

**GAINESVILLE PLANNING AND APPEALS BOARD
MINUTES OF MEETING
DECEMBER 14, 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 Members Barbara Brooks and George Wangemann

MINUTES OF NOVEMBER 9, 2021

There was a motion to approve the minutes as presented.

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

There was a motion to remove the zoning amendment request from the table.

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

A. Annexation Request

- 1) Request from **Caballero Holdings, LLC** to annex a total of 140.77± acres to include a 44.91± acres tract located at the northeast side of the terminus of Floyd Road; a 80.8± acres tract located on the north side of Eberhart Cemetery Road; a 9.467± acres tract, 4.397± acres tract and a 1.996± acres tract located southwest of the intersection of Jesse Jewell Parkway and Old Cornelia Highway (a/k/a **0 Eberhart Cemetery Road; 2465 Floyd Road, SE; 2166, 2170 and 2210 Old Cornelia Highway**) and to establish zoning as Planned Unit Development (P-U-D).

Ward Number: Three

Tax Parcel Number(s): 15-022-000-001B, 003 (Part); 15-033B-000-022, 024 and 026A

Request: Master planned mixed-use development

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

The proposal consists of two requests. The first request is to annex 140.77± acres with a zoning of Planned Unit Development (P-U-D) consisting of 5 parcels. These parcels are zoned (AR-IV), (AR-III) and (R-II) in the County. The second request is to amend an existing 981.661± acres tract zoned Planned Unit Development (P-U-D) consisting of 6 parcels. All total, the entire property consists of 1,122.43± acres. The property is located within the North Oconee Watershed Protection Overlay Zone. The surrounding uses include undeveloped land, the future Melvin Cooper “The Coop” Athletic Complex, single-family homes, church, gas station, package store, Rabbit Town Café, Avita Behavioral Health Facility and White Sulphur Elementary School. The proposal is for a master planned mixed-use “Gainesville Township” Community. The current approved use for the property was approved in 2001 known as “Sussex”.

The proposal includes a total of 1,414 single-family detached homes, 311 townhomes, 640 multi-family units and up to 75,000 square feet of commercial space. The residential uses include single-family homes ranging from a minimum of 1,200 to 1,800 square feet; townhomes ranging from a minimum of 1,100 to 1,400 square feet; and multi-family apartments. A Central Amenity Center is proposed off of the main entrance road to the community which will include a clubhouse, swim center with lap pool with children’s play area, tennis center with lighted courts, pickle ball courts, great lawn with pavilion for outdoor functions, mail kiosk and dog park, various pocket parks, disc golf, extensive trail, sidewalk and multi-use path system. Other satellite amenities may include boat/RV storage, bicycle racks, small open space cabana’s with neighborhood size pools. A 645± acres will remain as open space. Two points of access are proposed from Old Cornelia Highway. The primary access will be from the new road serving the future “The Coop” Athletic Complex.

A traffic study was conducted for the proposal as well as a Development of Regional Impact Study which are summarized in the staff report. THE DRI stated the project does **NOT** present any potential adverse inter-jurisdictional impacts but recommended a 3rd access point and encouraged protection of the North Oconee Watershed Protection Zone.

The City of Gainesville places the property within the *Low-Medium Density Residential* land use category, and the *Suburban Residential Character Area* which includes areas containing or planned for single-family detached or semi-detached housing at densities ranging from two to four dwelling units per acre. The proposal has a density of 2.11 dwelling units per acre.

The Planning Division staff is recommending **conditional approval** of this annexation and P-U-D amendment request based on the Comprehensive Plan, the existing approved use of the property and the adjacent mixture of uses.

APPLICANT PRESENTATION: Brian Rochester, 425 Oak Street, stated Gee Harvey and Ryan Walker with Caballero Holdings were present. Mr. Rochester said the original project was originally annexed and zoned in 1998 and in 2001 the golf course was eliminated. He stated it is a great location but just trying to determine the timing for it and his company works on large master plan developments. Approximately two years ago or longer the owner of the property which is owned by a fire and police pension fund came to Rochester & Associates inquiring about developing the property. Mr. Rochester stated there were very few developers that could accomplish the project and even fewer that could create a master plan to be proud of in his hometown to serve residents for future years to come. He stated there was a long process of interviewing, Caballero had an extensive resume and are based in Northeast Georgia, and chose them because they are actively involved on the project. Mr. Rochester

said that money has been spent on due diligence to bring a master plan that is well thought out with the knowledge of the locations of streams, rocks and restraints of the property. He complimented the city staff regarding working with them including the visions of the developer for the property. The proposal was tabled due to not being ready to move forward as changes were needed. The developer is now in complete agreement with the 21 conditions presented by the city staff which will ensure the quality of the development. Mr. Rochester stated the development will cover an area on the east side of I-985 between Exit 22 and Exit 24, reviewed nearby locations along with the layout of the project and stated the main entrance way will be shared with the new sports complex. He also said it is just over three miles from downtown Gainesville. He stated the majority of the project is in the city of Gainesville, already rezoned and annexed. Mr. Rochester reviewed the presentation regarding units available for rent and per acre, adding most every lot in the development backs up to open space with 645 acres of open space total. He explained a rendering of the entrance way at Old Cornelia Highway and stated they have been working with the Hall County School Board and City of Gainesville way to include the name of the park and school. He said all single-family housing will be a minimum of 1,800 square feet unless age restricted which will go down to 1,400 square feet including 50 feet and 60 feet lots with age restricted units being 40 feet lots. He then stated the price point for the primary houses should start at \$350,000 with the larger homes going over a half million dollars. He said the attached units/townhomes will be a minimum of 1,100 square feet starting in the low 300,000's. He stated the 640 multifamily units may include apartments, cottages and manor homes with the commercial area being a standard neighborhood shopping area. Mr. Rochester explained the clubhouse area including grills and pool with a great lawn to be used for concerts, disc golf course, tennis courts and golf carts. He said there is a main loop road around the development with possibly four miles of multi-use path/trail with 90 linear feet of side-walks with over 50 percent of the site being maintained. He stated the development is similar to a conservation subdivision being an environmentally friendly project. He said in closing he said acreage is being added with more single-family owner occupied homes being capped at a maximum of 300 total. He said they are aware of some topo challenges with the property and will be less dense than currently zoned.

FAVOR: None

OPPOSE: **Phillip Price**, 3028 Pierce Road, stated he is not opposed to the development but had two concerns since his is an adjoining property. One was the green space with Floyd or Cain Creek with natural wildlife, a marsh located upstream and once was considered in a 100 year flood plain. His property is close to the water but high up and wants to be sure of no erosion problems. He said the area does have some flooding and a big concern for water management and erosion control.

REBUTTAL: Mr. Rochester pointed out on the map the streams are indicated by the dark lines which are staying way out of the buffers and leaving 645 acres undeveloped with opportunities for wildlife to live inside the city. He also stated for erosion control they are keeping natural buffers and the blue dots on the map is all storm-water management. They are staying out of the flood plains other than roadway crossing, sewer lines and trails. The trails will stay outside the state's 25 foot buffer and wanted to create an environmentally friendly project.

PLANNING AND APPEALS BOARD COMMENTS: Chairman Carter asked about the anticipated build-out date and Mr. Rochester replied 10 to 14 years depending on the market. Vice-Chair Fleming asked if the developer would consider donating land for a school and Mr. Rochester stated it is a part of the conditions and had to make available 20 acres to donate

and then the school board could buy an additional 20 acres at fair market value. Mr. Rochester said they did add if the school board did not want to build a school inside the development, then the school would get paid the developers per acre purchase price for the amount of the 20 acres. He stated in the conditions there is also a donation of two acres for a public safety facility. Board Member Simmons asked which of the three phases would be first and asked for more information on the open space. Mr. Rochester stated the single-family phase would be first and pointed out on the slide presentation everything in green will be open space. Vice-Chair Fleming asked if the HOA will cover the entire development and Mr. Rochester stated there will be a master HOA which will be responsible for the open space and amenity areas along with any gated community having a sub-association.

There was a motion to recommend conditional approval of the annexation request for a master planned mixed-use development and establish zoning as Planned Unit Development (P-U-D) with the following conditions:

Conditions

- 1. The development standards within the applicant's narrative, site plans, and architectural renderings shall be made part of the zoning ordinance, and shall be subject to the Community and Economic 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 maximum number of single-family detached homes/lots shall be 1,414. The maximum number of single-family attached homes shall be 311. The maximum number of multi-family units shall be 640. The total number of residential units shall not exceed 2,365 units.**
- 3. No more than 300 single-family units (detached and/or attached) and 640 multi-family units shall be rental units for a total of 940 rental units. The multi-family units may be any combination of traditional garden-style apartments, townhomes, manor houses, cottages, and/or carriage houses built within the confines of the multi-family areas.**
- 4. Prior to permits being issued for the residential uses, each contractor/developer shall provide architectural renderings of the proposed single-family detached homes, attached townhomes and multi-family apartments for the review and approval of the Community and Economic Development Department Director.**
- 5. The minimum heated floor space for single-family detached homes shall be as presented in the below table associated with zoning condition number 8. The minimum heated floor space for the attached townhomes shall be 1,100 square feet and 640 square feet for the multi-family units. The single-family detached homes and attached townhomes shall not exceed 3 stories in height. The multi-family apartment buildings shall not exceed 3 stories, although 3 / 4 splits shall be allowed.**
- 6. All exterior wall front, sides, and rear of the single-family detached homes, townhomes, and multi-family units shall consist of a variety of building materials consistent with architectural themes and styles determined by the applicant. Foundation water tables of matching brick or stone material, that also covers all exposed foundation walls, will be used where architecturally compatible. Vinyl siding shall only be permitted on soffit areas.**

Other architectural requirements will include:

- Carriage style garage doors with decorative hardware or other embellishments shall be used on all single-family detached homes and townhomes;
- The roofing material used on all single-family detached homes and townhomes shall be 3-tab architectural/dimensional style asphalt shingles or metal as appropriate to the architectural style of each home as determined by the builder.
- All overhangs including gables and side gables will have a minimum of a 12-inch overhang on all sides;
- The developer shall use a variety of techniques to avoid the monotonous appearance of identical single-family detached homes. Such techniques may employ among others the use of differing front elevations, architectural styles, building exteriors, and other similar techniques so that no single-family detached house is the same as any house directly in front of a single-family detached home or on either adjacent side of a single-family detached home;
- All roofs and gables shall be of a pitch no less than 8/12. This condition shall not apply to dormers, porches, bay windows, and third floor retreats;
- The exterior materials for all homes shall consist of brick, stone, fiber cement siding, cedar shake or wood siding;
- All roof vents, pipes, and other roof equipment (except chimneys) shall be located on the rear elevations and shall be painted to match the color of the roof;
- No above-ground swimming pools shall be permitted;
- No window air conditioning unit may be installed;
- No exterior blank, windowless walls will be constructed;
- If dormers are included, they will not be taller than the main roof;
- All single-family detached house plans will have front or side loaded garages;
- All townhomes will have front or rear entry garages;
- Street lighting will be provided throughout the development;
- All front porches of single-family detached homes shall have a minimum depth of 5';
- Windows are restricted to single hung or double hung windows.

These requirements shall be included in the Covenants to be recorded against the property.

7. Each detached single-family home and townhome shall have, at a minimum, an attached two car garage.
8. Specific development standards for the single-family detached homes shall include the following:

Lot Width	*40'	50'	60'	75'	95'
Minimum Lot Size	4,000 SF	5,000 SF	6,000 SF	7,500 SF	9,000 SF
Minimum Front Yard Setback	25'	25'	25'	25'	25'
Minimum Side Yard Setback	5'	5'	5'	5'	5'
Minimum Rear Yard Setback	10'	10'	10'	10'	10'
Minimum Building Separation	10'	10'	10'	10'	10'

Maximum Height (Number of Stories)	3	3	3	3	3
Minimum Heated Square Feet per Home	1,400 SF	1,800 SF	1,800 SF	2,000 SF	2,200 SF
**Maximum % of SF Detached Lot Type	15%	35%	35%	No Max	No Max

***40' lots are restricted to age-restricted neighborhoods only.**

****Any lot allocation from a smaller category may move to a larger category.**

- 9. The front yard of each lot shall be sodded and planted with at least one 3" caliper in size hardwood tree.**
- 10. The proposed amenities shall be required as shown on the site plan and the pictures shown on pages 10, 14, 15, 16, 17 28, 29, 34, 75, 76, 77, 87, 88 and 89 of the applicant's revised narrative submitted with this application per the approval of the Community and Economic Development Department Director. The amenity area must be started in the first phase of construction. No more than 250 single-family detached homes shall receive a certificate of occupancy (CO) prior to the Central Amenity Center being substantially completed as described on page 37 of the applicant's revised narrative. This shall include at minimum the clubhouse, swim center with lap pool with children's play area, tennis center with lighted courts, pickle ball courts, great lawn with pavilion for outdoor functions, and mail kiosk. Certain elements, such as additional courts may be phased in as demand dictates. Additional CO's may be granted at the discretion of the Community and Economic Development Director, if sufficient progress is being made on the amenity.**
- 11. Covenants shall be put in place by the developer restricting against the parking of boats, trailers, and campers within driveways or streets. In addition, no on street parking shall be permitted for vehicles.**
- 12. No more than 10% of the units within the proposed community storage facility may be leased to non-residents of the proposed development. There are no restrictions for non-resident use of any commercially operated storage facility that is located within the Commercial District.**
- 13. 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 and Economic 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.**
- 14. All proposed detention ponds shall be fenced and landscaped in order to mitigate the view from all roads and adjacent properties. All fencing and landscaping materials shall be approved by the Community and Economic Development Department Director.**
- 15. A site shall be made available within the boundaries of the proposed development to the City of Gainesville for a school consisting of twenty (20) acres of land which meets the criteria established by the Georgia State School Board for such a public school. This site shall be made available by the developer without charge for the land, at any time within seven (7) years after the developer has provided paved**

access to the site. Alternatively, the School Board may elect to receive an amount equal to the Developer's per acre purchase price for 20 acres paid in two installments within 7 years of a land development permit being issued. The School Board shall identify a potential site no later than 180 days from closing, excluding any portions of the property that have been presented as Phase 1 of the community.

16. The developer agrees to make available an additional twenty (20) acres, for a total of forty (40) acres, if the City of Gainesville has a need for a second school site. The Gainesville School Board would be required to pay fair market value for this last twenty (20) acres. The School Board shall identify a potential site no later than 180 days from closing, excluding any portions of the property that have been presented as Phase 1 of the community.
17. A site shall be made available within the boundaries of the proposed development to the City of Gainesville for a fire station and a precinct for the police department consisting of not more than two (2) acres of land which will be designated by the developer and reasonably approved by the Gainesville City Council for such public services. This site shall be made available by the developer without charge for the land, at any time within seven (7) years after the developer has provided paved access to the site. This site has been identified on the Concept Plan and the City of Gainesville shall have 180 days from closing to determine if the site meets their requirements or if another site is preferred, however any portions of the property that have been presented as Phase 1 of the community shall be excluded.
18. The plan shall include a fifty (50') foot perimeter buffer separating all portions of the development from the existing single-family communities to the south of the project site. The specific parcels are shown on the buffer exhibit attached. The composition of this buffer, including any fencing deemed necessary, shall be subject to final approval by the Community and Economic Development Department Director.
19. Minimum five foot (5') wide sidewalks with a two foot (2') grass beauty strip shall be required as shown on the Pedestrian Access Plan filed with this request. Applicant, at his sole discretion, shall substitute a five foot (5') sidewalk with a ten foot (10') multi-use trail (asphalt or concrete) where indicated on the Pedestrian Access Plan to be maintained by the Homeowners Association (HOA).
20. All new streets shall meet the standards within the current Gainesville Unified Land Development Code, unless varied herein. All proposed residential uses, commercial 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.
21. All access point design for the subject property shall be submitted for review and approval by the Gainesville Public Works Director, Hall County and/or the Georgia Department of Transportation. The main access road, from Old Cornelia Highway to Applicant's property shall be constructed by the City of Gainesville at its expense. Applicant shall be responsible for access beyond this point and any other access points to the property.

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

B. Zoning Amendment Request

- 1) Request from **Caballero Holdings, LLC** to amend an existing Planned Unit Development (P-U-D) zoning totaling 981.661± acres located east of Lanier Parkway (I-985), south of the intersection of Old Cornelia Highway and Dana Drive, south of Floyd Road and east of its terminus, having road frontage on the east side of Lenox Drive (a/k/a **0, 2490 and 2544 Floyd Road, SE; 0 Lenox Drive, SE; 0 Old Cornelia Highway, SE**).

Ward Number: Three

Tax Parcel Number(s): 15-021-000-164; 15-022-000-003M, 004, 034 and 086;
15-033-000-001

Request: Master planned mixed-use development

There was a motion to recommend conditional approval of the zoning amendment request for a master planned mixed-use development with Planned Unit Development (P-U-D) zoning with the following conditions:

Conditions

1. The development standards within the applicant's narrative, site plans, and architectural renderings shall be made part of the zoning ordinance, and shall be subject to the Community and Economic 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 maximum number of single-family detached homes/lots shall be 1,414. The maximum number of single-family attached homes shall be 311. The maximum number of multi-family units shall be 640. The total number of residential units shall not exceed 2,365 units.
3. No more than 300 single-family units (detached and/or attached) and 640 multi-family units shall be rental units for a total of 940 rental units. The multi-family units may be any combination of traditional garden-style apartments, townhomes, manor houses, cottages, and/or carriage houses built within the confines of the multi-family areas.
4. Prior to permits being issued for the residential uses, each contractor/developer shall provide architectural renderings of the proposed single-family detached homes, attached townhomes and multi-family apartments for the review and approval of the Community and Economic Development Department Director.
5. The minimum heated floor space for single-family detached homes shall be as presented in the below table associated with zoning condition number 8. The minimum heated floor space for the attached townhomes shall be 1,100 square feet and 640 square feet for the multi-family units. The single-family detached homes and attached townhomes shall not exceed 3 stories in height. The multi-family apartment buildings shall not exceed 3 stories, although 3 / 4 splits shall be allowed.
6. All exterior wall front, sides, and rear of the single-family detached homes, townhomes, and multi-family units shall consist of a variety of building materials consistent with architectural themes and styles determined by the applicant. Foundation water tables of matching brick or stone material, that also covers all

exposed foundation walls, will be used where architecturally compatible. Vinyl siding shall only be permitted on soffit areas.

Other architectural requirements will include:

- Carriage style garage doors with decorative hardware or other embellishments shall be used on all single-family detached homes and townhomes;
- The roofing material used on all single-family detached homes and townhomes shall be 3-tab architectural/dimensional style asphalt shingles or metal as appropriate to the architectural style of each home as determined by the builder.
- All overhangs including gables and side gables will have a minimum of a 12-inch overhang on all sides;
- The developer shall use a variety of techniques to avoid the monotonous appearance of identical single-family detached homes. Such techniques may employ among others the use of differing front elevations, architectural styles, building exteriors, and other similar techniques so that no single-family detached house is the same as any house directly in front of a single-family detached home or on either adjacent side of a single-family detached home;
- All roofs and gables shall be of a pitch no less than 8/12. This condition shall not apply to dormers, porches, bay windows, and third floor retreats;
- The exterior materials for all homes shall consist of brick, stone, fiber cement siding, cedar shake or wood siding;
- All roof vents, pipes, and other roof equipment (except chimneys) shall be located on the rear elevations and shall be painted to match the color of the roof;
- No above-ground swimming pools shall be permitted;
- No window air conditioning unit may be installed;
- No exterior blank, windowless walls will be constructed;
- If dormers are included, they will not be taller than the main roof;
- All single-family detached house plans will have front or side loaded garages;
- All townhomes will have front or rear entry garages;
- Street lighting will be provided throughout the development;
- All front porches of single-family detached homes shall have a minimum depth of 5';
- Windows are restricted to single hung or double hung windows.

These requirements shall be included in the Covenants to be recorded against the property.

7. Each detached single-family home and townhome shall have, at a minimum, an attached two car garage.
8. Specific development standards for the single-family detached homes shall include the following:

Lot Width	*40'	50'	60'	75'	95'
Minimum Lot Size	4,000 SF	5,000 SF	6,000 SF	7,500 SF	9,000 SF
Minimum Front Yard Setback	25'	25'	25'	25'	25'
Minimum Side Yard Setback	5'	5'	5'	5'	5'

Minimum Rear Yard Setback	10'	10'	10'	10'	10'
Minimum Building Separation	10'	10'	10'	10'	10'
Maximum Height (Number of Stories)	3	3	3	3	3
Minimum Heated Square Feet per Home	1,400 SF	1,800 SF	1,800 SF	2,000 SF	2,200 SF
**Maximum % of SF Detached Lot Type	15%	35%	35%	No Max	No Max

***40' lots are restricted to age-restricted neighborhoods only.**

****Any lot allocation from a smaller category may move to a larger category.**

9. The front yard of each lot shall be sodded and planted with at least one 3" caliper in size hardwood tree.
10. The proposed amenities shall be required as shown on the site plan and the pictures shown on pages 10, 14, 15, 16, 17 28, 29, 34, 75, 76, 77, 87, 88 and 89 of the applicant's revised narrative submitted with this application per the approval of the Community and Economic Development Department Director. The amenity area must be started in the first phase of construction. No more than 250 single-family detached homes shall receive a certificate of occupancy (CO) prior to the Central Amenity Center being substantially completed as described on page 37 of the applicant's revised narrative. This shall include at minimum the clubhouse, swim center with lap pool with children's play area, tennis center with lighted courts, pickle ball courts, great lawn with pavilion for outdoor functions, and mail kiosk. Certain elements, such as additional courts may be phased in as demand dictates. Additional CO's may be granted at the discretion of the Community and Economic Development Director, if sufficient progress is being made on the amenity.
11. Covenants shall be put in place by the developer restricting against the parking of boats, trailers, and campers within driveways or streets. In addition, no on street parking shall be permitted for vehicles.
12. No more than 10% of the units within the proposed community storage facility may be leased to non-residents of the proposed development. There are no restrictions for non-resident use of any commercially operated storage facility that is located within the Commercial District.
13. 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 and Economic 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.
14. All proposed detention ponds shall be fenced and landscaped in order to mitigate the view from all roads and adjacent properties. All fencing and landscaping materials shall be approved by the Community and Economic Development Department Director.
15. A site shall be made available within the boundaries of the proposed development to the City of Gainesville for a school consisting of twenty (20) acres of land which

meets the criteria established by the Georgia State School Board for such a public school. This site shall be made available by the developer without charge for the land, at any time within seven (7) years after the developer has provided paved access to the site. Alternatively, the School Board may elect to receive an amount equal to the Developer's per acre purchase price for 20 acres paid in two installments within 7 years of a land development permit being issued. The School Board shall identify a potential site no later than 180 days from closing, excluding any portions of the property that have been presented as Phase 1 of the community.

16. The developer agrees to make available an additional twenty (20) acres, for a total of forty (40) acres, if the City of Gainesville has a need for a second school site. The Gainesville School Board would be required to pay fair market value for this last twenty (20) acres. The School Board shall identify a potential site no later than 180 days from closing, excluding any portions of the property that have been presented as Phase 1 of the community.
17. A site shall be made available within the boundaries of the proposed development to the City of Gainesville for a fire station and a precinct for the police department consisting of not more than two (2) acres of land which will be designated by the developer and reasonably approved by the Gainesville City Council for such public services. This site shall be made available by the developer without charge for the land, at any time within seven (7) years after the developer has provided paved access to the site. This site has been identified on the Concept Plan and the City of Gainesville shall have 180 days from closing to determine if the site meets their requirements or if another site is preferred, however any portions of the property that have been presented as Phase 1 of the community shall be excluded.
18. The plan shall include a fifty (50') foot perimeter buffer separating all portions of the development from the existing single-family communities to the south of the project site. The specific parcels are shown on the buffer exhibit attached. The composition of this buffer, including any fencing deemed necessary, shall be subject to final approval by the Community and Economic Development Department Director.
19. Minimum five foot (5') wide sidewalks with a two foot (2') grass beauty strip shall be required as shown on the Pedestrian Access Plan filed with this request. Applicant, at his sole discretion, shall substitute a five foot (5') sidewalk with a ten foot (10') multi-use trail (asphalt or concrete) where indicated on the Pedestrian Access Plan to be maintained by the Homeowners Association (HOA).
20. All new streets shall meet the standards within the current Gainesville Unified Land Development Code, unless varied herein. All proposed residential uses, commercial 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.
21. All access point design for the subject property shall be submitted for review and approval by the Gainesville Public Works Director, Hall County and/or the Georgia Department of Transportation. The main access road, from Old Cornelia Highway to Applicant's property shall be constructed by the City of Gainesville at its expense. Applicant shall be responsible for access beyond this point and any other access points to the property.

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

NEW BUSINESS

A. Variance Requests

- 1) Request from **Sonia del Carmen** to vary the rear yard and right side yard setback requirements on a 0.072± acre tract located on the north side of Rainey Street, west of Woods Mill Road (a/k/a **878 Rainey Street, NW**), having a zoning of Residential-II (R-II).
Ward Number: Five
Tax Parcel Number(s): 01-045-008-012
Request: Bedroom addition

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

The applicant is proposing to vary the rear yard setback from 20-feet to 5-feet and the right side yard setback from 10-feet to 5-feet for a 160 square foot, two-story rear addition to the home that will increase the size of two bedrooms. The property fronts Rainey Street and is 0.072 acre in size, and consists of a 760± square foot, two-story single-family home originally constructed in 1937. The adjacent properties are zoned Residential-II (R-II) and General Business (G-B) and includes older single-family homes and various office/warehouse uses. A building permit for the addition was issued for the proposed addition on June 24, 2021. The applicant partially constructed the addition but stopped when it was determined there was a setback issue due to an inaccurate survey. The applicant states she was unaware there was a setback issue when she purchased the property and found out during construction there was a discrepancy on the original survey which incorrectly located the rear and right side yard property lines further from the existing home. The property owner is basing the hardship on the small size of the lot and the narrow shape of the lot.

The Planning Division staff is recommending **conditional approval** of this variance request based on the size of the property and the location of the existing home.

Applicant Presentation: None

FAVOR: None

OPPOSE: None

PLANNING AND APPEALS BOARD COMMENTS: None

There was a motion to conditionally approve the request to vary the rear yard setback requirement from 20-feet to 5-feet and right side yard setback requirement from 10-feet to 5-feet for a bedroom addition having a zoning of Residential-II (R-II) with the following conditions:

Conditions

1. **The exterior siding materials for the proposed addition shall match exterior materials on the existing home.**
2. **The subject property shall be properly maintained including the removal of material, appliances and debris stored outside.**

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

- 2) Request from **Federal Construction** to vary the front yard setback requirement from Race Street on a 0.31± acre tract located on the southwest side of the intersection of Broad Street and Race Street and the northwest side of the intersection of Jesse Jewell Parkway and Race Street (a/k/a **430 Broad Street, SE**), having a zoning of General Business (G-B).
Ward Number: Four
Tax Parcel Number(s): 01-008-002-001
Request: Restaurant

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

The applicant is proposing to vary the front yard setback from Race Street from 40-feet to zero feet (0') for a new restaurant building. The actual proposed building footprint is setback fourteen feet (14') from the front property line, but the proposed exterior stairwell protrudes from the building and extends to the property line. The subject property is 0.31± acre in size and contains a 1,500 square foot office/garage building originally constructed in 1955 previously occupied by Stat Delivery Services. Adjacent uses include medical offices, AT&T office, retail shopping center and Cadence Bank. As well, Brenau University is located just north of the property. The applicant intends to remove the existing building to construct a two-story 6,000± square foot building. The applicant intends to improve an existing access drive from Broad Street and the two driveways from Race Street. The property owner is basing the hardship on the three road frontages and the narrow width of the lot. The applicant states the lot is unbuildable given the front yard setback requirements and the depth of the lot from Race Street.

The Planning Division staff is recommending **conditional approval** of this variance request based on the narrow shape of the subject property and the three front yard building setbacks.

Applicant Presentation: **Larry Phillips**, Federal Construction decided to remove the stairwell from project and feels it is not a good design for the property, lack of space and will rework the plans. Mr. Phillips spoke of the size of the layout and the materials for the building.

John Vachtsevanos, 4782 Hillsboro Road, stated he is one of the co-owners of the restaurant serving Mediterranean food, brick-oven pizza, easy access within walking distance of the square, Brenau and hospital. The staircase has been deleted and agrees with planning for approval.

FAVOR: None

OPPOSE: None

PLANNING AND APPEALS BOARD COMMENTS: None

There was a motion to conditionally approve the request to vary the front yard setback requirement from Race Street from 40-feet to 0-feet for a restaurant having a zoning of General Business (G-B) with the following conditions:

Conditions

- 1. The proposed building shall be consistent with the architectural rendering provided with this variance application.**
- 2. Upon the discretion of the Community and Economic Development Director and Public Works Director, the proposed exterior stairwell shall be sufficiently setback from Race Street so as not to cause a safety hazard or impede traffic circulation within the property.**

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

B. Annexation Request

- 1) Request from **Moez Hasni** to annex a 5.503± acres tract located on the northeast corner of Jesse Jewell Parkway and Crescent Drive, having frontage on Exit 24/ I-985 (a/k/a **374 and 400 Crescent Drive**) and to establish zoning as General Business (G-B).

Ward Number: Two
Tax Parcel Number(s): 15-033C-000-077
Request: Retail shopping center

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

The applicant is proposing to annex the subject 5.5 acres property with a zoning of General Business (G-B). The property is contiguous to the city limits to the east across I-985 and is currently zoned Highway Business (H-B) within unincorporated Hall County. The property is located within the Limestone Parkway Overlay Zone and the Gateway Corridor Overlay Zone. The adjacent uses include single-family homes, Hall County Farmers Market and Fire Station #7, and mini-warehouses and assisted living facility to the east across I-985. The subject property consists of two tracts of land that are undeveloped. The purpose of the request is to access sewer for the development of a 6,070 square foot retail shopping center that will include a Dunkin Donuts restaurant. One access driveway is proposed along Crescent Drive near the center of the property. The subject property previously contained a single-family home that was demolished and has since been graded for a stormwater easement and detention pond located on the north end of the property.

The City of Gainesville Future Development Map places the subject property within the *Retail/Commercial* land use category and the *Limestone Medical Corridor* Character Area which includes commercial service activities such as grocery stores, banks, restaurants, theatres, hotels, mixed-use and such.

The Planning Division staff is recommending **conditional approval** of the proposed annexation request with **General Business (G-B) zoning**, based on the Comprehensive Plan and the adjacent residential and non-residential land uses.

Applicant Presentation: Moez Hasni, 374 Crescent Drive, stated he is one of the owners of the project and will be a retail center with a lease already signed by Dunkin Donuts and is looking for future national tenants. They agree with all seven conditions and hope to do something with the remaining three acres in the future.

FAVOR: None

OPPOSE: None

PLANNING AND APPEALS BOARD COMMENTS: None

There was a motion to recommend conditional approval to annex the subject property and establish zoning for a retail shopping center as General Business (G-B) with the following conditions:

Conditions

1. The proposed development shall be generally consistent depicted on the concept plan and architectural renderings provided with this application.
2. Prohibited uses for the subject property shall include adult novelty stores, group homes, crisis centers, adult entertainment centers, pawn shops, dollar-type stores, massage parlors, hookah lounge, tobacco or vaping stores, gas station/convenience stores, tire stores, auto parts stores, auto body shops, automobile sales establishments, marine sales or repair stores, automated or non-automated car washes, truck stops, coin-laundry facilities, tattoo parlors, psychics, fortune tellers, clairvoyants and the like.
3. The proposed buildings shall meet the Limestone Parkway Overlay Zone and Gateway Corridor Overlay Zone standards.
4. The frontage landscape areas shall be sodded with grass and contain minimum 3-inch caliper size hardwood trees subject to the Community & Economic Development Director approval.
5. The subject property shall be limited to one (1) multi-tenant sign not to exceed 15-feet in height, 80 square feet of sign face area, 120 square feet of total sign structure area with internal or external lighting. Building signage shall be permitted as regulated within the Gainesville Unified Land Development Code. An electronic message board sign or electronic changeable copy sign shall not be permitted for the subject property.
6. An updated as-built boundary survey/plat of the subject property, indicating all improvements required for the proposed use shall be required.
7. 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.

- a) Crescent Drive shall be improved to City standards along both sides of the roadway for the length of the proposed site. This includes roadway, curb and gutter, sidewalk, etc.**
- b) Jesse Jewell Parkway frontage shall be improved to City standards along the front roadway side for the length of the proposed site. This includes curb and gutter, sidewalk, etc. There is currently an existing right turn lane at this location.**
- c) The proposed RCUT at Crescent Drive and Jesse Jewell Parkway to allow left turns onto Crescent Drive shall be reviewed by the Georgia Department of Transportation (GDOT). This will require coordination between the development and GDOT for permitting approval/denial. Any correspondence from the GDOT shall be forwarded to the Gainesville Public Works Department.**
- d) The westbound left turn lane on Jesse Jewell Parkway at Textile Way and the Jesse Jewell Parkway at East Crescent Drive intersection shall be reviewed by GDOT for improvements to accompany any U-Turn movements. This will require coordination between the development and GDOT for permitting approval/denial. Any correspondence from the GDOT shall be forwarded to the Gainesville Public Works Department.**
- e) Southern site access on Crescent Drive is proposed to be a full access side street STOP. With the increased development in the area and the projected peak hour/daily trips for the development, it is recommended that the driveway also include a right turn deceleration lane into the development with sufficient spacing for the deceleration lane from the intersection of Jesse Jewell Parkway at no cost to the City. The deceleration lane should be a full width storage of 100 feet with a 50-foot taper.**
- f) Northern site access on Crescent Drive is proposed to be a full access side street STOP. Should this access be built, site distance shall be evaluated to determine the type of access permitted and it shall meet all City of Gainesville requirements.**

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

C. Rezoning Requests

- 1) Request from Fred and Olivia Skey to rezone a 0.65± acre tract located on the east side of Northside Drive, southeast of its intersection with Ivey Terrace (a/k/a **352 Northside Drive, NW**) from Office and Institutional (O-I) and General Business (G-B) to Office and Institutional (O-I) with a special use.**
Ward Number: Four
Tax Parcel Number(s): 01-025-005-010
Request: Single-family residence

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

The applicant is proposing to rezone the subject 0.65± property from O-I and G-B to O-I with a special use for a single-family residence. The adjacent uses include residential condominiums, residential triplex and quadplex, single-family home, AHAVA Hair Salon, professional offices and the Rock Creek Greenway. The property is vacant of structures but was originally developed for a single-family home many years ago. The proposed home is for a single-story over a basement, 2,500 square foot home to include an attached in-law suite and a detached garage. The proposed architecture of the home is intended to resemble a cottage/bungalow/craftsman style home similar to the original home that burned down around 1970. One driveway for access is proposed off of Northside Drive.

The City of Gainesville places the property within the *Mixed-Use Downtown* land use category and within the *Central Core* Character Area which allows for mixed-use, retail, office and residential.

The Planning Division staff is recommending **conditional approval** of the rezoning request with a special use based on the Comprehensive Plan and the adjacent residential uses.

Applicant Presentation: Fred Skey, 605 Candler Street, recently retired, sold their home in Flowery Branch and recently moved into a condominium. They are excited to live in town within walking distance of town and build a smaller home.

Olivia Skey, 605 Candler Street, stated they are meeting with an architect and will keep the staff posted.

FAVOR: None

OPPOSE: None

PLANNING AND APPEALS BOARD COMMENTS: None

There was a motion to recommend conditional approval to rezone the subject property with a special use for a single-family residence from Office and Institutional (O-I) and General Business (G-B) to Office and Institutional (O-I) with the following condition:

Condition

- 1. The proposed single-family home shall be generally consistent with the standards depicted on the concept plan and architectural picture provided with this application.**

Motion made by Board Member Delgado

Motion seconded by Board Member Fleming

Vote – 7 favor

- 2) Request from **Two Capital Partners** to rezone a 24.857± acres tract located on the southwest side of Shallowford Road and southeast side of the intersection of Skelton Road and Hudgins Street (a/k/a **600, 610 and 622 Shallowford Road, SW; 1515 Skelton Road, SW; 1448 and 1450 Hudgins Street, SW**) from Neighborhood Business (N-B) and General Business (G-B) to Planned Unit Development (P-U-D).

Ward Number: Five

Tax Parcel Number(s): 01-119C-001-001, 001A, 029, 029A, 029D and 031

Request: Master planned mixed-use rental community

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

The applicant is proposing to rezone the 24.857 acres subject property from Neighborhood Business (N-B) and General Business (G-B) to Planned Unit Development (P-U-D) for a mixed-use rental community. Some of the adjacent uses include Arby's restaurant, US Army Reserve Center, Target, Lowe's, Walgreen's, Gainesville Towne Center and single-family homes. The property consists of six parcels and is the site of the Gainesville Market "Blueridge" Shopping Center, an outdoor soccer field, office/warehouse building and U-Haul rental office. The proposed development is to include 17,000 square feet of commercial space and a total of 385 residential units with a residential density of 15.5 dwelling units per acre. The development is to be called "AVA Shallowford Station" with an anticipated completion date of 2024. The commercial space includes up to 15,000 square feet of retail or restaurant space and an additional 2,000 square feet of pop-up retail space fronting Shallowford Road. The residential uses are intended to be 100% market rate rentals to include a 200 unit multi-family apartment building (4-stories); 100 townhomes (2 to 3 stories) and 85 single-family cottages (1 to 3 stories). Amenities include a 2,000+ square feet of fitness facilities, 1,700 to 2,000+ square feet of co-working facilities, multiple resort pools, outdoor living space, private dining/demonstration kitchens, tech-enable package locker systems, bike storage, virtual sports simulators, oversized dog parks and bark spas. Access is proposed from three existing driveways off of Shallowford Road to serve the commercial, apartments and cottages. As well, one driveway is proposed off of Skelton Road serving the townhomes; with pedestrian connectivity to the apartment and cottage pods. A TIS was submitted with the application.

The subject property is located within the *Retail/Commercial* land use category and *Browns Bridge Corridor* Character Area which includes commercial service activities such as grocery stores, banks, restaurants, theatres, hotels, and automotive related businesses.

Staff believes the residential portion of the proposal is too dense and is considered inappropriate based on the Future Land Use Map. Therefore, Planning Division staff is recommending **denial** of this request.

Applicant Presentation: **Brian Rochester**, 425 Oak Street with Rochester & Associates stated over the years the property has slowly declined and is sort of a poster child for blight in the community. He stated there was a lot of thought and vision about revitalizing midtown and now seeing a vision that is being implemented and the same for redeveloping this part of town. He mentioned the project by Robbie Robinson and Steve McKibbin being risky and pioneering but was successful and believes this project has that same opportunity.

Wes Taubel, 3060 Peachtree Road, Two Capital Partners stated when the application was submitted in August there were delays with the traffic study and the original plans have been revised to 336 units which brings it to 13 units an acre. He said they focus on developing "Class A" apartment/multi-family rental communities targeting renters by choice. He then gave a PowerPoint presentation that included detailed information about the comp plan and density and impacts to schools. He stated the corridor is mostly commercial but sees the need for residential housing. He mentioned they invest in pet spas instead of playgrounds, hire interior designers from the hospitality industry with different architectural styles and will have a good tax and revenue impact. He asked if not this project then what.

FAVOR: None

OPPOSE: None

PLANNING AND APPEALS BOARD COMMENTS: None

There was a motion to recommend denial to rezone the subject property for a master planned mixed-use rental community from Neighborhood Business (N-B) and General Business (G-B) to Planned Unit Development (P-U-D).

Motion made by Board Member Thompson

Motion seconded by Board Member Martin

Vote – 7 favor

D. Zoning Amendment Request

- 1) Request from **Mark D. Thebaut, D.D.S.** to amend an existing Planned Unit Development (P-U-D) zoning totaling 0.67± acre located on the southeast side of the intersection of Thompson Bridge Road and Lanier Avenue (a/k/a **1398 Thompson Bridge Road, NE**).

Ward Number: Two

Tax Parcel Number(s): 01-087-003-001

Request: Medical/Dental office / restaurant with drive-thru

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

The applicant is proposing to amend an existing 0.67± acre Planned Unit Development (P-U-D) for a medical/dental office, with the right to retain the existing use of a drive-thru restaurant. The property is located within the Gateway Corridor Overlay Zone and the adjacent uses include the Lanier Federal Credit Union, Coleman, Chambers & Rogers Law Office, Martin Properties Construction Management Office and the Westminster Presbyterian Church. The property is the current location Pizza Hut which was originally established in 1988. The applicant intends to relocate their existing TEBO Dentistry located further north on Thompson Bridge Road by converting the existing Pizza Hut building to a medical/dental office. The existing building is 2,841 square feet in size and contains 42 parking spaces. The applicant intends to remove the drive-thru to expand the rear of the building an additional 500± square feet for a total of 3,335± square feet. The existing parking lot and driveways on Thompson Bridge Road and Lanier Avenue will remain.

The City of Gainesville places the property within Retail/Commercial land use category and the City Park Neighborhood Center Character Area which includes commercial service activities such as grocery stores, banks, offices, restaurants, and such.

The Planning Division staff is recommending conditional approval of this PUD amendment request based on the Comprehensive Plan and the adjacent nonresidential uses.

Applicant Presentation: Dr. Mark Thebaut, 609 Beaver Ruin Road, currently has an office at 3535 Thompson Bridge Road and wants to relocate to area more accessible to his patients. He asked the restaurant be allowed to function in its current capacity until being able to move forward with the construction. The plan is to expand the footprint by approximately 500 square feet toward the back of property, remove the drive-thru and increase green space to the street. It is the intent to make cosmetic improvements to the building. Dr. Thebaut requested a minor change to condition 2 stating the existing pole sign removed prior to the issuance of a Certificate of Occupancy for medical or dental use. He stated the use of space will be less of a burden of traffic, maintain existing forty-two parking spaces and existing retention pond.

FAVOR: None

OPPOSE: None

PLANNING AND APPEALS BOARD COMMENTS: Chairman Carter asked the applicant to explain the change to condition number two. Deputy Director Tate stated the existing pole sign shall be removed prior to a building permit being issued for a dental office.

There was a motion to recommend conditional approval to amend the existing Planned Unit Development (P-U-D) zoning for a medical/dental office / restaurant with drive-thru with the following conditions with the change in condition number two:

Conditions

1. The proposed development shall be generally consistent with the standards depicted on the concept plan and architectural renderings provided with this application.
2. The existing pole sign shall be removed **prior to the issuance of a building permit for medical or dental office use**. The subject property shall be limited to one (1) monument sign fronting Thompson Bridge Road, not to exceed 10-feet in height, 64 square feet in size, with internal or indirect lighting. Building signage shall be permitted as regulated within the Gainesville Unified Land Development Code. An electronic message board / changeable copy sign shall not be permitted for the subject property.
3. The developer/property owner shall be required to repair or replace the existing privacy fence located to the rear of the building.
4. All access point design for the subject property shall require approval by the Georgia Department of Transportation in conjunction with the Gainesville Public Works Director. All required access / traffic / sidewalk improvements associated with the proposed development shall be at the full expense of the developer/property owner.

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

Deputy Director Tate stated the City is in the process of updating the Comprehensive Land Use Plan. There are handouts in the foyer on how people can participate online by taking a quick survey to provide input on the future of Gainesville.

ADJOURNMENT

There was a motion to adjourn the meeting at 7:11 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