating a social problem in the neighborhood. The neighbors are seventy plus years old during the pandemic and have been given 60 days to get out and that in itself is so unethical. The homes being built on the back side are not cottages and the townhomes they plan to build does not look historical at all. It looks like two modular homes stacked on top of each other. Mr. Sisk major concern is breaking the property line issues because being a county resident, he values having property line. By putting these properties into the city and into this zoning then those property lines are dissolved. So then surrounding his property could be two to four townhomes. There have been many issues with the street only being 18 feet wide and a telephone pole has been hit many times because two cars can't pass at the same time. It is not making it any better by adding more and more homes into this area. Also, Gainesville has tree ordinance, PUD zoning. According to Angela Sheppard, from an email sent to her says PUD Zone developments are designed to meet the tree and landscape standards and are a part of PUD zoning. There has been no tree preservation. Also, as of April 14th a report was sent to Mr. Eddie Hughes, a Norton representative about the pine trees near the water tower which has a seventy year old property line variance and the fence has been moved. He has been asking for someone to come out and Mr. Hughes came out on January 6th and a report on April 14th and there is nothing. The other issue is the temporary driveway has not been approved yet and according to the email from the City on May 1st was only to be used as a temporary access point to get cars into those houses until the other driveways are built. Currently utilities are installed already for every one five homes on the site. So it's already planned and he seems to know that at some point in time the City is going to allow them. Mr. Sisk asked the Board the question "Have you come through this area in New Holland during the construction process – has anyone driven a vehicle through the neighborhood" and requested that before the next meeting the Board come and chat with him and meet his neighbors, see what New Holland has to offer without the annexation. He stated it looks like greed not need. He stated there are three historic mills in Gainesville and this one is still active and it has a community. His neighbor talked with him about being evicted but also the playground can be seen from the side street and the kids can't enter and if so, it's a trespassing issue. He believes this is not a neighborhood but a compound. He would like to see a neighborhood built and be able to walk all around and not an exclusionary zone. He

stated if it is that nice then leave it the way it is and appreciate the houses being restored. The neighbors do not appreciate the big blue and red stars all over the houses and would request it to be removed because in 1901 that was not a part of it. Also, his neighbor pays six hundred dollars for rent and has been told to pay eight hundred or move out. His neighbors approached him and asked to help so that's the reason for being at the meeting. He would like to meet face to face before this is allowed to take place.

Oppose: Tony Rolland, and his fiancé lives at 18 Quarry Street, at the corner of Highland and Quarry. They are wanting to add on to their historic home, make it bigger and will not look modernized on the outside. He does appreciate the historic aspects of New Holland community. There are good things Mr. Norton is doing and there are bad things but Quarry Street is a speed way with people traveling 50 to 55 mph on the side street. He stated the idea of building a community is great but townhomes and those in particular look like trailers stacked on top along with the red and blue stars are hideous. He stated he appreciates the investment in the community but turning it into a high-density location with very cheap looking townhomes does not meet architectural standards of the historic neighborhood and also the narrow streets will be a challenge with the school area.

Oppose: Otis Sisk, said the request from the original traffic survey suggest that the gate at middle school be open to help deflect some of the traffic to a red light. He requested the Board to consider for it to occur for safety reasons.

Chairman Carter stated the road that runs through the middle school, the Board does not have any authority to give an order to the city school about the gate but would need to be taken up with the city school board. Chairman Carter stated there was five minutes of rebuttal time remaining for Mr. Norton.

Rebuttal: Mr. Norton, stated New Holland is a special place with 98 houses on northern side and only about 15 percent are owner occupied and others are rental houses and in decay. An investment group affiliated with their firm purchased nine properties last week with termite issues, two with structural issues and are moving tenants out to repair and bring those houses back up to standards. Their firm is proud of its historic preservation legacy and still own twenty-eight historic homes over a hundred years old throughout Northeast Georgia. They recognize the inherit value to the fabric of the community. They are trying to build a community to serve northeast Georgia Medical Center and to serve the needs of all our community. He stated it is a temporary parking lot and if the zoning doesn't happen the temporary parking lot on Quarry does have to disappear so they can then access the three houses they built through the main road.

Planning and Appeals Board Comments: Board Member Simmons asked about clarification from Mr. Norton regarding the number of houses purchased by an investment group/local investor and were accumulated over a period of time. Mr. Norton confirmed that nine rental homes were recently purchased. Board Member Martin stated he has owned several of the homes in the New Holland community over the years but no longer has any of them.

There was a motion to recommend conditional approval of the annexation request with a zoning of Planned Unit Development (P-U-D) with the following conditions:

Conditions

1. All of the front yards of the existing and new residential units shall be sodded with grass. In addition, the rear of the proposed single-family homes fronting Lakeview Drive, Quarry Street and Highland Street shall be designed with exterior architectural features to resemble a front facade.
2. In addition to the proposed 6-foot tall privacy fence, the owner/developer shall plant vegetation consisting of evergreen and deciduous trees between the subject property and the adjacent neighboring residential homes fronting Quarry Street and Highland Street. 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.
3. The exterior of the proposed homes shall be constructed with hardie-plank siding and pitched roofs similar to the existing two-story structures located along Quarry Street and Highland Street.
4. All access point design for the subject property shall be submitted for review by the Gainesville Public Works Director in coordination with Hall County. 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 network shall connect with the future proposed sidewalks along Lakeview Drive, Quarry Street, Highland Street and within proposed Liberty Lakeview subdivision road.

Motion made by Board Member Martin

Motion seconded by Board Member White

5 favor, 1 recusal (Fleming), 1 absent (Thompson)

B. Zoning Amendment Request

- 1) Request from **Frank Norton, Jr.** to amend the existing Planned Unit Development (P-U-D) zoning on a 14.43± acres tract located east of Lakeview Drive and north of Highland Street, having road frontage on the northwest side of Spring Street (a/k/a **0 Lakeview Drive NE; 52, 54 and 56 Quarry Street NE**).

Ward Number: Two

Tax Parcel Number(s): 00-082-003-002

Request: 30 residential cottage and townhomes

There was a motion to recommend conditional approval of the zoning amendment request to allow 30 residential cottage and townhomes within Planned Unit Development (P-U-D) zoning as presented with the following conditions:

Conditions

1. All of the front yards of the existing and new residential units shall be sodded with grass. In addition, the rear of the proposed single-family homes fronting Lakeview Drive, Quarry Street and Highland Street shall be designed with exterior architectural features to resemble a front facade.
2. In addition to the proposed 6-foot tall privacy fence, the owner/developer shall plant vegetation consisting of evergreen and deciduous trees between the subject

property and the adjacent neighboring residential homes fronting Quarry Street and Highland Street. 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.

3. The exterior of the proposed homes shall be constructed with hardie-plank siding and pitched roofs similar to the existing two-story structures located along Quarry Street and Highland Street.
4. All access point design for the subject property shall be submitted for review by the Gainesville Public Works Director in coordination with Hall County. 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 network shall connect with the future proposed sidewalks along Lakeview Drive, Quarry Street, Highland Street and within proposed Liberty Lakeview subdivision road.

Motion made by Board Member Martin

Motion seconded by Board Member White

Vote – 5 favor, 1 recusal (Fleming), 1 absent (Thompson)

ADJOURNMENT

There was a motion to adjourn the meeting at 6:25 p.m.

Motion made by Board Member Simmons

Motion seconded by Board Member Martin

Vote – 5 favor, 2 absent (Fleming, Thompson)

Respectfully submitted,

Doug Carter, Chairman

Gwen Fleming, Recording Secretary