

**GAINESVILLE PLANNING AND APPEALS BOARD
MINUTES OF MEETING
OCTOBER 13, 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, Ryan Thompson and Carmen Delgado

Members Absent: None

Staff Present: Community & Economic Development Deputy Director Matt Tate, Department of Water Resources Director Linda MacGregor and Recording Secretary Gwen Fleming

Others Present: Council Member George Wangemann

MINUTES OF SEPTEMBER 8, 2020

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

NEW BUSINESS

A. Variance Request

- 1) Request from **Rochester & Associates, Inc.** to vary the lot width and front yard setback requirements on a 231.53± acres tract located north of the intersection of Gaines Mill Road and Heritage Glen Drive, having road frontage on Eberhart Cemetery Road (a/k/a **0 and 2901 Gaines Mill Road; 3490 Eberhart Cemetery Road**), having a zoning classification of Residential-I (R-I).
Ward Number: Three
Tax Parcel Number(s): 15-022-000-001, 001A and 009
Request: Single-family subdivision

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

The applicant is proposing to vary the width requirements from 75-feet to 60-feet and front yard setbacks from 30-feet to 15-feet for all of the lots within the proposed subdivision. The property consists of 231.53± acres and was originally annexed and zoned R-I in 2006 for a 300-lot single-family subdivision.

The property is currently undeveloped and is heavily wooded with streams and is located within the North Oconee Water Supply Watershed Protection Overlay Zone which its intent is to minimize the transport of pollutants and sediment to the water supply to meet state drinking water standards. The surrounding uses include single-family homes and undeveloped land within the city and county.

The applicant is basing the hardship on the steep topography and existing streams which significantly limits the area that can be developed. The amended plan proposes a total of

286 homes with an amenity area and access on Gaines Mill Road directly across from the entrance to Heritage Pointe subdivision. Each lot will be a minimum of 10,000 square feet in size as originally proposed which is the minimum lot size required within R-I zoning.

The Planning Division staff is recommending **conditional approval** of this variance request based on the topography and streams located within the subject property with the conditions from the original Zoning Ordinance 2006-27.

Applicant Presentation: **Brian Rochester**, 425 Oak Street, stated he represents the contract purchaser and property owner. He stated the property is topographically challenged along with some environmental concerns. He mentioned the lots will stay the same size but deeper so there would be less grading for homes and the back of lots left undisturbed. The reduction of the front setback also stipulates there will be a minimum of 20-feet between the edge of the garage and the sidewalk so there will be room for parking.

OPPOSE: **Kenneth Brown**, 3049 Gaines Mill Road, stated concerns with safety and asking for a delay in the rezoning until a traffic light can be installed at the intersection of Highway 129 and Gaines Mill Road. He mentioned with a heavier volume of traffic and the condition of the road which needs to be resurfaced, it is very dangerous and wants to help save lives. Mr. Brown stated once the resurfacing is complete which is schedule in two years and a traffic light is installed, he would welcome the new subdivision.

REBUTTAL: Brian Rochester said it is already zoned for 300 lots but are lowering the number of lots to be built and create something that meets more market demand and more environmentally friendly to develop. Also, he was not sure of the timeline but could be the first quarter of 2022 before any houses are occupied. He explained the Department of Transportation has certain criteria for traffic light to be warranted and justified. He stated a warrant study was done but it did not qualify for it be installed.

Mr. Brown stated he failed to mention the traffic light has already been paid for and is to meet with the Georgia DOT district engineer and has questions about the traffic light even though the study says it's not needed. He again asked for a delay until this is settled.

Planning and Appeals Board Comments: Chairman Carter stated the property was rezoned in 2006 and is a variance request. Vice-Chair Fleming asked Mr. Rochester to explain about the request for a traffic light and it being a DOT matter. Chairman Carter also mentioned from personal experience that city and county commissioners have tried to get a traffic light at that location but was not successful since it is DOT controlled. Chairman Carter asked Mr. Rochester to get with Mr. Brown about the numbers for the new houses before he meets with the DOT in regards to the traffic light.

FAVOR: None

There was a motion to recommend conditional approval of the variance request to vary the lot width and front yard setback requirements for a single-family subdivision having a zoning of Residential-I (R-I) with the following conditions:

Conditions

1. The proposed development shall be limited to a maximum of 300 building lots as generally shown on the concept plan.

2. The proposed homes shall be consistent with the architectural renderings submitted with the application and shall have a minimum of 1,800 square feet of heated floor space.
3. There shall be a 100-foot wide natural buffer maintained along the Gaines Mill Road frontage, except as required for the entrance.
4. A minimum of 50% of the subject property will be preserved as open green space.
5. All access point designs shall be approved by the Gainesville Public Works Director and the Hall County Traffic Engineer.
6. Any road or access improvements deemed necessary by the Gainesville Public Works Director and the Hall County Traffic Engineer for the scope of the project shall be the expense of the applicant/developer. The scope of the project shall be defined as the area in which the subject property fronts along Gaines Mill Road.

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

B. Annexation Request

- 1) Request from **Smith, Gambrell & Russell, LLP** to annex a 4.011± acres tract located west of the intersection of Atlanta Highway and West Park Drive, adjacent to and southeast of the Norfolk Southern Railroad right-of-way (a/k/a **2500 West Park Drive**) and to establish zoning as Light Industrial (L-I).
Ward Number: Four
Tax Parcel Number(s): 08-011-000-009 (Part)
Request: Existing warehouse

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

The applicant is proposing to annex the subject 4.011± acres property with a zoning of Light Industrial (L-I). The subject property is zoned Agricultural Residential-III (AR-III) and the adjacent uses include mostly industrial uses and railroad right-of-way.

The property is partially wooded with a creek, and contains a small portion of the adjacent Continental General Tire warehouse/distribution facility which is mostly located within the adjacent 49.04± acres parent tract zoned Light Industrial (L-I) that was originally annexed 30 years ago as part of the Industrial Park West. The intent is to bring the entire parcel under one jurisdiction and zoning and there are no proposed changes at this time.

The Future Development Map for the City of Gainesville places the subject property within the Industrial land use category. As well, the property is located within the Economic Development Gateways character area which includes areas containing or planned for a wide range of office, business, light industrial, manufacturing, research and development 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: Alex Brock, 1230 Peachtree Street, Atlanta, Georgia, stated he is with Smith, Gambrell & Russell and is here on behalf of the ownership group – Miles River Partners for the annexation and rezoning request. He stated the property was annexed into the city of Gainesville approximately thirty years ago in 1990. He said it was developed shortly thereafter as the current warehousing facility and is approximately 53 total acres in total which 49 acres of it was annexed into the city in 1990. He stated there was a 4.0 acres tract that was left in incorporated Hall County zoned Agriculture Residential and a few months ago the ownership group received a due diligence package that made them aware of the zoning issue. He stated they were contacted to prepare the application for annexation and rezoning and is the reason for being here to correct the rezoning issue.

FAVOR: None

OPPOSE: None

Planning and Appeals Board Comments: None

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

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

NOTE: Board Member Martin recused himself at 5:53 p.m. due to a conflict of interest with the following request.

C. Rezoning Request

- 1) Request from **Walker-Lanier, LLC** to rezone a 0.50± acre tract located on the northwest side of the intersection of Lanier Avenue and Walker Street (a/k/a **989 Lanier Avenue, NE and 1437 Walker Street, NE**) from Residential-I (R-I) to Residential-II (R-II).
Ward Number: Two
Tax Parcel Number(s): 01-087-004-015
Request: Existing duplex home and two new duplex homes

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

The applicant is proposing to rezone the subject 0.5± acre property from R-I to R-II for the purpose of constructing two, new residential duplex structures (four units).

The subject property contains a duplex structure facing Walker Street and previously contained a four-unit (quadplex) home that faced Lanier Avenue and burned down in 2013. The existing use of the property considered non-conforming given the existing zoning.

The surrounding uses include single-family homes, home health care office, triplex and nearby commercial uses along Thompson Bridge Road.

The proposal includes the addition of two additional residential duplex structures for a total of 6 units.

One of the new duplex homes will face Lanier Avenue and one will face Walker Street. The existing driveway on Lanier Avenue will be improved and will serve as access for each home. Parking will be provided behind the duplex homes.

The property is located within the Low-Medium Density Residential land use category and within the Traditional Neighborhoods Character Area specifically within the Northern Neighborhoods subarea which includes low-density/medium-density residential, and mixed-use / commercial.

The Planning Division staff is recommending approval of this rezoning request with Residential-II (R-II) with conditions.

Applicant Presentation: Mike Martin, 8093 Sleepy Lagoon Way, Flowery Branch, stated he is the owner and developer of the property and will answer any questions about the request.

FAVOR: None

OPPOSE: None

Planning and Appeals Board Comments: Vice-Chair Fleming asked the applicant about the rendering of the duplex compared to its likeness once built with concerns about maintenance and the property value to other owners. Mr. Martin said it would be scaled down in size but look like the photo and appear as a single-family unit consistent with the overall appearance of the neighborhood.

There was a motion to recommend conditional approval to rezone the subject property from Residential-I (R-I) to Residential-II (R-II) with the following conditions:

Conditions

1. The subject property shall be limited to a maximum of 6 residential units consisting of the existing duplex home and two additional duplex homes.
2. Any new or replacement structure(s), exterior facade change(s), and/or future development at this location shall be of a single-family residential appearance not to exceed two stories in height including a basement level. In addition, the side of the proposed duplex homes facing the intersection of Walker Street and Lanier Avenue shall have an architectural appearance of a front facade or shall be buffered with evergreen trees.
3. The existing trees located within the subject property shall remain except for what is only necessary to be removed for the development. A minimum of three, 3" caliper in size hardwood trees shall be planted within the front yard and are subject to the approval of the Director of Community and Economic Development Department.
4. All access point design for the subject property shall require review and approval by the Gainesville Public Works Department Director. All required access/traffic/sidewalk improvements associated with the proposed development shall be constructed at the full expense of the property owner/developer.

5. **An updated as-built survey/plat of the subject property, indicating existing conditions and all improvements shall be recorded prior to obtaining a Certificate of Occupancy for the future use.**

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

NOTE: Board Member Martin returned to meeting at 5:59 pm

D. Code Amendment Request

- 1) Request from the **City of Gainesville Department of Water Resources** to amend the Unified Land Development Code and the Code of Ordinances. The code revisions focus on specific modifications to existing Articles and Titles relating to stormwater management requirements, floodplain management and flood damage prevention, stream buffer protection, and water conservation practices related to large irrigated landscapes. Gainesville Department of Water Resources (DWR) prepared the revisions to achieve minimum regulatory compliance with the Georgia Environmental Protection Division (GAEPD) and the Metropolitan North Georgia Water Planning District (MNGWPD) model ordinance recommendations. The following Articles and Titles are to be amended as bulleted below.

Code of Ordinances

- Part 3, The Code of Ordinances
 - o Title 4, Public Works and Health
 - o Title 5, Municipal Utilities

Unified Land Development Code

- Article 9-1, Enactment and Legal Status Provisions
- Article 9-2, Interpretations and Definitions
- Article 9-8, Overlay Zones
- Article 9-9, Site and Architectural Design Review
- Article 9-13, Subdivisions and Land Development
- Article 9-14, Soil Erosion, Sedimentation and Pollution Control
- Article 9-15, Floodplain Management
- Article 9-16, Buffers, Landscaping and Tree Protection
- Article 9-17, Access, Parking and Loading Requirements
- Article 9-20, Building and Property Maintenance Regulations
- Article 9-22, Applications and Procedures
- Article 9-24, Administration and Enforcement

Staff Presentation: Deputy Director Matt Tate introduced City of Gainesville Department of Water Resources Director Linda MacGregor for the staff presentation along with Myron Bennett and Corey Jones to answer any questions:

Linda MacGregor, COG DWR Director, stated this is a major ordinance update and will be effective on December 6, 2020. She said it will bring them into compliance with permits issued to them by the state and bring into compliance with requirements of the Metro North Georgia Water Planning District which will be consistent within the metro district. She stated Gainesville is doing most of this already and have had two training sessions in the city to

make people aware of it. Director MacGregor said it encourages green infrastructure and more things that look like mother-nature that provides stormwater services. She stated the edits also include editorial changes, along with Article 9 of the Unified Land Development Code with changes in Title 4 and Title 5 which all go together. She said it updates litter control, new requirements for large landscaping irrigation, runoff reduction and water quality being the biggest technical change and some things related to floodplain management and stream buffers. She stated water quality work is important because the community relies on Lake Lanier for water supply, acceptance of highly treated waste water and recreation. The change is to retain the first one inch of runoff on the site and so it can seep into the ground with some options for the property owner to implement if that's not possible. Director MacGregor stated they are incorporating the Metro District Model ordinances and fixing definitions, department names and responsibilities with the ordinance change. She stated in summary she is requesting approval of mandated changes effective December 6th and will answer any questions.

FAVOR: None

OPPOSE: None

Planning and Appeals Board Comments: Vice-Chair Fleming said thank you to the staff for the hard work on the ordinance. Director MacGregor gave credit to staff member Corey Jones for doing most of the work.

There was a motion to recommend approval of the code amendment request as presented.

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

ADJOURNMENT

There was a motion to adjourn the meeting at 6:08 p.m.

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

Respectfully submitted,

Doug Carter, Chairman

Gwen Fleming, Recording Secretary