GAINESVILLE PLANNING AND APPEALS BOARD
MINUTES OF MEETING
JANUARY 9, 2024

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

Members Present: Chairman Doug Carter, Vice-Chair Ryan Thompson and Board Members Eddie Martin, Kelvin Simmons and Rick Young

Members Absent: Board Member Jane Fleming

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

Others Present: Council Member Barbara Brooks

MINUTES OF DECEMBER 12, 2023

There was a motion to approve the minutes as presented.

Motion made by Vice-Chair Thompson
Motion seconded by Board Member Young
Vote – 5 favor, 1 absent (Fleming), 1 vacant

OLD BUSINESS

A. Rezoning Request

1) Request from **Simpatico Communities** to rezone a 3.17± acres tract located on the northeast side of the intersection of Jesse Jewell Parkway and Scotland Avenue, having road frontage on the northside of Johnson Street (a/k/a **839 and 853 Jesse Jewell Parkway, SW**) from General Business (G-B) to Planned Unit Development (P-U-D)**.**
Ward Number: Three
Tax Parcel Number(s): 01-029-001-005 and 007
Request: Mixed-use building

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

Motion made by Board Member Martin
Motion seconded by Board Member Young
Vote – 5 favor, 1 absent (Fleming), 1 vacant

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

The applicant is requesting to rezone the subject 3.17± acres property for a mixed-use building consisting of 148 hotel and living hospitality units / rooms. The subject property was the previous site of L&K Cafeteria, auto oil/service business and various commercial and apartment uses. These uses were demolished five years ago and the property has remained in its current state. The property is located within the Gateway Corridor Overlay Zone and within the Westside Tax Allocation District (TAD) of which the applicant intends to file a formal application for TAD funds.

The adjacent uses include Popeyes Restaurant; Econo Lodge Motel, Super 8 Motel; Blackstock Auto Service, various offices, Single-family homes, townhomes and duplex apartments. The proposed building will consist of five stories over a lower parking level and will total approximately 97,597 square feet in size and the exterior building materials will mostly consist of a mixture of EFIS, masonry and glass. According to the applicant, no more than 59 of the 148 total units will be occupied for 15 days or more at a time. Forty (40) of the units will be specifically designed as apartments and 19 units will be designed for extended stay lodging.

Other uses include 7,028 sf restaurant/ bar, 820 sf coffee shop, 12,303 sf Thrive co-working, 1,395 sf office space, 2,913 sf lobby area, 960 sf exercise room, 6,000+ sf of outdoor patio space and additional kitchen, laundry and employee space. Surface level and underground parking are proposed and primary access is proposed from Jesse Jewell Parkway and Scotland Avenue. A private / gated access from Johnson Street is proposed that will provide parking for service and housekeeping vehicles under the parking structure. This parking area will be fenced and screened with landscaping to minimize impacts on the adjacent residential uses.

The request will require coordination with the Georgia Department of Transportation (GDOT). Special encroachment permits will be required as well as an Intersection Control Evaluation (ICE) study.

The Comprehensive Plan places the property within the *Commercial future land use category* and the *West Side Characte*r Area which support general mixed-use, multi-family residential, office, retail and hotel uses.

The Planning Division staff is recommending **conditional approval** of this Planned Unit Development (P-U-D) rezoning request, based on the Comprehensive Plan and the adjacent mixture of uses.

Conditions

1. **The development standards within the applicant's narrative, concept plan and architectural renderings shall be made part of the zoning ordinance and the future site plan application shall be subject to the Community 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 uses within the proposed mixed-use building shall be limited to a 148 unit hotel, residential, restaurant/bar, coffee bar, co-working office space, conference room space and associated amenities.**

3. **The proposed hotel and residential spaces shall adhere to Unified Land Development Code standards for lodging services except that the minimum size per each unit shall be no less than 234 square feet in size.**

4. **A maximum of 40% (59 units) of the hotel units may be occupied by patrons for more than 15 days at time within one or more rooms/units. This includes 40 units specifically designed as apartments on floors one and two, and up to 19 hotel type units on floors three, four and five.**

5. **The number of proposed units and square footage of restaurant/bar, coffee bar, co-working office space, conference room space and associated amenities shall be based on the onsite parking spaces provided for each use per the Unified Land Development Code parking requirements. Any proposed on-street parking spaces shall require review and approval by the Gainesville Public Works Department.**

6. **The developer shall coordinate all traffic improvements with the Gainesville Public Works Director and the Georgia Department of Transportation (GDOT) and prior to permitting. The Gainesville Public Works Director and GDOT shall have the final determination of the time line of these improvements based on the developer's proposed construction schedule. All costs associated with the improvements shall be at the full expense of the developer.**

7. **All service areas, loading areas, ground or roof top HVAC equipment shall be screened from view from all adjacent uses and roads.**

8. **Outdoor lighting used in this development shall be of non-spill design and placed in a manner so as to minimize direct visibility by the adjacent properties.**

9. **The frontage landscape areas shall be sodded with grass and contain minimum 3-inch caliper size hardwood trees. In addition, the frontage landscape area along Johnson Street shall contain a mixture of evergreen trees and shrubs and shall be subject to the approval of the Community & Economic Development Director.**

10. **A uniform sign plan shall be required for the proposed development subject to the approval of the Community and Economic Development Department Director.**

11. **The subject property shall be properly maintained prior to, during and after the property is redeveloped for the proposed use. This shall include regularly scheduled landscape management, removal of trash/debris and illegal parking of vehicles or trailers.**

Applicant Presentation: Felipe Zubia, 10 Roswell Street, Alpharetta, with Simpatico Communities representing the property owner Virtua Gainesville stated they have owned the site for five years and originally the plans were for a Home2 Suites and Marriott Courtyard. Mr. Zubia stated the space will cater to those relocating with the need for extended stays but would prefer all 148 units sold as hotel units since it would bring more revenue. He mentioned the concept will be incorporating a live/work/play/stay site with food and beverage along with a social concept such as cornhole, darts or simulated golf and co-work space. He also said Thrive on the Gainesville square have committed to 12,000 square feet since they are at capacity and believes it is a great location being a gateway to downtown Gainesville.

Board Member Young was curious about the number of rooms containing kitchens and Mr. Zubia replied there are 40 units designated as apartments but can be rented overnight as a hotel room.

Vice-Chair Thompson asked if there would be any branding on the facility and Mr. Zubia replied he works for a private equity investment group and spoke about their portfolio and being the third largest hotel management group in the country and townhome development. Mr. Zuba stated they are developing variations of the same concept in Arizona and Colorado as in Gainesville.

FAVOR: None

OPPOSE: Gina London Pilcher, 714 Scotland Avenue, stated she is not opposed to the property being developed but concerned about the water issues and drainage. She spoke about the drainage issues from Jesse Jewell, flooding of the parking area on her property and mentioned the water retention pond at the apartment complex on Myrtle and Summit was overflowing with the recent rain. Mrs. Pilcher's only concern was with the water drainage issue being resolved.

Chairman Carter stated the if the project was approved and come to fruition during construction the City of Gainesville staff would monitor the engineering, conduct hydrology studies and the water runoff would be addressed. He said there would most likely be underground detention.

Mr. Zubia stated they are aware of the concern and hired a local civil engineer James Irvin with Foothills Land Design. He said there will be underground storage along with some green space being utilized for retention.

Vice-Chair Thompson asked if the restaurant/bar would be internally operated or leased. Mr. Zubia said it would be a sister company or a very selective food/beverage operator being a more higher end provider and not a typical Hilton Garden Inn restaurant.

Olivia Chert, 603 Orchard Brook Drive, stated one concern regarding the 2040 Comprehensive Plan named the site a development to help the community but with the proposed development plan seems to be a money grab for the property developer or any outside businesses without serving the community. She stated the second concern was the city board had not taken the time to address the community other than by letters which were all in English but the community is all Spanish speakers with the majority unable to read or speak English. Ms. Chert felt there has not been adequate engagement with the community for them to show opposition for it as with other communities therefore the Board should table the proposal again to consider how it will serve the community and address community properly.

Chairman Carter asked Deputy Director Tate what could be developed on the property without any zoning being changed. Mr. Tate stated the property is zoned General Business and uses such as hotel, motel, auto service, auto repair, car lot, restaurant along with a multitude of heavy commercial uses would be allowed on the property without requiring any zoning approval. Vice-Chair Thompson stated he is more concerned with the multi-family aspect of the project.

There was a motion to recommend denial to rezone the subject property for a mixed-use building from General Business (G-B) to Planned Unit Development (P-U-D) zoning.

Motion made by Vice-Chair Thompson
Motion seconded by Board Member Martin
Vote – 4 favor, 1 against (Carter), 1 absent (Fleming), 1 vacant

B. <u>Zoning Amendment Request</u>

1) Request from **Weekley Homes, LLC** to amend an existing Planned Unit Development (P-U-D) zoning on a 120.98± acres tract located on the northwest side of McEver Road, west of the intersection of McEver Road and Gould Drive (a/k/a **0 and 1300 Gould Drive, SW**).

Ward Number: Four
Tax Parcel Number(s): 08-016-002-001A; 08-017-000-001
Request: Single-family subdivision for active adults

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

Motion made by Vice-Chair Thompson
Motion seconded by Board Member Simmons
Vote – 5 favor, 1 absent (Fleming), 1 vacant

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

The applicant is proposing to amend a 120.98± acres property zoned Planned Unit Development (P-U-D) for a 229 lot age-restricted, single-family subdivision for active adults known as “Lanier Landing”. The proposed development also includes a 3.5± acres commercial out lot for 75,000 square feet of commercial space that could include restaurants, professional office space and/or climate-controlled storage units.

The property consists of two parcels with frontage along Lake Lanier and McEver Road, within the Gateway Corridor Overlay Zone. The property is heavily wooded and contains three tributaries that flow into Lake Lanier as well as a Georgia powerline easement that traverses part of the property. Adjacent uses include the Waters Edge subdivision, Cresswind at Lake Lanier subdivision, Pemmican Point subdivision, Societal CDMO Pharmaceutical Company, Midgaurd Self Storage Walmart Neighborhodd Market and a church.

The property was rezoned in 1982 for a conference center and scientific retreat complex intended to compliment the adjacent Elan Pharmaceutical (now Societal CDMO Pharmaceutical Company), but were never developed. The proposed residential lots are comprised of 134 (50 foot wide lots) and 95 (60 foot wide lots) with an overall density of 1.89 dwelling units per acre and just under 32 acres of open green space.

Amenities include a 5,000 square foot clubhouse, resort-style swimming pool, lawns, mail kiosk, pocket parks, 10± pickleball courts, dry boat storage and kayak storage. A multi-slip dock is also proposed within the cove located between the subject property and the Cresswind at Lake Lanier subdivision, which has not been approved by the Corps of Engineers. It is anticipated the project will be built over a period of 48 to 60 months over three phases. The Gainesville Fire Department states that all roads must be constructed to City standards not to exceed 10% grade for the fire apparatus road. Road widths could be subject to change as needed.

The request will require coordination with the Georgia Department of Transportation (GDOT). A driveway permit will be required for access on SR 53/ McEver Road. A traffic Study was provided for the development which is summarized in the staff report.

The proposed development required a Development of Regional Impact (DRI #4011) study to be performed by the Georgia Mountains Regional Commission (GMRC). According to the study, the GMRC recommends that City work with the Gainesville Hall Metropolitan Planning Organization (GHMPO) and the Georgia Department of Transportation (GDOT) to review the proposed configuration of access and possible impacts to McEver Road and the intersection of McEver Road and Browns Bridge Road. In addition, best environmental practices are encouraged regarding stormwater management upon compliance with State and local regulations.

The Comprehensive plan places the subject property within the *Parks, Recreation & Conservation* future land use category and within the *Suburban Neighborhood* Character Area.

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

There are revised conditions that have been agreed upon between the applicant and the adjacent neighborhoods. Staff has reviewed the revised conditions and are in agreement with the proposed changes.

There were twelve original conditions. There are now a total of eighteen conditions with revisions to conditions 3, 5, & 6 and new conditions 13 thru 18.

Conditions

1. **The development standards within the applicant's narrative, concept plans, project detail booklet 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 these documents shall take precedence over the applicant's development standards.**
2. **The proposal shall not exceed 229 age-restricted, single-family units (1.89 du/ac).**
3. **Site plan review and approval shall be required by the Planning and Appeals Board and City Council prior to the development of the proposed commercial space. A revised traffic impact study for the commercial space shall be required if determined necessary by the Gainesville Public Works Director and the Georgia Department of Transportation prior to a permit being issued. In this regard, commercial uses within the commercial space are limited to office, self-storage, and/or RV/Boat storage.**
4. **The development shall comply with applicable U. S. Department of Housing and Urban Development (HUD) rules for age-restricted communities. The organization established for the management of the development shall comply with HUD rules for verification of occupancy and shall maintain procedures for routinely determining the occupancy of each unit. Such procedures may be part of a normal leasing or purchasing agreement and must provide for regular updates as required by HUD.**
5. **A mandatory Homeowners Association (HOA) or multiple associations shall be required for the proposed development providing for the financial management, architectural controls, enforcement of community standards and management of all common areas. Any modifications or new construction within the community must be approved by the Architectural Review Board. The Board will be established and operated by the developer until such time the powers are transferred to the HOA(s). A covenant shall be required to be recorded for the proposed development stating that no more than 20% of the total residential units may be rented.**

The homeowners' association (HOA) shall include in its covenants:

- **A provision requiring that each and every occupied residence shall be occupied by at least one (1) adult who is fifty five (55) years of age or older**
- **A provision requiring that no person under the age of eighteen (18) is allowed to occupy a residence in the Community for a total of more than ninety (90) days, consecutive or non-consecutive, in any calendar year**
- **Control of the HOA must be transferred to the residents no later than the sale of ninety percent (90%) of the dwellings within the development**
- **Outdoor residential amenity areas must be closed between the hours of 10 pm and 6 am**

6. **The proposed 50-foot wide perimeter buffer adjacent to the Waters Edge subdivision shall remain undisturbed. In addition, a staggered row of buffer trees shall be planted adjacent to the undisturbed perimeter buffer. The trees shall consist of a mixture of Cryptomeria, Arborvitae and Eastern Red Cedar trees at a minimum height of 10 feet. The location, spacing, size and type of trees planted shall be subject to the approval of the Community and Economic Development Department Director. Along the portion of the common boundary with Waters Edge Subdivision depicted as being adjacent to Lots 201-210 on the site plan, there shall be installed an additional row of evergreen plantings consisting of at least three (3) species, with plantings being at least 6-feet tall at the time of planting, spaced 10-12 feet apart on center. The location, spacing, size and type of trees planted shall be subject to the approval of the Community and Economic Development Department Director.**
7. **The right-of-way fronting McEver Road shall be landscaped and maintained subject to the approval of the Community and Economic Development Director.**
8. **All access point design for the subject property shall require review and approval by the Gainesville Public Works Department Director and the Georgia Department of Transportation (GDOT). All required access/traffic/sidewalk improvements associated with the proposed development or any additional improvements identified within the Traffic Impact Study shall be at the full expense of the developer/property owner.**
9. **All proposed roads shall meet City standards. Sidewalks shall be provided on both sides of all roads and drive aisles/parking areas at a minimum width of 5-feet. The sidewalks shall extend and connect to the existing sidewalk network on McEver Road.**
10. **All service areas, loading areas, ground or roof top HVAC equipment for the commercial uses shall be screened from view from all adjacent uses, roads and Lake Lanier.**
11. **Outdoor lighting used in this development shall be of non-spill design and placed in a manner so as to minimize direct visibility by the adjacent properties.**
12. **A uniform sign plan shall be required for the proposed development subject to the approval of the Community and Economic Development Department Director.**
13. **Prior to land disturbance, orange tree-save fencing shall be installed around trees to be left undisturbed as indicated on the LDP.**
14. **Homes must be a minimum of 1,500 sf. In addition, homes may only be of single-story**

or story-and-a-half design, and either style home may be on a basement or slab foundation.

15. **All homes shall have a garage which accommodates no less than two (2) cars. Double car garage doors shall be a minimum of 16 feet wide.**

16. **If any fencing is required for these ponds, such shall be constructed equestrian-style fence with wire mesh backing. If fencing is present, such fencing shall be screened with appropriate evergreen landscaping to be approved by the Community and Economic Development Department Director.**

17. **Only residents of the development may utilize RV/Boat Storage or docks within the residential amenity areas.**

18. **Any blasting will occur between the hours of 11 am and 4 pm, Monday - Friday. Blasting is prohibited on weekends. In addition, the developer will maintain a citizen notice list for blasting notification and provide email, texting, or web portal notice prior to blasting. Any citizen and resident shall have the right to be placed on the notification list.**

Applicant Presentation: Ethan Underwood, 202 Tribble Gap Road, Cumming, attorney with Miles Hansford stated they had reached a consensus with good discussions with the adjacent neighborhoods regarding traffic, aesthetics, lake views along with the construction. Mr. Underwood presented a power point presentation and stated the construction would be phased with lots designed for little yard maintenance and lower density than the original design. He stated due to traffic concerns the proposal will be an age restricted community which will have less traffic going out at less than peak drive times than a non-age restricted community. He also mentioned the addition of conditions regarding the homestyle, size, senior community, and HOA provisions/restrictions, limiting the commercial space and a zoning condition to address the concern of blasting during construction if necessary.

FAVOR: Bill Marianes, 2773 Waters Edge Drive, stated once learning of the development neighbors from Cresswind, Waters Edge and Pemmican Run met for discussions and named the group the “CWEPR Community” and formed a volunteer group of professionals with different skill sets including Cresswind HOA Vice-Chair Louis McClure, Bill Cannon with waste water treatment experience, Paul Meyer with a real estate development background and Mike Smith formerly with the planning board in Gwinnett County and zoning commission. He said the neighbors would prefer keeping the 120 acres as a nature preserve but understood the need to sell the property and believed the developer to be credible. He stated they were not in favor of the first proposal which contained 30,000 sq. ft of restaurant space, 591 homes and 415 apartments with the second proposal being reduced with 507 homes, 320 condos but with major traffic concerns at McEver and Browns Bridge Road. Mr. Marianes stated at that point the group had an opportunity for discussions with the developer and came to a consensus with the current proposal which included 229 single-family senior homes, then had discussions with Mr. Tate regarding a larger buffer with extra trees and height. He then said there are 2,500 people in the “CWEPR Community” and they came to a consensus and agree with city recommendations including the 18 conditions for approval but would like to add an additional condition for professional negotiations to continue during the development process. He acknowledged Jason Durham, the lead representative for Weekley Homes listened to all the group’s arguments and met them more than half way, Attorney Ethan Underwood for doing a great job in moving the process along and stated Matt Tate had most of the residents reach out to him as some point but patiently lead them through the process and owe a debt of gratitude to him and the staff. Mr. Marianes stated appreciation to the Planning Board for their work and hope the Board will accept the good faith that has been accomplished in the past six months.

Mike Smith, 2640 Pemmican Run, stated the community came together and everyone was professional and has not been his experience over the years with zoning boards. He asked for clarification on the commercial development and the process of coming back through the zoning process.

Chairman Carter answered nothing commercial can be done without going the process of resubmitting plans, site design, architectural including traffic specifics to the Planning Board and then onto City Council. He reminded them that Mr. Underwood stated it would be restricted for either office, self-storage or RV/boat storage which limits the uses while still requiring the future proposed commercial use to go through the same public hearing process first.

OPPOSE: Jim Walters, 311 Green Street Suite 103, stated he represents Barry and Bridget Conner that own two lake lots in Waters Edge and two homes in Pemmican Run. He said the Conner's are not opposed to the development but wanted the Board to be aware the density seems too large for area and more appropriate at 1.25 units per acre. Mr. Walters asked for clarification regarding the commercial property and Chairman Carter stated it would require further site plan approval and must go back through the public hearing process with final approval from City Council. Mr. Walters stated the Conner's object to the commercial development portion due to the vague proposal and request the Planning Board to reject that portion of the request.

Jennifer Knight – 2719 Water View Circle, stated she had searched two years before deciding on Water View Circle based on the 121 acres that backs up to it which she believes adds value to her home. She stated the neighbors on Water View Circle were not involved with any of the negotiations and were never notified or invited to the meetings. She presented a slide presentation on her computer and said the original request showed a original 100-foot undisturbed buffer next to the Waters Edge subdivision and her property. She stated the water runoff goes through her back yard into Lake Lanier which could be considered a watershed for the drinking water and EPD regulations might apply. The second request would be for a nose abatement fence due to the blasting. She stated Dr. Tom Diggs discovered two critically endangered species and would request the plants identified be protected. Ms. Knight's other concern was regarding the 10 storm water management areas regarding the maintenance of them. She also mentioned the 2023 Unified Code regarding denials and a waiting period of six months before resubmitting along with the concept plan being constitutionally binding and believes is missing some minimal requirements per the Unified Code.

Chairman Carter stated the items were tabled at the applicant's request and not denied. He stated the board will take into consideration her input.

Board Member Martin stated some confusion regarding the commercial site and **Vice-Chair Thompson** asked for clarification and stated the property is currently zoned commercial but nothing can be done with the site until a plan has been proposed at which time will need to come back through Planning Board and City Council.

Deputy Director Tate stated the property was approved as part of the retreat center originally. He said the proposed zoning condition #3 requires the applicant to come back before the

Planning and Appeals Board and City Council for the specific commercial use to be reviewed and approved. In addition, the proposed commercial use is limited to an office, self-storage or RV/boat storage which will required further approval before the Planning and Appeals Board and City Council. A site plan and architectural elevation/renderings will be required as part of the site plan approval process.

Board Member Young asked about the opposition petition signed by neighbors and noticed some of them speaking in favor and wondered if they wanted to withdraw it.

Deputy Director Tate stated the petition was in opposition of the original request and was left in the packet as an original attachment.

Bill Marianes stated all historical records were from the original plan A and plan B and all concerns have been addressed.

There was a motion to recommend conditional approval of the zoning amendment request for a single-family subdivision for active adults with Planned Unit Development (P-U-D) zoning with the following conditions:

<u>Conditions</u>

1. **The development standards within the applicant's narrative, concept plans, project detail booklet 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 these documents shall take precedence over the applicant's development standards.**
2. **The proposal shall not exceed 229 age-restricted, single-family units (1.89 du/ac).**
3. **Site plan review and approval shall be required by the Planning and Appeals Board and City Council prior to the development of the proposed commercial space. A revised traffic impact study for the commercial space shall be required if determined necessary by the Gainesville Public Works Director and the Georgia Department of Transportation prior to a permit being issued. In this regard, commercial uses within the commercial space are limited to office, self-storage, and/or RV/Boat storage.**
4. **The development shall comply with applicable U. S. Department of Housing and Urban Development (HUD) rules for age-restricted communities. The organization established for the management of the development shall comply with HUD rules for verification of occupancy and shall maintain procedures for routinely determining the occupancy of each unit. Such procedures may be part of a normal leasing or purchasing agreement and must provide for regular updates as required by HUD.**
5. **A mandatory Homeowners Association (HOA) or multiple associations shall be required for the proposed development providing for the financial management, architectural controls, enforcement of community standards and management of all common areas. Any modifications or new construction within the community must be approved by the Architectural Review Board. The Board will be established**

and operated by the developer until such time the powers are transferred to the HOA(s). A covenant shall be required to be recorded for the proposed development stating that no more than 20% of the total residential units may be rented.

The homeowners' association (HOA) shall include in its covenants:

- **A provision requiring that each and every occupied residence shall be occupied by at least one (1) adult who is fifty five (55) years of age or older**
- **A provision requiring that no person under the age of eighteen (18) is allowed to occupy a residence in the Community for a total of more than ninety (90) days, consecutive or non-consecutive, in any calendar year**
- **Control of the HOA must be transferred to the residents no later than the sale of ninety percent (90%) of the dwellings within the development**
- **Outdoor residential amenity areas must be closed between the hours of 10 pm and 6 am**

6. **The proposed 50-foot wide perimeter buffer adjacent to the Waters Edge subdivision shall be remain undisturbed. In addition, a staggered row of buffer trees shall be planted adjacent to the undisturbed perimeter buffer. The trees shall consist of a mixture of Cryptomeria, Arborvitae and Eastern Red Cedar trees at a minimum height of 10 feet. The location, spacing, size and type of trees planted shall be subject to the approval of the Community and Economic Development Department Director. Along the portion of the common boundary with Waters Edge Subdivision depicted as being adjacent to Lots 201-210 on the site plan, there shall be installed an additional row of evergreen plantings consisting of at least three (3) species, with plantings being at least 6-feet tall at the time of planting, spaced 10-12 feet apart on center. The location, spacing, size and type of trees planted shall be subject to the approval of the Community and Economic Development Department Director.**
7. **The right-of-way fronting McEver Road shall be landscaped and maintained subject to the approval of the Community and Economic Development Director.**
8. **All access point design for the subject property shall require review and approval by the Gainesville Public Works Department Director and the Georgia Department of Transportation (GDOT). All required access/traffic/sidewalk improvements associated with the proposed development or any additional improvements identified within the Traffic Impact Study shall be at the full expense of the developer/property owner.**
9. **All proposed roads shall meet City standards. Sidewalks shall be provided on both sides of all roads and drive aisles/parking areas at a minimum width of 5-feet. The sidewalks shall extend and connect to the existing sidewalk network on McEver Road.**
10. **All service areas, loading areas, ground or roof top HVAC equipment for the commercial uses shall be screened from view from all adjacent uses, roads and Lake Lanier.**
11. **Outdoor lighting used in this development shall be of non-spill design and placed in a manner so as to minimize direct visibility by the adjacent properties.**

12. **A uniform sign plan shall be required for the proposed development subject to the approval of the Community and Economic Development Department Director.**
13. **Prior to land disturbance, orange tree-save fencing shall be installed around trees to be left undisturbed as indicated on the LDP.**
14. **Homes must be a minimum of 1,500 sf. In addition, homes may only be of single-story or story-and-a-half design, and either style home may be on a basement or slab foundation.**
15. **All homes shall have a garage which accommodates no less than two (2) cars. Double car garage doors shall be a minimum of 16 feet wide.**
16. **If any fencing is required for these ponds, such shall be constructed equestrian-style fence with wire mesh backing. If fencing is present, such fencing shall be screened with appropriate evergreen landscaping to be approved by the Community and Economic Development Department Director.**
17. **Only residents of the development may utilize RV/Boat Storage or docks within the residential amenity areas.**
18. **Any blasting will occur between the hours of 11 am and 4 pm, Monday - Friday. Blasting is prohibited on weekends. In addition, the developer will maintain a citizen notice list for blasting notification and provide email, texting, or web portal notice prior to blasting. Any citizen and resident shall have the right to be placed on the notification list.**

Motion made by Vice-Chair Thompson
Motion seconded by Board Member Young
Vote – 4 favor, 1 oppose (Martin), 1 absent (Fleming), 1 vacant

Chairman Carter stated there would be a five-minute break before continuing at the request of some board members.

NEW BUSINESS

A. Rezoning Request

1) Request from **Booker Property Holdings, LLC and Paul Wilmont** to rezone a 0.47± acre tract located on the north side of Summit Street between E. E. Butler Parkway and Chestnut Street (a/k/a **235 Summit Street, SE**), from Neighborhood Business (N-B) to Residential-II (R-II)**.**

Ward Number:	Three
Tax Parcel Number(s):	01-020-004-004A
Request:	Four townhomes

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

The applicant is proposing to rezone the 0.47± acre property from Neighborhood Business (N-B) to Residential-II (R-II) to construct four (4) fee-simple attached townhouses. The property is partially wooded and previously contained a single-family home that was demolished approximately 17 years ago. The subject property is located within the Midtown Overlay Zone and the adjacent uses include the Walton Summit Apartments, single-family home, City Plumbing and Electric and vacant property.

The townhome units will be two story with 3 bedroom / 2.5 bath homes and a minimum of 1,400 sf of heated space. Each townhome provides for a single car garage and additional guest parking will be provided within in the common area. Final site design and elevations of the townhome units have not been fully determined at this time. The proposed townhomes are intended to be for sale units.

The Future Development Map for the City of Gainesville places the subject property within the *Downtown Mixed-Use category* and within the *Central Core* Character Area which support a mixture of higher density residential uses.

The Planning Division staff is recommending **conditional approval** of this rezoning request with **Residential-II (R-II)** zoning, based on the Comprehensive Plan and the adjacent residential land uses.

Applicant Presentation: Paul Wilmont, 4757 Martin Crossing West Drive, spoke on behalf of Booker Property Holdings and hopes to enhance the community by beautifying that part of Gainesville and believes the four townhomes will help. Mr. Wilmont stated he grew up in the area and would appreciate the request being approved.

FAVOR: None

OPPOSE: None

There was a motion to recommend conditional approval to rezone the subject property for four townhomes from Neighborhood Business (N-B) to Residential-II (R-II) with the following conditions:

<u>Conditions</u>

1. **The use of the property shall be limited to a maximum of four (4) residential townhome or condominium units. Each unit shall contain a minimum heated floor space area of 1,400 square feet.**
2. **The proposed development shall adhere to the Midtown Overlay Zone site and architectural design standards, and is subject to the approval of the Community and Economic Development Director.**
3. **The front yards along Summit Street shall be sodded with grass. In addition, a minimum of one, 3-inch caliper size hardwood tree shall be required to be planted within the front yard of each townhome lot.**
4. **A mixture of evergreen trees shall be planted along part of the easterly property line between the adjacent residential home and the proposed townhome units / parking areas. The minimum install height of the trees shall be 10 feet. The location, spacing, size and type of trees planted shall be subject to the approval of the Community and Economic Development Department Director.**
5. **All access point design for the subject property shall require review and approval by the Gainesville Public Works Department Director. All required access/traffic/sidewalk improvements associated with the proposed development shall be at the full expense of the developer/property owner.**
6. **An updated as-built survey/plat showing all improvements to the property shall be required upon an occupancy permit being issued for the last townhome unit.**

Motion made by Board Member Martin
Motion seconded by Board Member Simmons
Vote – 5 favor, 1 absent (Fleming), 1 vacant

B. <u>Special Use Request</u>

1) Request from **Moez Hasni** for a special use on a 4.11± acres tract located on the east side of Crescent Drive, north of the intersection of Jesse Jewell Parkway and Crescent Drive (a/k/a **400 Crescent Drive, NE**), having a zoning of General Business (G-B)**.**
Ward Number: Two
Tax Parcel Number(s): 15-033C-000-077
Request: Staybridge Suites extended stay hotel

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

The request is for a special use within General Business (G-B) zoning to allow a Staybridge Suites by Intercontinental Hotel Groups (IHG) extended stay hotel. The property is located within the Limestone Corridor Overlay Zone and the adjacent uses include two single-family homes in the county, shopping center under development, undeveloped property approved for a climate-controlled storage facility and I-985 / Exit 24.

The extended stay hotel will be 4 stories in height with 98 rooms with 112 surface level parking spaces and amenities. Access is proposed from Crescent Drive and from the neighboring Dunkin Donuts anchored shopping center which has inter parcel connection with the subject property. The exterior of the building will consist of a mixture of Masonry, EFIS and glass designed to meet the Limestone Corridor Overlay Zone standards.

Georgia Department of Transportation will require coordination to determine the impacts to the traffic signal at SR 369 at White Sulphur Road.

The Comprehensive Plan places the property within the *General Mixed-Use* land use category and the *Economic Development Gateways character area* which includes areas containing or planned for a mixture of land uses and supports commercial and service uses.

The Planning Division staff is recommending **conditional approval** of the proposed special use request within **General Business (G-B) zoning**, based on the Comprehensive Plan and the adjacent nonresidential land uses.

Applicant Presentation: Moez Hasni, 400 Crescent Drive, represented Hall County Landfill Exit 24, LLC and stated they are proposing a Staybridge Suites by IHG with rates approximately $200 per night which will attract higher end cliental. He stated there are very view options in the area and most cliental prefers to stay more than three nights per week with the majority staying Monday thru Thursday leaving on Friday. Mr. Hasni stated it will serve hot breakfast, quick bites in the evening, happy hour with wine and beer but no hard liquor. He mentioned it will have a gym, swimming pool and possibly pickle ball for exercise and will glad to answer any questions.

FAVOR: None

OPPOSE: None

There was a motion to recommend conditional approval of the special use request for a Staybridge Suites extended stay hotel having a zoning of General Business (G-B) with the following conditions:

<u>Conditions</u>

1. **The special use approval shall be limited to the operation of a Staybridge Suites by IHG extended stay hotel. No other use on the subject property for "Extended Stay Lodging Services," as that term is defined in Section 9-10-6-16 of the Gainesville Unified Land Development Code, shall be permitted.**

2. **The proposed development shall be generally consistent with the concept plan and architectural renderings provided with this application. The exterior wall materials shall include a mixture of brick or stone and EFIS per the approval of the Community & Economic Development Director.**

3. **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.**

4. **The frontage landscape areas and right-of-way areas along Crescent Drive shall be sodded with grass. The frontage landscape areas and landscape islands within the parking lot shall contain minimum 3-inch caliper size trees subject to the Community & Economic Development Director approval.**

5. **All service areas, dumpster enclosures, loading areas, ground or roof top HVAC equipment shall be screened from view from all adjacent uses and roads.**

6. **The subject property shall be limited to one (1) monument sign not to exceed 10-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.**

7. **All access point design for the subject property shall be submitted for review by the Gainesville Public Works Director, Hall County Public Works and Utilities Director and the Georgia Department of Transportation if determined necessary. The approval of said design shall be required prior to issuance of a building permit. All required access / traffic / sidewalk improvements associated with the proposed development shall be at the full expense of the owner/developer.**

Motion made by Board Member Young
Motion seconded by Board Member Simmons
Vote – 5 favor, 1 absent (Fleming), 1 vacant

ADJOURNMENT

There was a motion to adjourn the meeting at 7:01 p.m.

Motion made by Vice-Chair Thompson
Motion seconded by Board Member Martin
Vote – 5 favor, 1 absent (Fleming), 1 vacant

Respectfully submitted,

Doug Carter, Chairman

Gwen Fleming, Recording Secretary