

**GAINESVILLE PLANNING AND APPEALS BOARD
MINUTES OF MEETING
AUGUST 10, 2021**

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

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

Members Absent: None

Staff Present: Community & Economic Director Rusty Ligon, Community & Economic Deputy Director Matt Tate and Recording Secretary Gwen Fleming

Others Present: Council Member George Wangemann

MINUTES OF JULY 13, 2021

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

OLD BUSINESS

There was a motion to remove the annexation request from the table.

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

A. Annexation Request

- 1) Request from **Optum Development** to annex a 7.77± acres tract located on the northeast side of Limestone Parkway, across from the intersection of Tapawingo Drive and Riverwood Drive (a/k/a **1744 Cleveland Highway**) and to establish zoning as Planned Unit Development (P-U-D).

Ward Number: Two
Tax Parcel Number(s): 09-126-000-024 (Part)
Request: 36 residential townhomes

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

The applicant is proposing to annex the subject property with a zoning of Planned Unit Development (P-U-D) for a fee-simple residential townhome community consisting of 36 units. The property is currently zoned Residential-I (R-I) and Vacation Cottage (V-C) within unincorporated Hall County and is adjacent to the city limits to the west across Limestone Parkway. The adjacent uses include single-family homes within the county and the Liberty Utilities facility. The property is located within the Limestone Parkway Overlay Zone and borders a creek and Lake Lanier. The property has road frontage on Limestone Parkway and Tapawingo Drive. The proposed development is oriented toward Limestone Parkway and is designed with one access drive from Limestone Parkway. No access is proposed

from Tapawingo Drive. Amenities include a pool, clubhouse and walking trails for residences within the development. A natural vegetated buffer consisting of deciduous and evergreen trees will remain adjacent to the residential properties located within unincorporated Hall County to the north and east. In addition, most of the existing trees fronting Limestone Parkway will remain. The exterior of the buildings are modern in design with a mixture of Hardie siding, stucco, stone or brick accents and metal canopies may be used over balconies and doors. The proposed townhome units will range from 2,241 to 2,549 square feet of heated floor space. Each unit includes three stories of living space, two car garages and a roof top deck with 3 bedrooms and 3½ baths. Coordination will be required with GDOT for the proposed request.

The Future Development Map for the City of Gainesville places the property within the *Low-Medium Density Residential* land use category and the *Limestone Corridor Character Area*. Land uses supported include public / institutional, low density residential, medium density residential, multi-family residential, mixed-use, commercial, and parks / recreation / conservation. The overall gross density of the proposed development is 4.63 dwelling units per acre which is considered medium density residential.

The Planning Division staff is recommending conditional approval of this annexation request with a zoning of Planned Unit Development (P-U-D) based on the Comprehensive Plan and the adjacent uses with 8 conditions.

Applicant Presentation: Attorney Steve Gilliam, 301 Green Street, stated he represents Ed Maxwell the developer for the request. He said the neighbors have met with the developer on two different occasions and presented Mr. Maxwell with nineteen conditions. He advised Mr. Maxwell reviewed and highlighted the conditions that are agreeable. Attorney Gilliam presented the board members with the conditions which already had been emailed to each board member and then Mr. Gilliam reviewed each condition stating if the developer agreed/disagreed with comments.

Ed Maxwell, 1974 Delta Drive, explained the elevation site plan and topography from the lake up to the development. He stated the trees on the corps property will have a short retaining wall coming up the slope, grading up to the first row of buildings, planting trees along that slope to mitigate water out. He explained the storm drain, the area around it would capture and keep water from running around the buildings. He stated the upper building closer to Limestone will have six feet of fill dirt with elongated windows on the lower level of the building.

OPPOSE: Attorney Joshua Scoggins, 202 Tribble Gap Road, Suite 200, Cumming, stated he prepared the conditions for the neighbors and the only conditions agreed by the developer were the ones required by code. He stated the main concern in condition one was the Future Land Use Map states the property to be low to medium density residential with a maximum of 4 units an acre. He stated the development is currently at 4.7 and asks the board recommend the density not exceed 4 units an acre. Attorney Scoggins stated the condition of a 10 percent limitation on rental units is reasonable and should remain. He stated the top decks should be eliminated on the ends of the buildings which would impact the surrounding neighbors. Attorney Scoggins said the developer is only agreeing to conditions that are required to be done by the ordinance and are concerned with the project being completed within a reasonable length of time and not to drag out. He stated the condition regarding pre- and post- siltation studies of Lake Lanier be added to the conditions.

Dean Davis, 2000 Riverwood Drive, said everyone appreciates the weeks given to understand the project including meeting with the neighbors each night in the streets but they are concerned about the stone wall, the height of it and it being the type of retaining wall as behind Kroger but a wall that is lined with actual stone would fit into the neighborhood. Mr. Davis stated another concern was the lighting standards and reduce the nighttime glow of lights by using a national standard for low nighttime lighting. He stated the properties around the lake are 1 to 4 units per acre, it is in Hall County which is considered Lake Area Residential in the Hall County Future Land Use Map with intent to preserve the established neighborhoods and create opportunities for permanent and vacation residences at lower residential densities which is the reason to limit to 4 units per acre.

Tim Meyer, 1947 Tapawingo Drive, stated his concern was the environmental impact if the development is approved and if so the conditions should be included. He said the property is zoned R-I and should not change. Mr. Meyer said the lake, woods, streams and wildlife would be affected and should remain residential.

Stacey Rutherford, 2022 Riverwood Drive, asked if the board members had physically walked the property, the wall and height was a major concern for the neighbors. She stated Mr. Maxwell was asked about the number of townhomes that would need to be sold before breaking ground but gave no answer to them and are concerned with the clearing trees and nothing happening due to not selling \$500,000 condos. Ms. Rutherford said if spending that amount of money for a townhome on the lake why not just purchase a house on the lake instead.

REBUTTAL: Attorney Gilliam stated the Future Land Use Plan is a guide, not zoning and staff can override by making a recommendation with a Planned Unit Development. He stated Limestone Parkway is basically a commercial corridor and this development is transitional housing, residential and will remain residential. He said the topography of the land, steep grade will not work with one house per acre lot subdivision and is the reason for a P-U-D which allows changes due to the topography.

Ed Maxwell, stated he wanted to address concerns not agreed to in the conditions which they are working with Georgia Power regarding the lighting, no street lights will be behind the buildings which are 300 feet from the nearest building, street lights will be in between buildings and not as tall as the buildings. He said the Corps property will remain heavily wooded which buffers the development and the residential homes. Mr. Maxwell said they will propose erosion control measures as per code including an extra row along the Corps line to control any runoff. He stated one of the conditions the neighbors are asking is for the development not to exceed 36 months but there is no guarantee it can be completed within that time frame. Mr. Maxwell stated the retaining wall circle around property where it drops off sharply, the end units will have a sub-level underneath which will have brick, stucco and stone. He said the wall will remain the same height, wrap the corner and as the topography falls away the sub-walls of the units will fall with it which will be a stair-step of walls but no 60 foot wall. Mr. Tate asked Mr. Maxwell to go through the highlighted conditions and its number which were agreeable.

PLANNING AND APPEALS BOARD COMMENTS: None

There was a motion to recommend conditional approval of the annexation request and establish zoning as Planned Unit Development (P-U-D) with the original eight conditions along with the nine conditions agreed by the developer.

Motion made by Board Member Martin
Motion seconded by Board Member White
Vote – 5 favor, 2 oppose (Fleming, Delgado)

There was an amended motion to recommend conditional approval of the annexation request and establish zoning as Planned Unit Development (P-U-D) with the original eight conditions along with the ten conditions agreed by the developer.

Motion made by Board Member Martin
Motion seconded by Board Member White
Vote – 5 favor, 2 oppose (Fleming, Delgado)

Conditions

- 1. The proposed development shall not exceed 36 fee-simple residential townhome units.**
- 2. The development shall be consistent with the concept plan and architectural renderings provided with this annexation application.**
- 3. Signage for the development shall adhere to the Residential-II (R-II) zoning requirements of the Unified Land Development Code.**
- 4. The development shall require a minimum 50-foot wide undisturbed vegetated buffer on both sides of the stream adjacent to the single-family properties located off of Tapawingo Drive and Wildwood Circle. Additional evergreen trees shall be planted between the townhome units and stream where deemed necessary and adjacent to all proposed stormwater detention pond areas. The location, spacing, size and type of trees planted shall be subject to the approval of the Community and Economic Development Department Director.**
- 5. The existing trees located within the Limestone Parkway right-of-way shall remain undisturbed except for where required for access, signage and regular maintenance.**
- 6. Vehicular access shall be limited to Limestone Parkway, with a single entrance/exit as shown on the submitted concept plan. No vehicular access on Tapawingo Drive will be allowed.**
- 7. All streets within the development shall be privately maintained with a minimum width of 24-feet (back of curb to back of curb). Minimum 5-foot wide sidewalks shall be provided on both sides of the street with a 2-foot grass beauty strip between the curb and the sidewalk.**
- 8. All access point design for the subject property shall be submitted for review by the Gainesville Public Works Director and the Georgia Department of Transportation. The approval of said design shall be required prior to issuance of a land development permit. All required access/traffic/sidewalk improvements associated with the proposed development shall be at the full expense of the developer/property owner.**
- 9. The development shall comply with all relevant sections of the Unified Land Development Code of the City of Gainesville, including all amendments passed on 11/30/20.**
- 10. The development shall comply with all relevant sections of City of Gainesville Unified Land Development Code CHAPTER 9-16-5 – Tree Protection.**

11. No rentals for less than 30 days will be permitted as part of the HOA.
12. Any trail system shall not be accessible to the general public.
13. There shall be no above ground, open air detention or retention for control of storm water. All storm water detention and retention shall be sub-terrain.
14. There shall be no vehicular access from the subject property onto Tapawingo Drive.
15. Neither the developer/builder nor its successors and assigns shall seek a dock permit of any kind from the Corps of Engineers for access to Lake Lanier per the HOA.
16. Siding will consist of a mixture of masonry siding i.e. Shakes, lag, board Batten on the front facade.
17. The only fencing that will be installed is fencing required by code and at the entrance.
18. Developer and/or builder shall purchase Contractor's Pollution Liability Coverage acceptable to the City to indemnify against any pollution damage caused to Lake Lanier or any other adjacent or nearby properties as a result of land disturbance activities and the construction of homes on the subject property. Said Liability Coverage shall contain a policy limit of no less than one million dollars (\$1,000,000.00) and shall remain in effect throughout the entire duration of development and build- out of the proposed neighborhood and will be maintained until permanent vegetation is established on the downhill slopes. Developer agrees to install three rows of silt fence between the proposed townhomes and the stream buffer prior to construction.

ADJOURNMENT

There was a motion to adjourn the meeting at 6:14 p.m.

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

Respectfully submitted,

Doug Carter, Chairman

Gwen Fleming, Recording Secretary