

**GAINESVILLE PLANNING AND APPEALS BOARD  
MINUTES OF MEETING  
MAY 10, 2016**

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

**Members Present:**   Chairman Doug Carter, Vice-Chair Jane Fleming, and Board Members Connie Rucker, George Hokayem, Eddie Martin, Sr., Carmen Delgado and Lemuel Betancourt

**Members Absent:**     None

**Staff Present:**        Community Development Director Rusty Ligon, Planning Manager Matt Tate and Recording Secretary Judy Foster

**Others Present:**      Council Members Zack Thompson and George Wangemann

**MINUTES OF APRIL 12, 2016**

**There was a motion to approve the minutes as presented.**

Motion made by Vice-Chair Fleming  
Motion seconded by Board Member Martin  
**Vote – 7 favor**

**OLD BUSINESS**

**A. Code Amendment Request**

- 1) Request from the **City of Gainesville** to amend the Unified Land Development Code for the City of Gainesville, Georgia. The proposed amendments are to include amendments to Article 9-3 entitled “General Provisions”; amendments to Article 9-7 entitled “Flexible Zoning Districts”; amendments to Article 9-8 entitled “Overlay Zones”; to adopt a new Article 9-9 entitled “Site and Architectural Design Review”; amendments to Article 9-13 entitled “Subdivisions and Land Development”; and to repeal and adopt a new Article 9-17 entitled “Access, Parking and Loading Requirements.”

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

Motion made by Vice-Chair Fleming  
Motion seconded by Board Member Delgado  
**Vote – 7 favor**

**Staff Presentation:** Planning Manager Matt Tate introduced Jerry Weitz with Jerry Weitz & Associates, Inc. who gave a summary of the Unified Land Development Code (ULDC) proposed amendments as follows:

**Jerry Weitz**, 1225 Rucker Road, Alpharetta, stated that he was the author of the 2005 ULDC and this request was a proposed amendment to that document. He stated that a number of articles were listed to be revised but a lot of it was reorganizing several things related to review of development site and architectural design, noting some are already in the overlay districts. The amendment establishes

a site and architectural design review process which really is not new but will be integrated seamlessly into what Staff already does through reviewing development permits and building permits. It will actually formalize what Staff is already doing but gives it the weight of an administrative decision that then could be appealed. Article 9-9 is the largest part of the amendment and relocated some design related provisions that were in overlay districts and moved them to the new article so everything that is design related can be found in one article to make it user friendly. The other major change was to Article 9-17 Access, Parking and Loading Requirements which included items that were not in the Code already like stacking lanes for drive-thru facilities. However, the major motivation behind Article 9-17 had to do with the use of porous materials where appropriate to do so in order to be more flexible with site specific developments. The City also made a few more minor changes. Mr. Weitz stated that he was available to answer any questions from the Board.

Planning Manager Matt Tate stated that the Board had been given a summary of the changes for Article 9-17 relating to porous materials by defining the term and when the use of them would be appropriate. He stated that it is not a requirement but an allowance to use them when authorized by the Department of Water Resources Director in conjunction with the Public Works Department and the Community Development Department. The use of porous materials is allowed in the current Code; however, the proposed amendment would make it more prevalent and would support a reduction in impervious calculations when it would have an environmental impact. Mr. Tate asked the Board to consider those items as well.

**FAVOR:** None

**OPPOSE:** None

**Planning and Appeals Board Comments:** None

**There was a motion to recommend approval of all the Code amendments as presented.**

Motion made by Vice-Chair Fleming  
Motion seconded by Board Member Hokayem  
**Vote – 7 favor**

## **NEW BUSINESS**

### **A. Variance Request**

- 1) Request from **Aneesh Patel** to vary the stream buffer requirement on a 1.84± acres tract located on the south side of Browns Bridge Road, east of Delta Drive (a/k/a **1745 Browns Bridge Road SW**), having a zoning classification of General Business (G-B).  
Ward Number: Five  
Tax Parcel Number(s): 01-127-001-070  
Request: Hotel

***NOTE: Board Member Hokayem recused himself from the meeting at 5:42 p.m.***

**Staff Presentation:** Planning Manager Matt Tate gave the following staff presentation:

The applicant is proposing to vary a portion of the 75-foot wide stream buffer requirement adjacent to Flat Creek in order to construct a hotel. The hotel is planned for 4 to 6 stories to be located on the remaining lot of the commercial subdivision which includes Longhorns, O'Charley's, Hilton Garden Inn, and Fairfield Inn and Suites. The subject property is zoned General Business (G-B) and is 1.84± acres in size and contains a 435± linear foot portion of perennial stream that feeds Flat Creek. Specifically, the proposal would vary the local stream buffer requirement from 75-feet to 25-feet. The State 25-foot buffer will not be disturbed. The total area of encroachment includes 0.25± acres (10,890 square feet) of disturbed area of which approximately 0.19± acre (8,400 square feet) would be impervious area. A mitigation plan was not provided by the applicant at this time; however, the proposed development will be required to provide erosion control and water quality plan prior to development. The applicant is basing the hardship on the shape of the property and the location of the existing storm water facility that serves the entire commercial subdivision. The proposed concept plan is designed to direct the storm water flow to the existing storm water facility which will be modified.

The Planning Division staff is recommending **conditional approval** of the proposed stream buffer variance request based on the shape of the property and the existing storm water facility with one condition.

Chairman Carter read an email regarding **Edward Grill's** (3585 Ridgewood Point) opposition to the request due to concerns with the proposed hotel having an adverse effect on Flat Creek.

**Applicant Presentation:** **Mark Campbell**, 3651 Mars Hill Road, Watkinsville, with Carter Engineering Consultants stated he was a civil engineer and worked for the applicant, noting Aneesh Patel is the owner of Fairfield Inn and Suites located adjacent to the subject property. Mr. Campbell stated that he has been given liberty to share the name of the proposed hotel which would be a Marriott product called Towne Place Suites. He presented information about the product to the Board. Representatives from both ownership and operations were also present to answer any questions. Mr. Campbell's opinion was that the best use of the subject property would be for a hotel; however, because of the unique shape of the property, the singular access point, and the existing stormwater management facility, a variance is needed for development. He reiterated that the State 25-foot stream buffer area would remain untouched and is not a part of the request. Mr. Campbell noted that the pictures he distributed were of a similar property in Newnan, Georgia and Gainesville, Florida. He stated that they have had discussions with the Chattahoochee Riverkeepers regarding this proposal and two things they were concerned with were that it would not encroach into the 25-foot State stream buffer area; and that they incorporate some sort of green infrastructure development, noting the Code amendment which was just approved with pervious pavement are the types of things that would give the flexibility for this development to actually enhance some of the water quality as part of the overall development. He stated that it was their desire to create the best use of the subject property for the City of Gainesville and he was available to answer any questions.

For the record, Chairman Carter commented that he had no relationship with Carter Engineering Consultants.

**FAVOR:** None

**OPPOSE:** **Wilton Rooks**, 6345 Barberry Hill, Executive Vice President of the Lake Lanier Association, stated that the existing regulations are in place for a good reason and the application does not stipulate why those reasons have changed, only how they affect the applicant. He shared the following comments: The regulations were there to protect the public good and should be the top most consideration in any variance request; As the metro economic and population center moves northward, Lake Lanier will continue to come under increasing pressure, noting siltation and nonpoint source pollution are the major dangers for Lake Lanier which he proposed was the golden egg for Gainesville, Hall County and the other counties surrounding it since it is a magnetic source to attract people and economic development to the area; There was a comment made that the property was not fitting into the definition of best practices as defined by the applicant and he felt that best practices should conform to the property itself, not to the desires of the applicant; Death by a thousand cuts is just as fatal as a catastrophic failure on the lake; Flat Creek, as well as other tributaries to Lake Lanier, are under increasing pressure; As the commercial center moves northward, we will experience more of these opportunities to handle economic development by changing our regulations that have been put in place for very good reasons; Urged the Board to think seriously before changing the regulations to accommodate one business strategy; This is not a hardship for the developer as he does not own the property but has an option to purchase it pending approval, noting he would understand if the property owner was requesting the variance but that is not the case in this situation. He urged the Board to think of the overall health of Flat Creek, specifically, and Lake Lanier, generally, which are valuable resources worth protecting and preserving through the regulations that currently exist.

**Clyde Honeycutt**, 1975 Delta Drive, stated that he owns property which abuts the back side of the subject property. He stated that he was not necessarily opposed to the request but needed clarification and assurances. Between the back side of his property and the fence where the proposed parking lot would be located for this development is a low, wet area and he was concerned that if he gets runoff from the parking lot onto his property, he would have problems at his warehouse. He spoke with Community Development Director Rusty Ligon who assured him he should not have any problems because the water would have to go away from his property which he stated would be fine. So he did a site visit and found that the Fairfield Inn and Suites has an aluminum fence which is in disrepair and behind it where the mini warehouses are located there is "no mans land." He stated there was no way to get in to maintain it and someone needs to address it so it won't happen to the back of his property as well. Mr. Honeycutt stated that he was not opposed to the proposed hotel; however, the runoff should be handled carefully. He also noted that the retention pond is full of cattails and becoming overgrown so he was not sure how much more water it could hold.

**Pat Horgan**, 1004 Lakemont Drive, stated that the City of Gainesville should not be granting buffer variances on any tributary or stream going into Lake Lanier. He stated that he is a member of the Lake Lanier Association and this is happening all over the lake, noting that Gainesville does not have the best track record of keeping

silt out of the lake. He stated it was very hard to keep silt out of the streams and in many cases it is impossible. The chances are very high that silt will get into the creek and then into Lake Lanier and if it does, there is no remediation. He stated that it was happening at points all over the lake, all the time, noting he knew of 25 such sites, so the consequences are very serious. He urged the Board to think carefully before granting any stream buffer variance; however, if it was approved, to insure protections are in place so that the silt does not get into the lake as well as the oil and gas from the parking lots because it will. He stated that all water goes downhill and ends up in the lake.

**Janet Westervelt**, Chattahoochee Riverkeepers, 615 Oak Street, asked where the existing stormwater facility was located; and if there was a purpose and a need for another hotel in this location, noting that Flat Creek is the worst stressed stream feeding into the Chattahoochee River and Lake Lanier. She stated that the City and County have both done a lot of work to mitigate and restore the stream and would hate to see that messed up. She asked if the existing stormwater facility could handle another development and if it would be possible to install pervious parking. She stated that other projects have had plans in place for certain processes with regards to best management practices; however, they spread them out and only start with the minimum effort and if that does not work then they try the next step and on and on until someone complains, meanwhile silt continues getting in the stream. She asked if all the practices could be put in place from the start to help minimize silt.

**Diane Rothberg**, 3590 Ridgewood Pointe, stated that she lives near where Flat Creek enters Lake Lanier and has been involved with the Lake Lanier Association over the past few years trying to get Flat Creek cleaned up. She stated that she has been delighted with the Bandalong Litter Trap which has made the creek really nice. She stated that Flat Creek has been designated an impaired area and now that we are moving in the right direction, she was concerned of anything that might be a step backward. She felt that any development along the creek should be something that enhances it, makes it better and alleviates the problem. She stated she was not anti-development and understood and encouraged business. She wanted the economy of Gainesville to do well and to be a good place to invest, but was concerned about the precedent it might set for future developments. She stated it was easy to make promises about storm management and tree planting but enforcement is another question and she was not sure how that would work. Ms. Rothberg stated she was extremely concerned with the granting of the variance but if it could be proven to her that it would enhance the stream and the area around it, that is great, but if not, no thank you.

**REBUTTAL: Mark Campbell** stated that he understood the comments completely and he believed the proposed development of the property provides the opportunity to enhance the area that flows to the creek which forms the boundary line and would allow them to address any runoff issues to the east and south. He stated that the developers and owners live in the community, they want to be great neighbors, and do not want any negative impacts on the stream or the community as a whole. The development of the property allows to have that positive impact in the following ways: by enhancing the existing stormwater facility; the ability to upgrade what is on the property; to treat the water quality through various means; utilizing different types of infiltration as opposed to runoff directly to a stream such as through porous pavement; maybe even opportunities for bio-retention depending on the topography of the land and the layout within the internal parking lot area in addition to the

existing stormwater facility. He stated that the development is not necessarily a negative impact on the stream but provides an opportunity for increased vitality of the area, noting things need to be addressed in its natural state and the development of the property would allow those items to be addressed.

**Planning and Appeals Board Comments:** Vice-Chair Fleming asked if this development would benefit from using pervious materials. Mark Campbell stated absolutely, pervious materials would be a great candidate for this location. Ms. Fleming asked if using those materials would help with the water quality from runoff into Flat Creek. Mr. Campbell stated that pervious pavement tends to work best within a parking area as opposed to within a drive isle. He stated the benefit of pervious paving is twofold: 1) it decreases the flow and the amount of stormwater runoff since without pervious pavement the rain has no way to infiltrate into the ground and is forced to runoff; and 2) it allows water to infiltrate within a stone base underneath the pervious pavement then enter the underlying soil.

Vice-Chair Fleming stated that she made a site visit and there was a lot of trash in the retention area and asked if that would be addressed with the development. Mr. Campbell stated absolutely. Planning Manager Matt Tate stated that is actually an issue that needs to be addressed now and the City will look into the matter.

Board Member Martin asked if the property which is grown up and located next door behind the fence belonged to the applicant. Mr. Campbell believed the fence was right at the property line so the property behind it would not be a part of the Fairfield Inn and Suites property but a part of the subject property being considered for the variance.

**There was a motion to approve the request to vary the stream buffer requirement from 75-feet to 25-feet for a hotel to be located at 1745 Browns Bridge Road with the following condition:**

**Condition**

**Prior to a development permit being issued for the proposed development, the property owner/developer of the property shall provide a detailed landscape mitigation plan for the disturbed area within the 75-foot stream buffer. At minimum, the plan shall include pre, intermediate and post erosion and sedimentation control measures; as well as a landscape plan consisting of native trees and vegetation acceptable to the Gainesville Community Development Department and the Gainesville Water Resources Department.**

Motion made by Board Member Martin

Board Member Rucker asked how we insure the retention pond and surrounding property is maintained correctly. Planning Manager Matt Tate stated that when there are new development sites, things are exposed at times that maybe were not seen before; however, the applicant must submit civil plans, including soil erosion and sedimentation plans, and during the plan review process and inspection, any problems such as with fencing or stormwater retention would have to be cleaned up and addressed at that time.

Vice-Chair Fleming asked if the request was approved and they submit all their plans, if every step along the way would be checked to insure Flat Creek was being protected. Mr. Tate stated yes, the inspectors will be doing their job in the field with the Department of Water Resources overseeing the process for soil erosion purposes. He stated that if the variance was approved and stamped civil plans obtained, then inspections would be made to insure the proper silt fencing was installed, all the stormwater best management practices were in place, and there would be periodic inspections throughout.

Community Development Director Rusty Ligon stated that there was still a motion on the floor.

Vice-Chair Fleming asked if the Board could ask the developer to come back before them with more detailed plans. Mr. Tate stated that the item could be tabled; however, there is a motion on the floor which needed to be addressed first.

**Motion died for lack of second.**

Mr. Ligon stated if there was a motion to table the request, it should be specific as to what additional information the applicant should bring forward. Mr. Tate added that if tabled, there should be a date certain as to when the request would be heard again by the Board.

**There was a motion to table the request until the June 14, 2016 Planning and Appeals Board Meeting to give the applicant time to submit more detailed plans as to how Flat Creek would be protected.**

Motion made by Vice-Chair Fleming

Motion seconded by Board Member Delgado

**Vote – 4 favor, 2 opposed (Rucker, Martin), 1 recusal (Hokayem)**

***NOTE: Board Member Hokayem returned to the meeting at 6:18 p.m.***

**B. Annexation Request**

- 1) Request from **Timothy Bullard** to annex a 20.42± acres tract located on the west side of the intersection of White Sulphur Road and Pine Valley Road, having frontage on Crow Road (a/k/a **1582 and 1586 Pine Valley Road**) and to establish zoning as Residential-II (R-II).

Ward Number: Two

Tax Parcel Number(s): 09-124-000-039B and 203

Request: 240 Multi-family apartments

**Staff Presentation:** Planning Manager Matt Tate gave the following staff presentation:

The applicant is proposing to annex the subject property with Residential-II (R-II) zoning for the purpose of developing 240 multi-family apartments. The property is zoned Agricultural Residential-III (AR-III) within unincorporated Hall County and is adjacent to the city limits to the east and west. The property consists of two parcels and contains a site built home, mobile home, various outbuildings and a sanitary

sewer easement which is located along the southern boundary of the property. All of the units within the development are to serve low to moderate income families as part of the Georgia Department of Community Affairs to receive private activity tax-exempt bonds. Specifically, the applicant's concept plan proposes 11 apartment buildings that are two to three stories in height. Amenities are to include a clubhouse, gazebo and playground area access is proposed from White Sulphur Road and Pine Valley Road.

A Traffic Impact Evaluation was performed by the applicant for the proposal which states the proposed development is anticipated to generate 1,600 cars per day with a distribution of 7.5% cars per day north on Pine Valley Road and east/north on White Sulphur Road and 85% cars per day south on White Sulphur Road. The introduction of the apartment vehicle traffic represents an approximate 33% increase. The additional apartment traffic will exacerbate an already difficult intersection condition, and therefore improvement will be required. In order to help mitigate this, the applicant has proposed a 4 legged roundabout which would allow for the added traffic load, and improve future traffic flows significantly as compared to current conditions. Adjacent land acquisition will be required for this to occur.

According to the Gainesville Police Department (GPD), the addition of the 20 acres with an apartment complex of approximately 240 units will increase call volume for the GPD. Most of the calls to apartment complexes range from theft, entering autos, burglaries and domestic violence.

According to the Gainesville City School System, the proposed project is not in the best interest of the community nor the school system. New Holland Knowledge Academy would be the primary school to support children that would be housed in the proposed multi-family housing. New Holland is currently at capacity as well as all of their other schools. The new school currently on the books for construction to begin May 2016 is on the opposite end of the City of Gainesville where additional anticipated growth is slated in the Mundy Mill Subdivision.

In summary, the Future Development Map for the City of Gainesville 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 development proposes a residential density of 11.75 dwelling units per acre. The Character Area Map for the City of Gainesville places the subject property within the *Limestone Medical Corridor* Character Area. The Limestone Parkway corridor is envisioned as an employment corridor and is not anticipated to expand Gainesville's traditional neighborhood fabric. Land uses allowed within this area include public / institutional, low-density residential, medium-density residential, multi-family residential, mixed-use, commercial, and parks / recreation / conservation. The Comprehensive Plan also states that communities should maximize the use of existing infrastructure and minimize the conversion of undeveloped land at the urban periphery by encouraging development or redevelopment of sites closer to the downtown or traditional urban core of the community.

The Planning Division staff is recommending **denial** of this request based on the Comprehensive Plan and the adjacent single-family uses. However, if this item were to be considered for approval by the Planning and Appeals Board, staff would recommend the nine zoning conditions as stated within the staff report.

Chairman Carter read two emails: 1) **Matt Owens**, 4457 B. Clark Road, who was opposed to the request because he felt it was already a congested area and the proposal was too large for the area; and 2) **Wanda Creel**, Superintendent of Gainesville City School System, who was opposed to the request because she felt it was not in the best interest of the community or the school system, noting New Holland Knowledge Academy which would serve the development was currently at capacity.

**Applicant Presentation: Timothy Bullard**, Zimmerman Properties, 2311 Honeysuckle Lane, Smyrna, shared the following information regarding the proposed project they have preliminarily named Pine Valley Cove:

- Mixture of one, two, three and four bedroom units.
- Presented information to the Board regarding estimated costs, community investments and comparison of rents with other similar multi-family developments within the Gainesville market statistical area.
- Proposed \$32.5 million in total community investment broken down as follows:
  - o \$21,000,000 – Hard Construction
  - o \$4,000,000 – Other Improvements
  - o \$200,000 – Local Fees
  - o \$1,500,000 – Financing Fees
  - o \$2,200,000 – Reserves
  - o \$3,600,000 – Third Party Fees, Land, Soft Costs...
- Planning to submit to the Georgia Department of Community Affairs (DCA) for consideration as a multi-family 4% tax exempt bond development.
- Target workforce housing families of the community, low to moderate income.
- Rent for proposed development will range from \$455 to \$800 per month.
- Compared to Gainesville Housing Authority Atlanta Street Apartments Project will rent from \$300 to \$770 per unit.
- Others proposed multi-family developments in the City range in rent from \$893 to in excess of \$1,230 per unit.
- They are meeting a demand for workforce housing demographics in Gainesville which are not being met by other proposed developments.
- Zimmerman Properties principals have over 60 years of experience doing multi-family developments. They are a semi-national multi-family community developer, builder, owner and operator. They own over 7,000 units within 80 properties across 11 states.
- They looked at different sites throughout Gainesville with the assistance of Planning Staff and decided on the subject property because it would allow the density they were looking for to meet the market demand in this area.
- Built using high quality materials and modern construction practices.
- Wilhoit Properties, a sister company, manages all of the properties and are a highly respected company known for their compliance oversight, operating efficiencies, minimizing turnovers and community involvements.
- Hire locally and train and support them regionally out of the home offices in Springfield, Missouri.

Mr. Bullard stated they tried to work with Planning Staff to provide what he believed would be an asset to the City and provide affordable housing to meet the

underserved demographics of this community, noting Staff's desire was more focused on downtown redevelopment with the local housing authority and their joint venture partner. However, he did not agree with Staff's desire to concentrate affordable workforce housing just to downtown Gainesville. He stated that those needs are being met for those who want to live downtown, but not everyone wanted to live downtown which is why they focused on the perimeter of the City but still be in close proximity to the amenities working families desire.

In regards to planning, Mr. Bullard felt the proposed location was an ideal transitional location that would buffer the Jesse Jewell Parkway and Limestone Parkway commercial corridors, and the more suburban rural county areas to the north of the site. He stated they would also provide housing options for the potential jobs that could come to the multiple manufacturing and industrial zoned parcels of land adjacent to the site and going up 365, noting companies look for affordable workforce housing options when relocating or opening their new businesses in a certain area.

Mr. Bullard stated that while the Future Land Use map targeted the site for low to medium density, he believed that if the property had been in the City when the map was first created, it would have been targeted for high density residential just like the multi-family land adjacent to the site to the north. He asked the Board to consider the positive aspects of the proposal such as serving an underserved demographic, investing in community, infrastructure improvements, providing housing to attract new jobs, and working with a highly reputable ownership company that would be here long term and a contributing member of the City.

**Michael Osbourn**, Kaw Valley Engineering, Inc., 14700 W. 114<sup>th</sup> Terrace, Lenexa, Kansas, stated that he had worked with Zimmerman Properties and their subsidiaries for 20 years and was pleased with how the properties have benefited most if not all of the communities in which they were located, noting they have brought forth a quality product that helps meet a need for different styles of housing and provides a housing stock that most communities do not have. He stated they provide market rate type housing priced so that moderate income residents can afford them. They use high quality materials such as all brick, hardie board siding, and 40-year shingles. He stated their on-site management was superb as they have a very select screening group through various State agencies they work with and have rigid policies to follow for the residents who live there which gives them added security. They intend to own the property from 15 to 30 years so they build a high quality product so the cost of maintenance would be cheaper in the long term. Mr. Osbourn stated that he works on the technical/engineering side and commented that the largest element with this project was traffic, noting the report looks ominous as it would exacerbate an already difficult situation by bringing this number of vehicles to this area with this unique intersection that exists, it would be a very bad situation. However, he stated that he has worked with traffic Staff on the best way to approach the unique intersection to manage the traffic and they recommended a roundabout. He stated that his traffic engineers made a very preliminary design which follows Georgia Department of Transportation (GDOT) design guidelines for roundabouts and presented it to Staff which showed that it would function at a very high level when installed. He stated that it was not a good intersection and those who have seen it knows there is a traffic conflict there and there is no good way to fix it without property acquisition. He estimated the cost of the land and infrastructure improvements for a roundabout would be in excess of \$500,000 in off-site

infrastructure just for traffic impacts. Therefore, he stated it would take a project of this nature and intensity to afford the expense of an appropriate traffic control device, noting a less intense project probably would not have the available funds to make the necessary changes. He stated that the balance of the infrastructure was in place such as water and sewer. Stormwater would be handled in accordance with City standards, but they have implemented best management practices within their company which generally go above and beyond what was required by municipalities because they felt that was being a good neighbor within the community. Mr. Osbourn stated they do very special types of detention ponds that provide infiltration opportunities, noting the area slated for detention would allow for that and they would not have to use fixed structures but could use more natural development methods to integrate with other different elements such as through vegetation and/or other methods. In conclusion he stated they would work with Staff for the best management practices and was available to answer any technical questions.

**Will Cobb**, Norton Agency, 434 Green Street, stated he worked with the Zimmerman's in multiple counties and they do a good project. He also represented the Forrester's who have owned the subject property for 50 years, noting the family used to own the property where Lanier Park Hospital is located as well as a grocery store which is now a church. He stated that through Staff's analysis of the project, he did not think it was really a denial, noting there were a lot of points and recommendations in which the applicant had agreed, including spending \$500,000 for the proposed roundabout which was impressive for the community. He stated that if the schools system was at capacity, it was at no fault of the applicant and he asked Dr. Creel how they knew the number of school children that would live in the proposed development and no one could give him an answer. Mr. Cobb shared some headlines from the Gainesville Times regarding affordable housing, noting it was reported there are 494 units in the City with 800 families on the waiting list. He stated that affordable housing is necessary when trying to attract industry to the City. He stated that the Forrester's are requesting a favorable review and he was available to answer any questions.

**FAVOR:** None

**OPPOSE:** **Pat Ellis**, 1246 Pine Valley Road, stated she owned other property on Pine Valley Road as well and was a former co-chair of the Exit 24 Coalition which was developed just to address the proposed development. She stated that she and the Coalition were all for development, noting they were able to attract the condos which are not at full capacity and do offer affordable housing. At one time you were able to access Limestone Parkway from her property and from those condos but the apartments decided to close that access. She stated they also attracted Life Point Church which was now a part of the community. While she was for development of the community, she stated 450 cars on that road was totally impossible, noting she did not leave her house at 8am or 5pm and head to Kroger because of the traffic from Kubota, the industrial businesses, the trucks and the train. She was concerned that 450 cars would be too much for the road considering there are already three school buses that run every morning and afternoon and felt the project needed to be better planned. She stated that the roundabout would not help because of the train. She felt there were too many issues for the small road and community and appreciated the Board's consideration, noting she had spoken with the City about annexing her property into the City as well. In conclusion she felt that having six school buses between the City and County every morning and afternoon may cause

quite a bit of confusion for young school children who sometimes forget what bus to get on.

**Linda Edmonds**, 2051 Crow Road, stated that traffic was horrible trying to get out of Crow Road and sometimes trucks park in the church parking lot and you cannot see around them. She felt with that many more cars on the road it would not work and the roundabout would be useless when there was a train, noting there have been wrecks there because it was not a good crossing. She was concerned about the streams on the property that feed into Lake Lanier. She stated that some low to moderate income people do not have cars and asked how they would get around without public transportation because you could not walk to anything. She stated there were people who have lived on Pine Valley Road for over 80 years, noting it was still quiet out there and this development would disrupt their lifestyle and hurt their property values. She felt it was not the place to put that many people.

**Betty Stephens**, 2128 Imperial Drive, stated she was heir to some property in the area where she used to live and was not necessarily opposed to the development. However, she was present on behalf of Faith Baptist Church where they already have a problem with sewage, noting the smell from backup fumes was unbearable at times and referenced a lift station at the old "butter place." Ms. Stephens also noted concerns about the creek, school traffic, and the detention pond at the other apartment complex. She was very concerned that the land would not support that many more people since there were existing problems.

**Steven Wang**, 1380 Montrose Drive, stated that Staff did a very good job and he agreed with their recommendation of denial. He felt that if the school superintendent tells you there was no space in the schools, people tell you there was no space on the roads, people tell you it was a bad idea from an infrastructure standpoint, and there is no public transportation available to support the development, they probably knew what they were talking about.

**REBUTTAL: Michael Osbourn** stated there were five issues mentioned which were traffic, stormwater, sanitary sewer, schools, and public transportation. He understood there was public transportation nearby and they wanted to meet with them to bring a stop to the development and integrate public transportation on the site. Mr. Osbourn stated that a lot more planning and engineering would evolve if the annexation request was approved. In regards to traffic, he reiterated that he met with the traffic engineer and will continue to do so with ideas of the best way to improve traffic conditions. Since a new sanitary sewer main was installed within the past couple of years, he was confident it would handle the development. He stated that normally any streams would be in the area of the sanitary sewer which is a portion they would not be developing. They would stay outside the 75-foot buffer area if there was a blue line stream on the property, in which he was not aware, but they would follow or exceed the best management practices during the design process as he specified earlier.

**Planning and Appeals Board Comments:** Board Member Martin asked if the apartments could still be built if they remained in the County. Mr. Tate stated since the property was contiguous to the city limits and they wanted to tie onto sewer, City policy dictates they must annex into the City to do so. He was not sure if a septic serve site was practical for the development if it remained in Hall County.

**There was a motion to recommend denial of the annexation request.**

Motion made by Board Member Hokayem  
Motion seconded by Board Member Betancourt  
**Vote – 7 favor**

**C. Rezoning Request**

- 1) Request from **Jack Bailey** to rezone a 3.39± acres tract located on the southeast side of the intersection of Chestatee Road and Dixon Drive and the northeast side of the intersection of Chestatee Road and Wilshire Road (a/k/a **920 Chestatee Road NW; 828, 836 and 842 Wilshire Road NW**) from Residential-I (R-I) to Residential-II (R-II).  
Ward Number: Five  
Tax Parcel Number(s): 01-043-001-067, 068, 069 and 070  
Request: Residential townhomes

**Staff Presentation:** Planning Manager Matt Tate gave the following staff presentation:

The applicant is proposing to rezone the 3.39± acres subject property from Residential-I (R-I) to Residential-II (R-II) for fourteen residential townhomes. The property consists of four undeveloped parcels which are heavily wooded and contains a stream with sloping terrain. The development is to include three buildings (two buildings of four units and one building with six units). Each unit is designed as two-story over a basement and 2,533 square feet of heated floor space. The property will be gated and will contain a pool, pool house, guest parking and underground storm water detention. Gated access is proposed from Wilshire Road.

According to the Solid Waste Division of the Gainesville Public Works Department, trash pick-up would be provided by the City of Gainesville.

The Gainesville City School District can provide general support for the project slated for townhome development at Dixon/Chestatee/Wilshire. However, they would like to respectfully request a study to be conducted focused on traffic patterns with the possibility of a traffic signal that could be timed to coordinate with peak school times.

The Future Development Map for the City of Gainesville places part of the subject property within the *Medium-High Density Residential* land use category and within the *Low-Medium Density Residential* land use category. The *Medium-High Density Residential* land use category includes areas containing or planned for single-family attached or multi-family housing at densities ranging from 4.0 to 12.0 dwelling units per acre. The *Low-Medium Density Residential* land use category includes areas containing or planned for single-family detached or semi-detached housing at densities up to 4.0 dwelling units per acre. The development proposes a residential density of 4.12 dwelling units per acre. According to the Character Area Map of the Comprehensive Plan, all of the subject property is located within the *Traditional Neighborhoods* Character Area. The vision for this area is to keep any new development other than single-family infill to the southern and western fringe of the neighborhood and to ensure that all development is compatible with design quality of existing structures. This is where the subject property is located.

Specifically, properties fronting Ivey Terrace and Wilshire Road may transition over time to row houses or townhouses to provide an urban edge to the Rock Creek park system. While significant population growth is not expected to occur in the area, Gainesville's traditional neighborhoods should have a range of housing that meets the needs of different household types, sizes and incomes.

The Planning Division staff is recommending **conditional approval** of this rezoning request based on the Comprehensive Plan and the nearby residential and public uses with seven conditions.

Chairman Carter read an email from **Wanda Creel**, Superintendent of Gainesville School System, noting their general support for the proposed request; however, she requested a study be conducted focused on traffic patterns with the possibility of a traffic signal that could be timed to coordinate with peak school times.

**Applicant Presentation:** **Jack Bailey**, 2419 Island Drive, stated he was the architect representing the property owner, Dr. Martin Moreira who was also present. He stated the owner invited people from the neighborhood last week for an information meeting and shared some expressions of concerns from those in attendance as follows: 1) Traffic around the intersection of Chestatee Road and Dixon Drive. Mr. Bailey stated that since it is a 14-unit development, it could possibly add 28 cars to the area, but with the entrance on Wilshire Road, he did not see it as a big change for the Chestatee Road and Dixon Drive intersection, noting most people would go towards the City or the Mall area instead of through that intersection. 2) 20-foot retaining walls would be installed because of the steep slope. Mr. Bailey stated they did not see that happening because they plan to step the units up the hill to help adjust to the hill but also make the project more interesting by having different levels in the buildings themselves. He stated they decided to have the gated entrance on Wilshire Road which was the least steep of the property and believed there was enough room within the setbacks to adjust the site with slopes and possibly a small garden wall but not huge drops with 20-foot concrete walls. 3) Flooding around the area of Chestatee Road and Dixon Drive. Mr. Bailey stated they first thought they would have a detention pond on the property, but in order to stay out of the stream buffer areas, they decided to utilize underground detention under the parking lot instead. 4) Amenities the project has to offer. Mr. Bailey stated that they want the development to look like individual units by not only offsetting the units vertically and horizontally, but by changing the materials with the use of rock, brick, stucco, and hardie board siding to make them all look different. Mr. Bailey felt the project would be upscale and an asset to the community, it was compatible with the Comp Plan, and the owner had no objections to the conditions as proposed by Staff.

**FAVOR:** None

**OPPOSE:** **Evie Langston**, 1045 Dixon Drive, stated the Chestatee Road and Dixon Drive intersection was very busy and she was not aware of anyone on Dixon Drive being invited to the information meeting Mr. Bailey discussed. She stated that Police sit on the high end of Chestatee Road to make sure people stop since they have a lot of rolling stops at the intersection. She stated she had spoken with a lot of people in the neighborhood who could not attend the public hearing, but traffic was the main concern. She felt that Wilshire Trails Park would also be impacted by the proposed development since there was not adequate parking so people park along the right

side of Wilshire Road which makes the road very narrow. She stated they have proposed a sidewalk which would make the road even narrower. She was also concerned about the underground storm detention and felt the project was too large for the small amount of acreage.

**Janis Coker**, 1004 Dixon Drive, stated that the flood problem Mr. Bailey discussed was right in front of her house and the proposed development would be in her line of sight when she steps out of her house and uses her back yard. She was an officer with the Gainesville Police Department for seven years and agreed that the intersection of Chestatee Road and Dixon Drive was congested, noting she could sit on her back deck and watch people blow through the intersection without stopping even though the GPD was doing all they could to prevent it. She stated that Dixon Drive was a single-family street and no matter how they tried to offset the units, they would still look like townhouses and not single-family residences. Ms. Coker stated that Dixon Drive was her dream location to move to and live in the City of Gainesville, noting she had lived there four years and loved the parks in the area. She stated Wilshire Trails Park was highly utilized and did not have adequate parking, noting any traffic coming off Wilshire Road at the Park would cause a problem for emergency vehicles or those living in the area. She felt sidewalks would help but would not alleviate the problem. She did not see how a traffic signal in the area would help with traffic since it was a major cut through from Thompson Bridge Road to the Mall area. She received an invitation to the dinner Mr. Bailey discussed but did not attend. Ms. Coker stated the proposal had been touted as a high end, upscale development; however, she did not agree after seeing the floor plans and was concerned about who would live there and what price range the development would attract because they would be near her and where her child goes to school.

**Charity Wang**, 1380 Montrose Drive, stated she was opposed to the proposal for the following four reasons: 1) It would be inconsistent zoning as it was surrounded by single-family dwellings; 2) It was near a stream which goes into a cove of Lake Lanier which has been dredged several times; 3) It would devalue the properties surrounding it without any recourse for those property holders; and 4) Traffic concerns, noting you could not get out of Wilshire Road onto Chestatee Road, especially turning left, unless you took your life into your own hands. She stated that the school traffic in the mornings was significant and she felt a traffic signal in the area would not make any sense, noting she did not like the idea of a traffic signal at the beginning of a residential neighborhood anyway. She felt the proposed traffic signal was not a solution since other traffic measures have not been effective except for speed tables which were now missing following repaving. Mrs. Wang felt other traffic signals in the City were poorly timed for peak hours so it would not be a true mitigation for the problems. In conclusion, she did not like the density of the project, and in keeping with the single-family area, she suggested that fewer units would be in order like what The Gardens and The Vinings have done in terms of infill to the neighborhood.

**John Lewis**, 820 Wilshire Road, stated he lived on the east side of the proposed development and he was not necessarily opposed to the request but had some questions. He asked what would be the determining factor as to whether or not the 25-foot buffer would be needed as referenced in condition six. He believed the parking and traffic issues mentioned earlier were different issues and should not make a huge difference with a 14-unit development. He stated it was a very hilly

area and felt if there were no retaining walls installed, there may be erosion problems especially with the existing flooding problems.

**Cindy Bryant**, 1119 Dixon Drive, stated Dixon Drive was her dream neighborhood as well and she had lived there for three years and was dismayed that the R-I neighborhood could change. She asked the Board to consider denial of the request because it goes against the character of the neighborhood as was even indicated in the Staff report that the rezoning would be unique to the neighborhood. She stated there was not much of a rezoning history in the area and the thought of a traffic signal at the intersection of Wilshire Road and Chestatee Road was very scary. In conclusion, she felt the rezoning would set a bad precedent and asked the Board to keep the zoning as R-I.

**Steven Wang**, 1380 Montrose Drive, stated he also owned property at 1061 Chestatee Road and urged the Board to deny the request since it was not in keeping with the rest of the neighborhood and could be considered spot zoning. He stated it was in conflict with all of the precedents of other rezoning requests in the recent past. Mr. Wang stated it was not in keeping with other developments in the neighborhood which have been undertaken in recent years such as The Gardens and The Vinings. He stated that the impact on the schools was unknown as well as the impact to the stream and Lake Lanier were unknown; however, with the terrain and the stream right there it would be significant.

**REBUTTAL: Jack Bailey** stated by code they would have to control all the water and detain it before it runs off the site so it would not contribute to the flooding in the area and in fact should improve the situation. In all the area they disturb, they would have to collect the water, direct it into holding pipes under the parking lot, and let it out slowly so there would be no direct run off into the stream from this project. Mr. Bailey stated there seemed to be a lot of concern about the project affecting Dixon Drive which was at the upper left hand corner of the proposed development; however, the closest point from a proposed building would be over 100-feet and most of the buildings would be over 150-feet from Dixon Drive. He stated there was a 75-foot stream buffer around the stream which would be untouched and would remain a natural wooded area, noting there would be no grade disturbance or trees cut in that area. He stated they purposely oriented the project towards Wilshire Road and Wilshire Trails Park because the units would have outside porches and they wanted most of the residents to benefit from the view of the Park. He stated the project would not contribute to the parking problem at Wilshire Trails Park because the residents would just walk across the street to it. Mr. Bailey stated he understood the problem with traffic, but felt with only 28 cars most of the traffic would go in the opposite direction of the intersection at Dixon Drive and Chestatee Road and would not contribute to the problem. There were comments that the units were not high scale but he disagreed, noting they would include three bedrooms, a large two-story living area, sitting room on the second floor overlooking the lower floor, planted courtyards between the living unit and the garage, and outdoor porches.

Planning Manager Matt Tate stated the intent of condition six was to provide for a 25-foot buffer; however, there was no need to replant if there was sufficient vegetation in the area. He stated they may ask the developer to supplement the area with vegetation, but the final call would be at the discretion of Community Development Director Rusty Ligon. Mr. Tate suggested if the Board approved the request, they

could clarify the condition by inserting the word “planted” vegetation buffer since there is a 25-foot buffer requirement regardless.

**Planning and Appeals Board Comments:** Vice-Chair Fleming asked about the price point and whether the units would be fee simple ownership or rentals.

**Susie Evert**, 147 Overlook Drive, stated she worked at Southern Realty and with Dr. Moreira and Mr. Bailey on this project. She stated the price point for the project was initially determined because of the demand for townhomes, noting she regularly received requests for them. She stated the existing townhomes in Gainesville range from under \$250,000 to in excess of \$500,000, but their target would be mid-range from \$300,000 to \$450,000. Mrs. Evert stated the units might be priced higher than some similar homes but they are planning a high end, upscale development which would be targeted for professional families or couples, and maybe retirees, but would not be supplemental, low income housing.

Board Member Martin stated if Jack Bailey designed the project, he had no doubt that it would be nice and upscale. He stated his only concern was that there were several large tracts along Dixon Drive and it could open the door for other developments of this type if approved.

Susie Evert stated the townhomes would be fee simple ownership.

**There was a motion to recommend denial of the rezoning request.**

Motion made by Board Member Martin

Motion seconded by Board Member Rucker

**Vote – 4 favor, 3 opposed (Carter, Hokayem, Betancourt)**

#### **D. Road Action Request**

- 1) Request from **Jess Hughes (Carroll Daniel Construction)** to abandon the entire right-of-way known as Dale Street, consisting of 0.272± acre (395± linear feet), located at the east side of its intersection with Camp Street, south of Athens Street and having a zoning classification of Heavy Industrial (H-I).

Ward Number: Three

Request: Abandonment of right-of-way

**Staff Presentation:** Planning Manager Matt Tate gave the following staff presentation:

The applicant Jess Hughes, on behalf of MC Stoner Holdings, is proposing to abandon all of Dale Street right-of-way which consists of 0.272± acre (395± linear feet). The right-of-way to be abandoned is located at the east side of its intersection with Camp Street, south of Athens Street and is zoned Heavy Industrial (H-I). The purpose of the right-of-way abandonment is to combine the subject area with the adjacent property to the north owned by MC Stoner Holdings. The abandonment will allow the area to be cleared, graded and paved to make room for a separate truck drive to serve the current occupant of the building known as FX Logistics which is a transportation logistics company. The adjacent property to the south, east and west is owned by Cargill which currently has a driveway at the intersection of Dale Street and Camp Street which will remain.

The Future Land Use Map of the Comprehensive Plan places the right-of-way area within the *Industrial* land use category of the Future Land Use Map which includes a wide range of office, business, light industrial, manufacturing, and research and development uses and support commercial uses.

Due to the fact that Dale Street is not a functional road and has not served as necessary access for nearby properties, the Planning Division staff is recommending **approval** of this right-of-way abandonment request.

**Applicant Presentation:** **Jess Hughes**, 3044 Summerlake Drive, stated he was Project Manager for Carroll Daniel Construction and was representing MC Stoner Holdings Corporation which was part of FX Logistics. FX Logistics would like to install a larger parking area by incorporating the Dale Street right-of-way requested to be abandoned. He stated that Cargill was in agreement with the request and there was no opposition.

**FAVOR:** None

**OPPOSE:** None

**Planning and Appeals Board Comments:** None

**There was a motion to recommend approval of the abandonment of the entire 395± linear feet of right-of-way known as Dale Street as presented.**

Motion made by Vice-Chair Fleming

Motion seconded by Board Member Rucker

**Vote – 7 favor**

#### **E. Special Use Request**

- 1) Request from **Teresa Vickers** for a Special Use on a 0.23± acre tract located on the north side of Enota Avenue, west of its intersection with Walker Street (a/k/a **977 and 983 Enota Avenue NE**), having a zoning classification of Office and Institutional (O-I).

Ward Number: Two

Tax Parcel Number(s): 01-087-002-006

Request: Hair Salon

**Staff Presentation:** Planning Manager Matt Tate gave the following staff presentation:

The applicant is proposing a special use within the Office and Institutional (O-I) zoning district to establish a hair salon and incidental accessory uses such as a gift shop for beauty and health related items. The subject property contains a vacant 1,300 square foot brick structure that was previously occupied as a medical spa, weight loss center and apparel store. The interior and exterior of the building were recently improved which are conducive for the proposed use. Primary access is provided from Enota Avenue and secondary access is available from Juanita Avenue which is currently shared with the neighboring property owned by the applicant.

It is Staff's opinion that the proposed development is consistent with the Comprehensive Plan. The Future Development Map for the City of Gainesville places the subject property within the *Mixed-Use General* land use category which includes areas containing or planned for a mixture of land uses including office, neighborhood retail, and residential. According to the Character Area Map of the 2030 Gainesville Comprehensive Plan, the subject property is located within the *City Park Neighborhood Center* character area. Acceptable land uses within this area include mixed-use, commercial, public and institutional uses.

Based on the Comprehensive Plan and the surrounding residential and non-residential land uses, the Planning Division staff is recommending **conditional approval** of this special use request with one condition.

**Applicant Presentation:** Teresa Vickers, 2812 Village Court, stated she was requesting a special use permit for a hair salon since she had received several requests and it would open up her options as to what she could and could not do.

**FAVOR:** None

**OPPOSE:** None

**Planning and Appeals Board Comments:** None

**There was a motion to recommend approval for a special use for a hair salon and incidental accessory uses such as a gift shop for beauty and health related items, located at 977 and 983 Enota Avenue NE with the following condition:**

**Condition**

**The existing monument sign or any replacement monument sign shall not be enlarged in size or height above the current monument sign dimensions so as to remain residential in scale.**

Motion made by Vice-Chair Fleming  
Motion seconded by Board Member Rucker  
**Vote – 7 favor**

**ADJOURNMENT**

**Chairman Carter adjourned the meeting at 7:40 p.m.**

Respectfully submitted,

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Doug Carter, Chairman

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Judy Foster, Recording Secretary