

**GAINESVILLE PLANNING AND APPEALS BOARD
MINUTES OF MEETING
FEBRUARY 11, 2025**

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, Rick Young and Ellen DeFoor

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 JANUARY 14, 2025

There was a motion to approve the minutes as presented.

Motion made by Vice Chair Thompson
Motion seconded by Board Member Young
Vote – 7 favor

OLD BUSINESS

NEW BUSINESS

A. Rezoning Requests

- 1) Request from **Kelley Intown Properties** to rezone a 1.09± acres tract located on the northwest side of the intersection of Oak Tree Drive and Riverside Drive and the northeast side of the intersection of Oak Tree Drive and Riverside Terrace (a/k/a **1038 Riverside Terrace, NE; 1037, 1045 and 1053 Riverside Drive, NE**) from Residential-I (R-I) to Residential-II (R-II).

Ward Number: Two

Tax Parcel Number(s): 01-075-001-005, 006, 007 and 026

Request: 8 residential condominiums

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

The applicant is proposing to rezone the 1.09 acres subject tract from Residential-I (R-I) to Residential-II (R-II) to construct a total of 8 condominium units that will be for sale. Adjacent uses include single-family home, duplex home, Longstreet Café, Causey Orthodontics and Casie & Kennedy Hair Studio. The subject property consists of four undeveloped parcels which are partially wooded and are located within the Gateway Corridor Overlay Zone. The parcel that has frontage on Riverside Terrace previously contained a single-family home that burned and was later demolished in 2012.

The proposed condominiums are designed as paired villas (duplex units) and each unit will provide a rear entry two car garage. A single access driveway is proposed from Riverside Terrace and 8 parallel guest parking spaces will be provided at the rear of the condominium

units. Above the garage will be two living levels with each unit providing three or four bedrooms. The paired villas are designed to have the main level close to street grade with individual walkway access to the existing sidewalks along Riverside Drive.

The Gainesville Comprehensive Plan places the subject tract within the *General Mixed Use* future land use category and the *Traditional Neighborhoods Character Area* which includes areas containing or planned for a mixture of land uses including office, neighborhood retail, and detached or attached residential. The need for quality housing walkable to other services is also encouraged.

The Planning Division staff is recommending **approval** of this rezoning request with 7 conditions based on the Comprehensive Land Use Plan and the adjacent mixture of uses.

Applicant Presentation: Bradley Dunckel, 3703 Timber Walk Drive, stated was representing Kelley Intown Properties and the use is within the city's comprehensive plan for the area. Mr. Dunckel explained the type of structures and layout of the units. The size of the units to be approximately 1,900 sq ft to 2,300 sq ft with a drive-under garage, elevator or accommodations for a future elevator and will have guest parking. He stated the units are expected to be priced starting at \$600,000. Mr. Dunckel spoke about the background of Kim Kelley moving recently from the Atlanta area to a lake home off of Ponderosa Drive. He stated she formerly owned 13 to 14 AT&T Wireless locations and has developed several million dollar homes in the Morningside and Virginia Highlands neighborhoods as well as the Buckhead area. He advised she is not a builder by trade but more of an investor/developer that works with high end builders.

FAVOR: None

OPPOSE: Allison Blackwood, 1152 Riverside Drive, stated she has lived on Riverside Drive approximately 42 years and is a teacher at Gainesville city school. She was most concerned with the additional traffic of the project. She spoke about traffic being backed out of Longstreet blocking Riverside Terrace in the morning with children waiting for buses. She stated the traffic has increased tremendously over the past several years with additional apartments and homes being built. She mentioned several wrecks she has witnessed coming from Oak Tree Drive and the traffic is just as bad in the evenings. She stated the round-about issue is being talked about again for Riverside Drive and was unsure if it would help the traffic. She stated Riverside Drive is being used as a thoroughfare to get onto Thompson Bridge Road. She stated she hoped her concerns would be considered and we need to take care of people in our town.

Chairman Carter asked Mr. Tate to confirm discussions for improvements to be made on Oak Tree Drive with a right turn lane to help with the traffic. Mr. Tate stated there have been numerous discussions with preliminary conceptual plans but no date for certain.

Stephen Hester, 1345 Riverside Drive, stated the area has a lot of traffic along with kids running from Gainesville High and Middle School up Riverside Drive. He stated safety was a concern with the integration of golf carts in the community along with money spent on signs to access downtown and will be difficult for residents on Riverside and Blue Ridge with additional traffic.

Rebuttal: Bradley Dunckel stated he has worked with zoning projects in the county, city and other jurisdictions in the past and traffic was always an issue. He mentioned the traffic generated by the proposed use verses others would have the lowest impact use for the

property. Mr. Dunckel stated we are all at the mercy of our elected officials and Department of Transportation for improvements. He stated we are never in front of the curve with traffic but hopes this will further progress future improvements and believes is the lowest impact for the property.

Board Member Young asked for the site plan to be shown and for Mr. Dunckel to explain how the vehicle traffic would flow and if parking would be on Riverside Drive with vehicle access from the rear of the building.

Mr. Dunckel stated each unit would have a two-car garage, with the middle two buildings having a tandem two car garage, 8 guest parking places. He stated vehicles would enter at a basement level with the first level being at street grade of Riverside Drive. All access would be from Riverside Terrace and are aware of the issue from Longstreet Café which will be a market challenge for Ms. Kelley to market the units.

Board Member Fleming questioned if anyone had spoken to the owners of Longstreet Café regarding project and possibly help with the direction of the drive-thru line. Mr. Dunckel stated no one had spoken to them and agreed improvements should be made to help with the drive-thru line that backs up into Oak Tree and Riverside.

Chairman Carter and Mr. Tate spoke about the small lot size in R-I zoning being 10,000 square feet per lot with potentially five lots per R-I zoning. Mr. Tate shared there are minimum road frontage requirements and the property contains four lots where larger single-family homes could be built with a shared driveway. He also advised there would be no on-street parking allowed on Oak Tree Drive and Riverside Drive as GDOT has jurisdiction on those roads.

Vice Chair Thompson commented about it being a difficult property with many looking at it for different less desirable uses and thanked the staff for everything over the years.

There was a motion to recommend conditional approval to rezone the subject property for 8 residential condominiums from Residential-I (R-I) to Residential-II (R-II) with the following conditions:

Conditions

1. The development shall be generally consistent with the site plan and the architectural style of the architectural elevations and drawings submitted with this rezoning application to include a mixture of brick masonry and cementitious siding material. In addition, the roof materials shall consist of architectural shingles and accent metal roof materials as depicted on the architectural drawing.
2. The use of the property shall be limited to a maximum of 8 residential condominium units.
3. The owner/developer shall plant a mixture of evergreen trees along the northerly and easterly property lines adjacent to the single-family properties. The minimum install height of the trees shall be 7 feet. The location, spacing, size and type of trees planted shall be subject to the approval of the Community and Economic Development Department Director.
4. The frontage landscape areas and right-of-way areas fronting Riverside Drive, Riverside Terrace and Oak Tree Drive shall be maintained and sodded with grass.

Minimum 3-inch caliper size hardwood trees shall be required within all frontage landscape areas subject to the approval of the Community and Economic Development Director.

- 5. Individual garbage containers shall be stored at the rear of each condominium unit and screened in a manner so as not to be visible from the adjacent roads and residential properties. A trash dumpster shall not be allowed on the property.**
- 6. Vehicular access shall be limited to Riverside Terrace. All access point design for the subject property shall be submitted for review by the Gainesville Public Works Director and the Georgia Department of Transportation if determined necessary. 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 developer/property owner.**
- 7. An updated as-built boundary survey/plat of the subject property, indicating all improvements required for the proposed use, shall be recorded prior to obtaining a Certificate of Occupancy.**

Motion made by Martin

Motion seconded by Young

Vote – 7 favor

- 2) Request from **Phil Devries** to rezone a 2.39± acres tract located southwest of the intersection of Atlanta Highway and Ray Street, having road frontage at the south of Wood Avenue at its terminus (a/k/a **0 Atlanta Highway, SW**) from Light Industrial (L-I) to Residential-II (R-II).

Ward Number: Four

Tax Parcel Number(s): 08-008-000-136

Request: 15 rental cottages

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

The applicant is proposing to rezone the subject 2.39± acres property from Light Industrial (L-I) Residential-II (R-II) for up to 15 detached rental cottages. The adjacent uses include two single-family homes located within unincorporated Hall County, two commercial retail strip centers and Adams Corporate Storage. The property is undeveloped and heavily wooded with road frontage at the terminus of Wood Ave. Access is planned from Wood Avenue which is a County, gravel road that will need to be improved.

According to the concept plan, a total of 14 units are shown with 62 parking spaces. Common green space will be provided for dog walking, rear patios and grilling. The proposed rental cottages are two-story detached units, each consisting of 1,250 square feet of heated floor space with three bedrooms and two bathrooms. The property will be managed by the owner which also owns and manages other residential properties and the adjacent La-Villita retail center.

The Gainesville Comprehensive Plan places the subject property within the *Single-Family Residential* land use category which includes areas containing or planned for single-family detached or semi-detached housing.

The property is also located within the *West Side Character Area*, which includes higher density residential, mixed-use, commercial, light industrial, public and institutional and parks and recreation.

The Planning Division staff is recommending **approval** of this rezoning request with **6** conditions, based on the Comprehensive Land Use Plan and the adjacent mixture of uses.

Applicant Presentation: Phil Devries, 1620 Piedmont Lane, Cumming, represented the owner. He advised Grace Torres also owns the market place adjacent to the property. Mr. Devries explained the plan for the homes as having 1,250 sq ft each, two stories, 3 bedroom and 2 bath. He stated access for the project would be from Wood Avenue which is a gravel road but will be improved.

Chairman Carter stated it was unusual to have a project with parking being more than required by code. He asked Mr. Devries if the units would only be used for single-family as defined by the city and would the additional parking be used for workers and adjacent commercial business. Mr. Devries advised the additional parking was to show more than needed and would be able to reduce it since the requirement was 2.2 spaces per unit and would scale it back and would include green space. Chairman Carter stated he wanted to confirm it would be rental units for single-families and not two or three families living in one unit and Mr. Devries confirmed it would be for single-family only.

Board Member Martin asked about putting a limit of parking spaces for the project and Mr. Tate confirmed it could be conditioned which code regulates at 31 to 32 spaces as to the proposed 62 spaces.

Vice Chair Thompson mentioned the plan did not show actual lines and the main concern would for it not to be an overflow parking lot for commercial business in the front. Mr. Devries stated only the required spaces would be used and will be glad to reduce it. Several board members agreed the parking should be limited.

Mr. Tate commented staff administratively has the ability to allow 20 percent above or below the required number and can be made a condition of zoning if the board wanted to cap it.

FAVOR: None

OPPOSE: None

There was a motion to recommend conditional approval to rezone the subject property for 14 rental cottages from Light Industrial (L-I) to Residential-II (R-II) with the following conditions amending condition two limiting parking to 32 spaces:

Conditions

1. The proposal shall be consistent with the concept plan and architectural renderings provided with this application per the review and approval of the Community and Economic Development Director.
2. The use of the property shall be limited to a maximum of 14 residential units **and a maximum of 32 parking spaces.**
3. Where an existing natural evergreen buffer is not provided, a mixture of evergreen trees shall be planted between the proposed development and the adjacent single-family zoned property to the north. The minimum install height of the trees shall be 7 feet. The location, spacing, size and type of trees planted shall be subject to the approval of the Community and Economic Development Director.
4. Any proposed dumpster shall be enclosed and screened from view from the proposed residential units, adjoining properties, roads and parking areas. All individual garbage

containers shall be stored at the rear of each unit and screened in a manner so as not to be visible from the parking areas.

- 5. All access point design for the subject property shall require review and approval by the Gainesville Public Works Department Director and Hall County Traffic Engineering. All required access/traffic/sidewalk improvements associated with the proposed development shall be at the full expense of the developer/property owner, which shall include the necessary improvements to Wood Avenue per Hall County standards.**
- 6. Outdoor lighting shall be of non-spill design and placed in a manner so as to minimize direct visibility by the adjacent properties.**

Motion made by Martin

Motion seconded by Simmons

Vote – 7 favor

ADJOURNMENT

There was a motion to adjourn the meeting at 6:00 p.m.

Motion made by Board Member Martin

Motion seconded by Board Member DeFoor

Vote – 7 favor

Respectfully submitted,

Doug Carter, Chairman

Gwen Fleming, Recording Secretary