GAINESVILLE PLANNING AND APPEALS BOARD
MINUTES OF MEETING
NOVEMBER 12, 2024

CALL TO ORDER Chairman Doug 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 Director Rusty Ligon, Community & Economic Deputy Director Matt Tate and Recording Secretary Gwen Fleming

Others Present: Council Member Barbara Brooks

MINUTES OF SEPTEMBER 10, 2024

There was a motion to approve the minutes as presented.

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

OLD BUSINESS

NEW BUSINESS

A. <u>Annexation Request</u>

1) Request from **Grand Communities, LLC** to annex a 2.559± acres tract located on the east side of Crystal Drive, between Mountain View Drive and Springview Drive (a/k/a **1936 Crystal Drive**) and to establish a zoning of Planned Unit Development (P-U-D)**.**
   Ward Number: One
   Tax Parcel Number(s): 00-090-002-001
   Request: 53 single-family detached homes and 88 single-family attached townhomes

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

The applicant is proposing to annex 2.559± acres with a zoning of Planned Unit Development (P-U-D) and rezone 33.82± acres from Residential-I (R-I) to Planned Unit Development (P-U-D), for a total of 36.38± acres.

The 2.559± acres tract is currently zoned Residential-I (R-I) and is an unincorporated County island and is undeveloped. The 33.82± acres tract is located within the city limits and consists of six parcels with four residential structures, of which two are occupied. This property contains a sanitary sewer line and stream that traverse the property.

The adjacent uses include single-family homes to the north, south and west. Commercial and multi-family uses are present on the east side of Thompson Bridge Road and include the Cielo At Thompson apartments, Chattahoochee shopping center, Brown Eyed Girl Upscale Resale, Pro Touch Landscapes, House Dressing Outdoors and Cabinetry By Collier / Custom

Kitchens. Other nearby uses include the Linwood Nature Preserve and the Linwood Water Treatment Plant which are located northwest of the property adjacent to Lake Lanier.

The proposed "Sapphire Springs" residential development includes 141 for sale residential units consisting of 53 single-family detached homes and 88 single-family attached townhomes. It is anticipated construction will occur over a period of 48 months (12 months developing the site and 36 months of home construction). A single full access road is proposed from Thompson Bridge Road with the addition of a dedicated southbound right turn lane. A gated emergency access is proposed from Crystal Drive. A traffic study was required for this proposed development which estimates there will be 1,228 total daily trips, 85 AM peak hour and 107 peak hour trips.

The single-family homes include a mixture of ranch and two-story homes ranging from 1,200 to 3,100 square feet in size with two-car garages. The townhomes are two-stories, ranging from 1,550 to 1,850 square feet in size with a mixture of 1 and 2 car garages. Amenities include a community club house, pool, playground, mulch trail, common green space and mail kiosk of which will be maintained by a mandatory Homeowners Association (HOA).

The Future Land Use Map for the City of Gainesville places most of the property within the *General Mixed-Use* land use category and the smaller unincorporated area within the *Single-Family Residential* land use category which supports a mixture of housing types at densities ranging from two to four dwelling units per acre. The proposed residential density is 3.86 dwelling units per acre.

According to the Character Area map for the City of Gainesville, most of the subject property is located within the *Lake District* and a smaller portion of the property is located within the *Traditional Neighborhoods* Character Area which anticipated new housing as a major source of growth for the area that should feature a wide range of product, from townhouses to high-end single-family detached homes.

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

Applicant Presentation: Attorney Ethan Underwood with Miles Hansford, LLC, 202 Tribble Gap Road, Cumming, representing the applicant stated the development is the least dense/impactful project from previous proposed projects and complies with the Comprehensive Plan. Mr. Underwood presented a power point presentation and stated a secondary access is required which would be gated on Crystal Drive for city emergency personnel only. He mentioned concerns from neighbors at a community meeting were the change in zoning from R-I to P-U-D but said the city's vision for the area is for a general mixed-use development which will allow for more dense development, significant green space being preserved, privacy with the stream in the middle of the property and providing an undisturbed area separating the townhomes and single-family detached areas. He stated the price point was another question from neighbors and advised the detached homes will range from 1,700 to 3,000 sq ft starting in the low 400,000's and townhomes ranging from 1,500 to 1,800 sq ft starting in the 300,000's and reviewed renderings of the architectural styles on the power point. Mr. Underwood stated erosion control was a concern and the development will protect downstream property owners by following both city regulations and Georgia EPD, along with obtaining a Corp or Engineers permit regulated by the Federal Game and Fish and the plan will be designed and controlled regarding water being diverted onto neighbor's property. Light spillage was a concern from neighbors which Mr. Underwood stated will not be a burden due

to the buffer and the City code currently has lighting requirements. He stated the neighbors concern regarding the access design being too close to Mountain View Drive and was advised by land planners for the development that the proposed location works but stated GDOT will have final approval for it. He cited the staff condition that stated the access be more centralized which would create more traffic driving through the neighborhood. Access on the western portion of the property as shown would be better from an aesthetic standpoint allowing access either to the townhome section or detached section. Mr. Underwood stated the proposed density will be under four units per acre which is a medium density and is in between the current uses of surrounding properties. He stated R.S. Webb & Associates conducted a record search of the property with no findings of historic preservation list of properties, no known archeological sites or cemeteries on the property. A physical inspection of the property will be done and confirmed before the City Council meeting.

FAVOR: None

OPPOSE: Scotty Ball, 2713 High Vista Point, stated Mr. Underwood did an excellent job reaching out to the neighborhood regarding the proposed plan which is not a bad concept but there are too many lots which are small lots with basically no setbacks. He spoke about the acreage and lots, green space and stated he has an issue with the density. Mr. Ball was concerned about the traffic on Thompson Bridge Road along with the one access and agrees with the city of shifting it to allow more site distance. The other concern was the traffic study report and whether the annual growth rate of 1.3 percent being a valid growth rate for Gainesville and Hall County. He spoke about the building and new developments and the streets have not been expanded with more people coming into the area. He asked the board to think about those things but does not want to prohibit the use of someone's property, as the proposal is not a bad concept but the density is too much. Mr. Ball stated he believes the project could be completed without changing the zoning.

Matt Boedy, 234 Mountain View Drive, spoke about his neighborhood being residential housing and preferred for it not to change. He stated there was no history of the city approving a move from R-I to P-U-D zoning and is the basis for the project. The other concern he mentioned was the traffic and making a left turn at the curve being dangerous. Mr. Boedy stated he suggested at the neighborhood meeting the entrance be moved back into the middle of property allowing the possibility of a traffic light at the shopping center. He mentioned there being a dedicated righthand turn lane but it's impossible to turn left with the curve of the street.

John Rogers, 3711 Happy Valley Drive, stated he has a family connection to property and the previous owner of it, W.A. Roper actually was involved in a fatal vehicle accident on Thompson Bridge Road. He stated the concern for the project that it needs a traffic light or two with the amount of traffic being a very populated area. He stated he was not against the project but must give the developer some marching orders in order to know what needs to be done.

Rebuttal: Attorney Underwood, appreciated comments and concerns from neighbors but believes traffic on State Route 60 will not warrant a traffic signal for a single subdivision. In response to Mr. Ball's concern, he stated there will be a total of a 40 foot buffer with 20 feet being undisturbed with an additional 20 feet graded/planted buffer. Mr. Underwood asked to modify conditions six, nine and fourteen. The request for condition 6 be modified with 1) a minimum roof pitch of 6/12 instead of 8/12 to avoid some houses not being able to be constructed; 2) a water table only be required on the front facade where the sides are not visible from the right-of-way; and 3) clarification that the front porch depth of 5 feet will not apply to stoops or prohibit them. The last sentence of condition 9 be deleted so as to not

require additional bioretention facilities above what is already required; and lastly remove the second sentence of condition 14 which requires the road access on Thompson Bridge Road to be shifted more central to the development.

Board Comments: Board Member Fleming stated the suggested entrance is a very dangerous and busy location and wanted to know who would have the final decision for the entrance location and if there would be an additional traffic study. Mr. Underwood stated a land disturbance permit will be required by GDOT for design and approval. No additional traffic count or study would be required. He understood the concerns but GDOT would have final decision.

Board Member Young asked for clarification from Mr. Tate regarding the final decision for traffic signal would be from GDOT and he said it would.

Chairman Carter asked Mr. Tate for clarification regarding the R-I zoning and the requested P-U-D zoning would be for the opportunity of a mixture of townhouse and single-family homes. Mr. Tate stated the current R-I zoning does not allow the attached townhomes and reduced lot sizes for the detached homes.

Vice Chair Thompson stated he would not modify any of the conditions and would like to see the entrance moved further north on Thompson Bridge Road if the project goes forward and possibly GDOT might agree with the current proposed location and approve it. He stated all that have lived on those roads agree that it would potentially cause more problems than help. He also reminded Mr. Underwood the board is a recommending board and hopefully could have it figured out before the City Council meeting. **Board Member Young** was in agreement with the comments from Vice Chair Thompson.

There was a motion to recommend conditional approval of the annexation request for 53 single-family detached homes and 88 single-family attached townhomes and establish zoning as Planned Unit Development (P-U-D) with the following conditions:

Conditions

1. **The development standards within the applicant's narrative, site plans, and architectural renderings shall be made part of the zoning ordinance, and shall be subject to the Community and Economic Development Director approval. Any zoning conditions adopted as part of this zoning ordinance that conflict with the applicant's narrative, concept plan and architectural renderings shall take precedence over the applicant's development standards.**
2. **The total number of residential units shall not exceed 141 units. The maximum number of single-family attached townhomes shall be 88. Apartments are not an approved use for the property.**
3. **A mandatory Homeowners Association (HOA) shall be required for the proposed development providing for the financial management, architectural controls, enforcement of community standards and management of all common areas. 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.**
4. **Any proposed single-family detached lots and attached townhome lots encroaching within the State 25-foot undisturbed stream buffer must first receive approval from**

the Environmental Protection Division (EPD) prior to the issuance of a land development permit for those lots.

5. **Prior to permits being issued for the residential uses, each contractor/developer shall provide architectural renderings of the proposed single-family detached homes and attached townhomes for the review and approval of the Community and Economic Development Department Director.**

6. **All exterior wall front, sides, and rear of the single-family detached homes, townhomes, and multi-family units shall consist of a variety of building materials consistent with architectural themes and styles determined by the applicant. Foundation water tables of matching brick or stone material, that also covers all exposed foundation walls, will be used where architecturally compatible. Vinyl siding shall only be permitted on soffit areas.**

   Other architectural requirements will include:

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

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

7. **All trash receptacles shall be screened from view from the road and adjacent properties.**
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 per Unified Land Development Code standards.**
9. **The proposed erosion control and water quality measures for the development shall at minimum meet the Georgia Storm Water Management Manual requirements. The developer shall also construct additional bioretention facilities within the development to help further remove contaminants and sedimentation from Lake Lanier, per the approval of the Gainesville Department of Water Resources.**
10. **A Uniform Sign Plan as identified within the Gainesville Unified Land Development Code shall be required from the developer and is subject to approval by the Gainesville Community and Economic Development Director. All signs shall be limited to indirect lighting. All signs shall be located outside of utility areas and shall not block visibility of vehicular traffic.**
11. **The development shall include a minimum fifty foot (50') wide perimeter buffer fronting Thompson Bridge Road consisting of 25' natural/undisturbed buffer and a 25' wide planted buffer. In addition, a minimum forty foot (40') wide perimeter buffer consisting of a 20' natural/undisturbed buffer and a 20' wide planted buffer shall be required adjacent to all of the existing single-family communities and Crystal Drive. The planted portion of the buffers shall include at minimum a staggered row of evergreen trees consisting 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.**
12. **The front yard of each lot shall be sodded and planted with at least one 3" caliper in size hardwood tree.**
13. **All proposed detention ponds shall be fenced and landscaped in order to mitigate the view from all roads and adjacent properties. All fencing and landscaping materials shall be approved by the Community and Economic Development Department Director.**
14. **Access to the development shall be limited to Thompson Bridge Road except for a gated, emergency-only access road off of Crystal Drive. The proposed Thompson Bridge Road access shall be located more central to the development frontage upon Georgia Department of Transportation (GDOT) approving the intersection sight distance standards. All access point design for the subject property shall be submitted for review and approval by the Gainesville Public Works Director and GDOT.**
15. **Other than the development of the emergency-only access road at Crystal Drive, construction access shall be limited to Thompson Bridge Road.**
16. **All new streets shall meet the standards within the current Gainesville Unified Land Development Code, unless varied herein and approved by the Gainesville Public**

Works Department. All costs associated with the improvements shall be at the full expense of the developer.

17. **Covenants shall be put in place by the developer restricting against the parking of boats, trailers, and campers within driveways or streets. In addition, no on street parking shall be permitted for vehicles.**

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

B. Rezoning Request

1) Request from **Grand Communities, LLC** to rezone a 33.82± acres tract located on the west side of Thompson Bridge Road, between Mountain View Drive and Springview Drive (a/k/a **0, 1799, 1805, 1825, 1829 and 1981 Thompson Bridge Road, NW**) from Residential-I (R-I) to Planned Unit Development (P-U-D).

Ward Number:	One
Tax Parcel Number(s):	00-090-002-021, 022, 023, 024 and 032; 01-090-002-021
Request:	53 single-family detached homes and 88 single-family attached townhomes

There was a motion to recommend conditional approval to rezone the subject property for 53 single-family detached homes and 88 single-family attached townhomes from Residential-I (R-I) to Planned Unit Development (P-U-D) with the following conditions:

Conditions

1. **The development standards within the applicant's narrative, site plans, and architectural renderings shall be made part of the zoning ordinance, and shall be subject to the Community and Economic Development Director approval. Any zoning conditions adopted as part of this zoning ordinance that conflict with the applicant's narrative, concept plan and architectural renderings shall take precedence over the applicant's development standards.**
2. **The total number of residential units shall not exceed 141 units. The maximum number of single-family attached townhomes shall be 88. Apartments are not an approved use for the property.**
3. **A mandatory Homeowners Association (HOA) shall be required for the proposed development providing for the financial management, architectural controls, enforcement of community standards and management of all common areas. 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.**
4. **Any proposed single-family detached lots and attached townhome lots encroaching within the State 25-foot undisturbed stream buffer must first receive approval from the Environmental Protection Division (EPD) prior to the issuance of a land development permit for those lots.**
5. **Prior to permits being issued for the residential uses, each contractor/developer shall provide architectural renderings of the proposed single-family detached**

homes and attached townhomes for the review and approval of the Community and Economic Development Department Director.

6. **All exterior wall front, sides, and rear of the single-family detached homes, townhomes, and multi-family units shall consist of a variety of building materials consistent with architectural themes and styles determined by the applicant. Foundation water tables of matching brick or stone material, that also covers all exposed foundation walls, will be used where architecturally compatible. Vinyl siding shall only be permitted on soffit areas.**

   Other architectural requirements will include:

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

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

7. **All trash receptacles shall be screened from view from the road and adjacent properties.**
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 per Unified Land Development Code standards.**
9. **The proposed erosion control and water quality measures for the development shall at minimum meet the Georgia Storm Water Management Manual requirements. The developer shall also construct additional bioretention facilities within the development to help further remove contaminants and sedimentation from Lake Lanier, per the approval of the Gainesville Department of Water Resources.**
10. **A Uniform Sign Plan as identified within the Gainesville Unified Land Development Code shall be required from the developer and is subject to approval by the Gainesville Community and Economic Development Director. All signs shall be limited to indirect lighting. All signs shall be located outside of utility areas and shall not block visibility of vehicular traffic.**
11. **The development shall include a minimum fifty foot (50') wide perimeter buffer fronting Thompson Bridge Road consisting of 25' natural/undisturbed buffer and a 25' wide planted buffer. In addition, a minimum forty foot (40') wide perimeter buffer consisting of a 20' natural/undisturbed buffer and a 20' wide planted buffer shall be required adjacent to all of the existing single-family communities and Crystal Drive. The planted portion of the buffers shall include at minimum a staggered row of evergreen trees consisting 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.**
12. **The front yard of each lot shall be sodded and planted with at least one 3" caliper in size hardwood tree.**
13. **All proposed detention ponds shall be fenced and landscaped in order to mitigate the view from all roads and adjacent properties. All fencing and landscaping materials shall be approved by the Community and Economic Development Department Director.**
14. **Access to the development shall be limited to Thompson Bridge Road except for a gated, emergency-only access road off of Crystal Drive. The proposed Thompson Bridge Road access shall be located more central to the development frontage upon Georgia Department of Transportation (GDOT) approving the intersection sight distance standards. All access point design for the subject property shall be submitted for review and approval by the Gainesville Public Works Director and GDOT.**
15. **Other than the development of the emergency-only access road at Crystal Drive, construction access shall be limited to Thompson Bridge Road.**
16. **All new streets shall meet the standards within the current Gainesville Unified Land Development Code, unless varied herein and approved by the Gainesville Public Works Department. All costs associated with the improvements shall be at the full expense of the developer.**

17. Covenants shall be put in place by the developer restricting against the parking of boats, trailers, and campers within driveways or streets. In addition, no on street parking shall be permitted for vehicles.

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

C. <u>Code Amendment Request</u>

1) Request from the **City of Gainesville** to amend Chapter 9-21-1, entitled "Planning and Appeals Board, to include amendments to Section 9-21-1-1 entitled "Establishment and Continuation" and Section 9-21-1-2 entitled "Appointments, Terms of Office and Vacancies" of the Unified Land Development Code for the City of Gainesville, Georgia.

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

The City of Gainesville is proposing to amend Section 9-21-1-1, entitled Establishment and Continuation and Section 9-21-1-2, entitled Appointments, Terms of Office and Vacancies of Unified Land Development Code to establish staggered term limits for the Planning and Appeals Board members. The initial term limits for Seats 1 and 2 will be one year. Seats 3, 4 and 5 will serve an initial term of two years. Seat 6 and 7 will serve an initial term of three years. After the initial terms expire, all seats, including the chairperson and vice-chairperson will be appointed by the Governing Body to three-year terms.

FAVOR: None

OPPOSE: None

There was a motion to recommend approval of the code amendment as presented.

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

ADJOURNMENT

There was a motion to adjourn the meeting at 6:10 p.m.

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

Respectfully submitted,

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Doug Carter, Chairman

Gwen Fleming, Recording Secretary