GAINESVILLE PLANNING AND APPEALS BOARD
MINUTES OF MEETING
JANUARY 14, 2025

CALL TO ORDER	Chairman Doug Carter at 5:30 p.m.
Members Present:	Chairman Doug Carter, Vice-Chair Ryan Thompson and Board Members Eddie Martin, Kelvin Simmons, Rick Young and Ellen DeFoor
Members Absent:	Board Member Jane Fleming
Staff Present:	Community & Economic Director Rusty Ligon, Community & Economic Deputy Director Matt Tate and Recording Secretary Gwen Fleming
Others Present:	City Manager Bryan Lackey, Council Members Zack Thompson and Abigail Guzman

RECOGNITION

Chairman Carter welcomed Board Member Ellen DeFoor to the Planning and Appeals Board.

MINUTES OF NOVEMBER 12, 2024

There was a motion to approve the minutes as presented.

Motion made by Vice Chair Thompson
Motion seconded by Board Member Simmons
Vote – 6 favor, 1 absent (Fleming)

OLD BUSINESS

NEW BUSINESS

A. <u>Rezoning Request</u>

1) Request from **Branch Lakeshore Associates, LP** to rezone a 48.86± acres tract located on the southwest side of the intersection of Dawsonville Highway and Pearl Nix Parkway, having road frontage on east side of Shallowford Road and at the terminus of Plaza Drive and Arthur Lane (a/k/a **150 Pearl Nix Parkway, SW**) from Regional Business (R-B) to Planned Unit Development (P-U-D)**.**
Ward Number: Five
Tax Parcel Number(s): 01-119-003-041A
Request: Mixed-use development

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

The applicant is proposing to rezone a 48.86$^{\pm}$ acres property from R-B to PUD for a mixed-use development known as “Lakeshore”. The property has been the location of Lakeshore Mall for approximately 55 years and is located within the Gateway Corridor Overlay Zone and is within the Westside TAD.

Some of the adjacent uses include Firestone Auto Service, Little-Davenport Funeral Home, Walmart, Lowe's, Washington Square retail center, Lancaster Music, Masonic Lodge, Lakeshore Heights and Tower Heights Neighborhoods.

The proposed redevelopment of the property will feature 303,444± square feet of commercial space (211,944± sf retail, 73,500± sf restaurant, 18,000± sf office), including entertainment space green spaces and associated parking. As part of the overall square footage, the existing Belk woman's department store will remain and will be improved and a new Dick's Sporting Goods store will be located closer to Pearl Nix Parkway. In addition, a 95-room hotel and 652 multi-family apartments and 80 townhomes are proposed.

The entire development is anticipated to be built out over a period of 7 years to include 3 phases. Demolition and infrastructure improvements are anticipated to begin during the third quarter of 2026. The applicant will provide more detail regarding the phasing of the development. Access will remain from Pearl Nix Parkway, Dawsonville Highway and Shallowford Road with an addition of a third access drive off proposed off of Pearl Nix Parkway.

A Traffic Impact Study was conducted by Kimley Horn which is summarized in the staff report. The study recommended intersection improvements to include the addition/extension of turning lanes at the intersection on Dawsonville Highway (signalized), Pearl Nix Parkway (signalized and unsignalized) and Shallowford Road (signalized). Further coordination will be required from the Gainesville Public Works Department and the Georgia Department of Transportation (GDOT) regarding access improvements to the site.

Due to the size of the proposed development a Development of Regional Impact Study (DRI) was required for this request. Georgia Mountains Regional Commission provided a regional review of the proposal and has determined the proposed action *does not* present any potential adverse inter-jurisdictional impacts.

The Comprehensive Plan places the subject property within the *General Mixed-Use future land use* category and the *West Side Character area* which includes areas containing or planned for a mixture of land uses including office, neighborhood retail, commercial, higher density residential. The Comprehensive Plan specifically identified the Lakeshore Mall property as a potential redevelopment area to include a mixed-use town center designed to attract Gainesville residents and visitors with connection to other cultural and community resources in the city.

Due to the Comprehensive Plan and the adjacent mixture of uses, the Planning staff is recommending **conditional approval** of this rezoning request with **13** conditions.

Applicant Presentation: Attorney Bo Weber, 303 Jesse Jewell Parkway, Suite 310, representing the applicant introduced Branch Associates Principal & Chairman Nick Telesca and Principal Jack Haylett as the Development Director and serving as the Project Executor for the project. Mr. Weber stated the project being presented follows and checks all the boxes for the 2040 Comprehensive Plan for the Lakeshore Mall area. He stated Nick would speak about the history of Branch and Jack regarding the specifics of the project. He thanked Rusty and Matt for all their hard work for the past several months and would appreciate the Board giving approval to City Council.

Nick Telesca, 3340 Peachtree Road, NE, Atlanta, stated they are excited to present the project to staff and board members and developing a high-quality project for the community.

He advised Branch has been in existence since 1973 located in Atlanta and operating in the southeastern United States which have developed/acquired over 180 shopping centers. Mr. Telesca stated Branch owns two projects in Gainesville including the recently completed development of the Limestone Publix and own the Villages Shops of Gainesville on Dawsonville Highway. Mr. Telesca stated the mall property was acquired two to three years ago working through tenant issues and was apparent working with Bryan, Rusty and Matt that the project was "ripe" for redevelopment. He stated Lakeshore has a special place in the heart of the community but many of the old malls have seen better days and it's time to look forward into the future. He stated the renderings and site plan are a model Avalon type project and plan to bring a number of restaurant and entertainment type tenants to support Dick's and Belk.

Jack Haylett, 7095 Shadow Lane, Cumming, stated there were two constraints for the site being Dick's and Belk with long-term leases which negotiations have been completed. He said Dick's would be relocated and "de-malling" Belk along with building a new front façade to it. Mr. Haylett explained the PowerPoint presentation site plan stating the center would be a retail district with "eatertainments" to include almost one acre of greenspace divided into three distinct separate areas with the bottom center having a stage for entertainment and two other active greens separated by a restaurant/food & beverage. He mentioned the multifamily areas with 600+ class-A units which spill out into the active greens, the four-sided glass jewel boxes in the center would be for small shopping such as an ice-cream store or taco stand. He then spoke about the phasing with the full design taking about a year with construction to begin third and fourth quarter of 2026. He mentioned the existing Dicks will stay open with the construction of the Dicks and the back entrance will be open to the public which is expected to take eighteen months to complete. He stated during that time, the mall will be demolished, de-mall the Belk and install the utilities and roads including water and sewer which will be relocated through the middle of the site. Mr. Haylett stated once the Dicks is built within the next eighteen months for a total of three years, the entire retail will be built. He stated the second multi-family phase and will be built once the first phase is complete and will be a parking lot or grassed area until then. He spoke about the elevations were chosen with architects taking pictures of different buildings in Gainesville and the consultants chose the best of window details along with brick details and colors which took months. He said the elevations have arches, black metal and black windows, and red brick along with tan brick and will look harmoniously with the Boot Barn and new buildings in Gainesville. Mr. Haylett mentioned the traffic study studied sixteen intersections surrounding the development. Most of the intersections were doing well and mentioned a few suggestions such as decel lanes and turn lanes which will be completed as suggested in the study.

FAVOR: None

OPPOSE: Pat Horgan, 1004 Lakemont Drive, stated most of the neighbors he spoke with are generally favorable for the mall to be redeveloped but there some serious concerns he wanted to mentioned. Chairman Carter stated the Board received a copy of the email he had sent to Mr. Tate. The first concern he mentioned was the zoning and did not want commercial development to expand across the street into the residential area. The second concern was the traffic on Dawsonville Highway which has been at capacity for five years. He stated it was learned not much could be done about the traffic with GDOT not doing the McEver Bypass. The Alahuna development with over 900 units to be developed will add thousands of daily trips that will cause serious problems. He mentioned the content of the development should be looked at closely and the residential development should be downsized to fit the existing infrastructure. Mr. Horgan stated any infrastructure development should be done prior to or during development instead of waiting to the end to find out it's too late. The third concern was Lake Lanier speaking about a past incident regarding silt getting into the cove and suggested protections be in place and enforced along with knowing which party would be responsible for covering the cost if future cleanup is required.

Mandy Harris, 1459 Douglas Drive, stated she agreed with Mr. Horgan and believes traffic on Dawsonville Highway is a huge issue. She quested if the traffic study considered the new development or would like to be considered with the Alahuna development traffic from the 900 homes. Mrs. Harris requested the apartment density be reduced with the new apartments being added on Shallowford/Pearl Nix and did not want a situation with empty or unrented apartments. She stated with high dollar housing will not meet the need of affordable housing.

Anthie Sutterfield, 3188 Venue Drive, stated she received all her information from reading the newspaper articles. She believes the applicant should make repairs to the parking lot immediately for the community instead of waiting since the applicant has owned the property already for two years. Another concern was traffic with the new development on Shallowford Road coming in and asked it be considered in the traffic study since it will be completed before the mall project is done. Mrs. Sutterfield mentioned owning a large electrical contracting business in Memphis before moving to the area and would like to know more information about a DRI form which was mentioned in the paper and is not explained. The next concern was the TAD and comments about it being the largest Gainesville has ever had. She asked questions such as what would Gainesville be giving up, the amount of it and would it be for the apartments or just the hotel, and would they get the tax advantage up front. She wanted to know about a DRI and the reason the state would be involved. Mrs. Sutterfield also asked the percentage of apartments in the city are occupied at this time.

Chairman Carter stated tax dollars would come in on retail sales along with the Special Purpose Local Option Sales Tax for the school system and infrastructure improvements. He explained the TAD is approved by a different committee involving local educators, school superintendent and others in the community being a completely different issue and not under the Planning and Appeals Board authority. Chairman Carter explained a DRI is needed when a development surpasses a certain size. He stated he was unsure of the current percentage of apartments being occupied but there is a housing need for workers such as the NEGA Health System which has 12,000 employees of which are in need of housing.

Rebuttal:

Chairman Carter asked Attorney Weber, Mr. Telesca and Mr. Haylett to address questions and concerns from citizens with the first one regarding expanding the development into Lakeshore Heights. The next concern was run-off into Lake Lanier and the cove at Longwood Park including requirements from local and state.

Attorney Weber answered there were no plans to expand the project to the other side of Dawsonville Highway. He stated there would be onsite green infrastructure to include permeable pavers, retention ponds, swells, stormwater planters, underground infiltration and best management practices regarding run-off issues. Mr. Haylett stated the site currently is 95% impervious with suspended solids including brake dust are going into the lake currently but once the project is complete, the water leaving the site will be 100% cleaner. It will go through proper water quality and meet all requirements.

Board Member Young commented since the project was from the 1970’s and operating under those conditions but everything will be current with water quality and environmental concerns/impact will be brought up to 2025 standards. Mr. Haylett agreed and currently all water is running off and zero water quality at present. Mr. Telesca agreed and stated all water will be captured and treated.

Chairman Carter stated the next concern was infrastructure on the project along with acceleration and deceleration lanes and waiting until later verses making the necessary improvements first to ensure it is done and current shopping center pot-holes on the site. They answered by stating part of the agreement with Dick's and Belk was all intersections will be improved per the parking study in the first phase. Mr. Telesca stated with a massive demolition planned for the project and trying to balance the cost benefit but a number of repairs have been made to roofs and the parking lot and after 12 months will look at what needs to be done. They wanted to be careful as to the amount of money invested in a project that will be torn down within eighteen months.

Chairman Carter mentioned the timeframe of six to seven years of phasing and concerns about the apartments and townhomes being phased similar to the Solis project. Mr. Haylett stated it would be phased since 652 units would be too much at once, the first phase will be 326 apartments built and hope to lease 20 units a month. While those are filling up, then second phase will begin which will take two years to build. Attorney Weber commented the site would accommodate up to 1,000 units but the developer chose to maintain quality to reduce to two-thirds the site could actually support.

Vice Chair Thompson stated from his understanding it would be four years before any apartments would be on the market. Mr. Haylett replied it would be 36 months from start time with the parking deck and first building and with the tearing down the mall with steel and glass will be nine months. Attorney Weber stated the utility relocation specific to the site will be very time consuming.

Board Member Young asked about the target rent for the apartments and if the townhomes would it be fee simple or all rentals. Mr. Haylett stated all townhomes would be fee simple but unsure of range but possibly 400,000 to 600,000 but a developer had not been chosen. He mentioned apartments in Gainesville are around $221 a square foor and hopefully in a few years a little more. He said the average square footage will be 900 along with some having 600/700 square foot. The majority or sixty percent will be one bedroom, thirty-five percent two bedroom and five percent three bedroom for couples and individuals with very few families. Chairman Carter stated the concept of live/work/play developments is to live on site, enjoy restaurants and shop without getting in a vehicle.

Board Member Simmons questioned the amount of 652 apartments verses 80 townhomes. Mr. Telesca stated in terms of lifestyle centers being developed around the country and to have the look/feel/density, it requires multifamily. This gives a human scale with three to four stories allowing to build the main streets, build the jewel boxes and to provide the number of residents necessary to support the project. He stated the city and developer wanted a for sale component and the site laid out for 80 townhomes but the townhome density could not support the village/lifestyle part of the center which is the heart and soul of the project. The lifestyle centers actually brings to the communities a project with amenities that people want including active programs for a community center for all of Gainesville.

Board Member Young stated he had reviewed the resume of Branch and wondered how many other shopping malls Branch had rescued in the past. Mr. Telesca mentioned two projects with the largest project in Belview, Tennessee that included Sears and JC Penney as anchors, lease negotiations with both tenants, a TAD in the project, demolished the entire center, built over 600,000 square feet of retail space, had a big box component including a lifestyle component and added 350 apartments. He also mentioned another development in Atlanta called West Village Project which won an award with the Atlanta Regional Commission fifteen years ago, developed 4 phases, 900 apartments, 118 townhomes, 120 stacked flats, 68,000 square feet of retail plus a medical office building and not including other retail and multi-family projects developed across the southeastern United States.

Board Member DeFoor mentioned with the small percentage of two and three bedrooms in the apartments that there would not be many children and minimal impact on the city school system. Attorney Weber stated less than five percent of the occupants in those units would have school age children.

There was a motion to recommend conditional approval to rezone the subject property for a mixed-use development from Regional Business (R-B) to Planned Unit Development (P-U-D) with the following conditions:

<u>Conditions</u>

1. **The development standards within the applicant's narrative, concept plans and architectural renderings shall be made part of the zoning ordinance, and shall be consistent with the concept plans and architectural renderings submitted with this application, subject to the approval of the Community & Economic Development Director. 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 total number of residential units shall not exceed 732 units. The maximum number of single-family attached townhomes shall not exceed 80 units. The maximum number of multi-family apartments shall not exceed 652 units.**

3. **Prohibited uses within the development shall include Extended stay hotels; Motels/hotels with rooms accessed from the exterior of the building; Adult novelty stores; Adult bookstore and adult entertainment centers; Group homes; Crisis centers; Advertising display manufacturing and billboard advertisement; Pawn shops; Dollar-type stores; Thrift, consignment or re-sale stores; Massage parlors (provided this shall not be construed as excluding businesses where massage therapy or services are offered as part of a spa-like experience, including franchised concepts such as Hand and Stone, Massage Envy, or Woodhouse) Tobacco or vaping stores; Tire stores; Auto parts stores; Auto body shops; Automobile sales establishments (provided one boutique auto sales showroom not to exceed 10,000 square feet shall be permitted and outside car storage display shall be limited to three vehicles; Marine sales or repair stores; Automated or non-automated car washes; Truck stops; Tattoo or piercing parlors; Psychics, fortune tellers, clairvoyants and the like; Concrete plant; Coin-laundry facilities; Dry cleaning plant (pick-up and delivery stations without drive-thru and facilities which use ecologically safe cleaning methods such as GreenEarth® technology are not prohibited); Laundry (industrial); Dumping, disposal, incineration or transfer station for refuse; Industrial or manufacturing facility; Junk yard or salvage yard; Kennel (pet shops are not prohibited); Lockers for frozen food or cold storage (provided grocery stores and cold storage within restaurants are not prohibited); Machine shop; Mausoleum; Mini-warehouse; Prison, detention or correction facility; Refining of petroleum or its products.**

4. **The contractor/developer shall provide architectural renderings of the residential townhomes for the review and approval of the Community and Economic Development Department Director prior to submitting for permits.**

5. **All exterior wall front, sides, and rear of the townhomes shall consist of a variety of building materials consistent with architectural themes and styles determined by the applicant.**

   Other architectural requirements will include:

   - **The exterior materials for all townhomes 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 townhome buildings;**
   - **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.**
   - **Carriage style garage doors with decorative hardware or other embellishments shall be used on all townhomes;**
   - **The roofing material used on all 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 townhome 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;**
   - **The developer shall use a variety of techniques to avoid the monotonous appearance of identical 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 townhome building is the same as any townhome building directly in front or on either adjacent side of the structure;**
   - **All townhomes shall have front or rear entry and a mixture of one and two garages;**

6. **All exterior retaining walls visible from Dawsonville Highway, Pearl Nix Parkway and Shallowford Road shall consist of, or be faced with stacked stone or masonry rock materials not to include split faced block materials.**

7. **All frontage landscape areas shall be sodded with grass and contain minimum 3-inch caliper size hardwood trees.**

8. **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 bioretention (if allowed by soil conditions) or similar facilities within the development to help further remove contaminants and sedimentation from Lake Lanier, per the approval of the Gainesville Department of Water Resources.**

9. **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 access improvements that border the subject property as identified within the Traffic Impact Study shall be at the full expense of the developer/property owner.

10. **All proposed roads shall meet City standards. Sidewalks shall be provided on both sides of all proposed roads and drive aisles/parking areas at a minimum width of 5-feet, with the exception of the entry drives from Shallowford Road and Dawsonville Highway and townhomes, which may be single-sided. The sidewalks shall extend and connect to the existing sidewalk network on Dawsonville Highway and Shallowford Road and any new sidewalks along Pearl Nix Parkway.**

11. **All service areas, loading areas, ground or roof top HVAC equipment for the commercial uses shall be screened from view from all adjacent uses and roads; on-grade landscaping shall be considered acceptable as a means of screening.**

12. **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.**

13. **A uniform sign plan shall be required for the proposed development subject to the approval of the Community and Economic Development Department Director. Signage exhibits submitted with the application or of substantially similar design shall be considered acceptable.**

Motion made by Board Member Young
Motion seconded by Board Member Simmons
Vote – 6 favor, 1 absent (Fleming)

Chairman Carter told Attorney Weber that he had been asked three questions by members of the community that had read the newspaper regarding the project: 1) would there be a movie theater in the complex; 2) potential to bring back Dipper Dan; and 3) find the carrousel that is supposedly housed in Florida somewhere. He thanked everyone for attending the meeting.

ADJOURNMENT

There was a motion to adjourn the meeting at 6:21 p.m.

Motion made by Board Member Martin
Motion seconded by Board Member Simmons
Vote – 6 favor, 1 absent (Fleming)

Respectfully submitted,

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Doug Carter, Chairman

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Gwen Fleming, Recording Secretary