

**GAINESVILLE PLANNING AND APPEALS BOARD
MINUTES OF MEETING
JUNE 11, 2024**

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

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

Members Absent: None

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

Others Present: Council Member Barbara Brooks

MINUTES OF MAY 14, 2024

There was a motion to approve the minutes as presented.

Motion made by Vice Chair Thompson
Motion seconded by Board Member Young
Vote – 6 favor, 1 vacant

OLD BUSINESS

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

Motion made by Board Member Martin
Motion seconded by Vice Chair Thompson
Vote – 6 favor, 1 vacant

A. Rezoning Request

- 1) Request from **Outer Banks, LLC (Paul Brown)** to rezone a 4.08± acres tract located on the northside of Old Thompson Bridge Road at its terminus and on the west side of Thompson Bridge Road, having road frontage on Thompson Bridge Road and Minor Drive (a/k/a **2590 and 2600 Old Thompson Bridge Road, NW**) from Residential-I (R-I) and General Business (G-B) to Residential-II (R-II).

Ward Number: One

Tax Parcel Number(s): 01-100-001-001A and 00-100-001-001 (Part)

Request: Residential townhomes

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

The applicant is proposing to rezone two parcels which total 4.08± acres from R-I and G-B to R-II, for a total of 42 owner occupied, fee-simple townhomes. at a proposed density of 10.3 du/ac. The larger R-I zoned portion of the property is located within the Gateway Corridor Overlay Zone and is undeveloped except for Minor Drive which is a private, two-lane road with no curb and gutter. Public water and sanitary sewer traverse the property and parallel Minor Drive. The smaller G-B zoned tract was previously the location of the “The Landing” seafood restaurant and later a mobile home which has since been removed. Both parcels are heavily wooded with sloping topography. Some of the adjacent uses include Holly Park,

Terrace View Condominiums, Hidden Cove Condominiums, Vista Ridge Apartments and The Dance Company. Access to the townhomes is proposed on both sides of Minor Drive and parking for each unit will consist of a one car garage and surface level parking. The typical townhome unit will be two-stories with a minimum of 1,600 square feet in size, and will include 3 bedrooms and 2 ½ baths, with a master suite on the main level.

Amenities include a pickle ball court and mail kiosk. The townhome community will be managed by a mandatory Home Owners Association (HOA) to provide for the financial management, architectural controls, and enforcement of community standards and common areas.

The Comprehensive Plan places the subject property within the *General Mixed-Use* Future Land Use category and the Lake District Character Area, which includes areas containing or planned for a mixture of land uses including office, neighborhood retail, detached residential and attached residential.

The Planning Division staff is recommending **conditional approval** of this rezoning request based on the Comprehensive Plan and the adjacent mixture of uses.

Applicant Presentation: **Carla Walker**, 340 Jesse Jewell, Suite 650, stated she represents the applicant and encouraged the board to follow the recommendation of the staff for approval. Ms. Walker stated Holly Park is scheduled for improvements in the future by the city and stated the proposed rezoning request will support the park and will improve the area. She also stated the area has kudzu along with trash and has become a site for people taking advantage of the secluded area. Ms. Walker spoke about the project with it being proposed for adults 55 and older with master suites on the main level, utilities currently present and zoned residential. She stated due to the topography a vertical product will be a better fit than a single-family home footprint. She then asked for reconsideration of the condition regarding the additional parking spaces in order to preserve green space and landscaping and stated the ordinance only requires two parking spaces per unit which is one more than required and asked for the condition be removed. Ms. Walker stated adhering to the condition regarding the sidewalks would make the project not viable due to the topography and size of the land and requiring additional green space outside Minor Drive would affect the ability to have the number of units needed to make it a viable project. The last concern was regarding the leasing restrictions, Ms. Walker stated that some hardship exemptions should be added to the conditions since it is intended to be marketed toward an older community. She asked the board to consider approval of the request as recommended by the staff.

FAVOR: None

OPPOSE: **Chairman Carter** stated the Board had a copy of an email in opposition that was provided by the staff.

Beth Henson Law, 820 Park Street, asked if there was research done on the developers and corporations. Chairman Carter stated there is no research done individually on the developers but said staff meets regularly with the applicant, the Board makes a recommendation to the City Council which has the final decision. Ms. Law stated she researched it and found it to be an admin dissolved LLC since 2018 on the Secretary of State website. This was due to the failure of filing its annual registration and/or failure to maintain a registered agent or office in the state for Outer Banks, LLC. She questioned the comment regarding the topography and sloping of lake property doesn't support single-family homes and mentioned Island Drive with similar topography. She stated 42 homes on four acres doesn't seem to be the answer for

the property. She also mentioned DOT projected 250 new car trips per day along with noise pollution, ecological impact by Lake Lanier to an already overdeveloping area. She stated the city limits is facing a tremendous housing problem which not many seem to care. She then stated there is an expected thirty percent increase in homeless count and noted the staff analysis stated "the proposed use could have minimal impact on the Gainesville City School System" although there is school bus transportation and "the applicant states that each townhome unit will be marketed toward residents without children". Ms. Law stated she is a life-long resident of the City of Gainesville and has young kids with some of their friends being homeless or living in the Motel 6. She questioned the City's incentive that hopefully no children will live in the development in a nice house by a public park within the city limits at the lake. She stated it seems the development would not be built for the citizens of Gainesville, certainly not children or the ecological impact as a priority and appears to be a clear money grab by non-Gainesville individuals and murky corporations without considerations to the needs of the community nor the environmental impact to Lake Lanier and surrounding green space. Ms. Law stated she has visited the park many times in forty years including fishing, and stated the road to the park needs to be fixed but has never seen anything unsafe.

Rebuttal: Ms. Walker stated it was nice to have Ms. Law speak and would encourage all the citizens to participate and know what is going on. She thinks Ms. Law put a lot of stock into the work of the planning staffing but urged the board that the staff has done the homework and looked into things and recommended approval. She is willing to speak with Ms. Law afterwards to address any specific concerns and believes the project is viable and worthwhile and will be sure to have the LLC renewed.

Board Comments: **Board Member Fleming** asked about the development being for only those 55 and older along with percentage of units rented be monitored and the additional parking situation. Ms. Walker stated there are no restrictions requiring it but would be marketed toward that age group. She also said the HOA would monitor the rentals and with covenants at time of purchase along. She mentioned Code Enforcement would need to be called but the HOA would be responsible for maintaining and required to know who was living in each unit. Ms. Walker said the request to have an ability for an exemption for example a medical hardship situation would need to be applied for with the HOA. She advised planning staff requested eight additional spaces for the development in addition to what is already proposed and would prefer only the three parking spaces per unit. Ms. Walker stated the reason for not having additional parking was to balance green space and landscape. Board Member Fleming agreed Holly Park needs to be used more often with needed improvements made to it and would not have an issue if the project was for 55 and older. Ms. Walker advised that was the intent for the property and best option to sell the units but would not want it to be limited to it.

Chairman Carter asked if there had been any discussions of limiting apartment rentals. Ms. Walker commented it would be the responsibility of the HOA since there would be individual owners and currently have no leasing conditions on the property and would need to be added by the Board. Chairman Carter asked Deputy Director Tate to comment the percentage of rentals. Mr. Tate advised there have been other properties rezoned that limited the number of rental units to no more than 20 percent. The HOA would be in charge of regulating the 20 percent rule and then Code Enforcement if need be.

Chairman Carter advised the Board not knowing the motion which will be made but in his personal opinion it is reasonable to keep the conditions by staff with no exceptions regarding guest parking and development of sidewalks which is standard on every development.

Vice Chair Thompson commented condition three of the staff report states no more than 20 percent of the units rented.

Board Member Martin advised it should be stated if the project was restricted to 55 and older. Chairman Carter commented that it would be the responsibility of the developer to do so and mentioned a previous subdivision that had done an age restriction.

Deputy Director Tate commented the development was Weekly Homes at Lanier Landing which was restricted to 55 and older along with no more than 20 percent of the homes could be rented.

There was a discussion among Board Members regarding rentals and reporting problems along with the 20 percent rental restriction and creating problems on mortgages and values.

There was a motion to recommend denial to rezone the subject property for residential townhomes from Residential-I (R-I) and General Business (G-B) to Residential-II (R-II).

Motion made by Board Member Martin

Motion seconded by Board Member Fleming

Vote – 4 favor, 2 oppose (Carter, Thompson), 1 vacant

NEW BUSINESS

A. Annexation Request

- 1) Request from **Don Jones** to annex a 1.25± acres tract located on the west side of Gould Drive, between McEver Road and S Smith Road (a/k/a **2575 Gould Drive**) and to establish a zoning of Residential-I (R-I).

Ward Number: Five

Tax Parcel Number(s): 08-015-006-014E

Request: Sewer for an existing single-family home

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

The applicant is proposing to annex a 1.25± acres property with a zoning of Residential-I (R-I) in order to connect to City sewer.

The existing septic system is failing and there are no other proposed changes to the property at this time.

The subject property is currently zoned Residential-I (R-I) within Hall County and the adjacent uses include single-family homes in the county and the Gainesville Middle School West Campus.

The property contains a two-story, single-family home and detached shed, with two access driveways off of Gould Drive.

The Comprehensive Plan for the City of Gainesville places the property within the *General Mixed-Use* Future Land Use category and within the *Suburban Neighborhoods* Character Area.

The *General Mixed-Use* Future Land Use category which includes areas containing or planned for a mixture of land uses including office, neighborhood retail, detached residential and attached residential.

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

Applicant Presentation: Don Jones, 930 Interstate Ridge Drive, stated he is with Atlas Technical Consultants Civil Engineers and Surveyors and represents the property owner for the request of annexation. Mr. Jones said it was a straight-forward request and happy to answer any questions.

FAVOR: None

OPPOSE: None

There was a motion to recommend approval to of the annexation request for sewer for an existing single-family home and establish zoning as Residential-I (R-I).

Motion made by Board Member Martin
Motion seconded by Board Member Young
Vote – 6 favor, 1 vacant

ADJOURNMENT

There was a motion to adjourn the meeting at 6:04 p.m.

Motion made by Board Member Simmons
Motion seconded by Vice Chair Thompson
Vote – 6 favor, 1 vacant

Respectfully submitted,

Doug Carter, Chairman

Gwen Fleming, Recording Secretary