

**GAINESVILLE PLANNING AND APPEALS BOARD
MINUTES OF MEETING
DECEMBER 14, 2010**

CALL TO ORDER Chairman @ 5:30 p.m.

Members Present: Chairman Dean Dadisman, Vice Chairman Joe Diaz and Board Members Doyle Johnson, Jane Fleming, Connie Rucker and George Hokayem

Members Absent: Board Member Dexter Stanley

Staff Present: Community Development Director Rusty Ligon, Planning Manager Matt Tate and Recording Secretary Judy Foster

Others Present: Council Members Bob Hamrick and Myrtle Figueras; and Public Utilities Civil Engineer Myron Bennett

MINUTES OF NOVEMBER 9, 2010

Motion to approve the Minutes as presented.

Motion made by Vice Chairman Diaz
Motion seconded by Board Member Fleming
Vote – 6 favor, 1 absent (Stanley)

The following Minutes are not a verbatim transcript of the December 14, 2010, meeting of the Gainesville Planning and Appeals Board. An audio tape of the meeting is available in the office of the City of Gainesville Community Development Department, Planning Division and may be reviewed by the public upon appointment or a duplicate copy of the tape will be provided in accordance with Government in the Sunshine recommendations and regulations, including fees charged for services rendered.

NEW BUSINESS

A. Zoning Amendment Request

- 1) Request from **Butler Property, LLC** to amend 65.425± acres consisting of Pods C, D, and E of an existing Planned Unit Development (P-U-D) zoning having road frontage along Millside Parkway, Mountain View Road and Old Oakwood Road (a/k/a **2975 Mountain View Road SW** and **3755 Meeks Drive SW**).

Ward Number: Four

Tax Parcel Number(s): 08-012-009-003 (part); 08-031-004-001 (part)

Request: Amend conditions 17 and 18 of Ordinance No. 2010-13 to allow the option of constructing apartments within Pods C, D, and E with no additional density and to lower the minimum apartment square footage from 775 square feet to 500 square feet.

Staff Presentation: Planning Manager Matt Tate gave the following staff presentation:

The applicant is proposing to amend a 65.425± acres portion of the 605± acres Mundy Mill Development consisting of Pods C, D, and E. Currently, these Pods allow a combined total of 775 attached condominium/town home units with a minimum of 1,200

square feet of heated floor space per unit. The proposed amendment would allow the option of constructing apartment units at a minimum 500 square feet per unit.

In comparison, Pods J and K of the Mundy Mill Development, which are located on the south side of Mundy Mill Road under different ownership, are currently approved for a total of 460 condominium, town home or apartment units with a minimum square footage per condo/town home unit of 1,200 square feet or 750 square feet per apartment unit.

The applicant is requesting the same flexibility to build apartments, except with a minimum unit size of 500 square feet. The applicant believes the proposed amendment request will help better address future demand in the current and future housing market. If approved, the total number of apartments could potentially increase from 460 to 1,235 apartment units; however, the overall number of housing units within the Mundy Mill Development will not increase.

It is important to note that the Gainesville Unified Land Development Code traditionally allows for apartment, condominium and town home uses to be located within the same zoning districts because they are considered multi-family residential uses that typically exist within attached buildings and provide some level of amenities that are managed by an association or management company.

Staff understands the potential concerns of the surrounding single-family property owners such as impacts to property values, overcrowding of schools and increased traffic congestion which are discussed further in the provided memo. As well, there is additional statistical information in the memo of existing apartment development within the City of Gainesville and the surrounding communities.

It is staff's conclusion that the proposed amendment request could be considered reasonable due to the fact that the property would function in a similar manner as to what is currently approved for the property. However, in order to better assure quality standards and to be consistent with the minimum standards currently approved for Pods J and K, the minimum square footage per apartment unit should remain at 750 square feet.

Therefore, the Planning Division staff is recommending approval of the proposed request by amending conditions 17 and 18 as contained in Ordinance No. 2010-13. The added text is underlined and the double strikethrough text is the language being deleted to read as follows:

Proposed Zoning Conditions with Changes

17. The number of attached *single-family condominiums*, ~~or~~ *fee simple town homes or apartments* shall not exceed ~~775~~ 1,235 total units for the entire Mundy Mill development. Specifically, Pods J and K combined shall have no more than 460 units; Pods C, D and E combined shall have no more than 775 units. The minimum unit/lot width for each condominium or fee simple town home unit shall be 16 feet, and each unit shall contain a minimum of 1,200 feet of heated space. Building separations shall be as reflected on the site plan, and private drives built to City specs will be used within these communities. Front and side facades shall consist of masonry, stacked stone, cedar shake or stucco, architectural accents excluded. The rear facade may consist of these materials or cementitious siding such as hardiplank; no vinyl siding shall

be allowed excluding soffit areas. No fewer than three or more than ten condominium or fee simple town home units shall exist within one continuous structure, and front facades will be staggered. All single-family condominiums shall contain one car garages. Monument signage shall be used for the entrance to any attached single-family residential pod as per the sign plan.

- 18. ~~The number of apartment units shall not exceed 460 units.~~ The height of an apartment building shall not exceed three stories, although ¾ splits will be allowed. Each apartment unit will contain a minimum of 750 square feet. Each unit shall have at least 1.75 parking spaces. Front and side facades shall consist of masonry, stacked stone, cedar shake or stucco, architectural accents excluded. The rear facade may consist of these materials or cementeous siding such as hardiplank; no vinyl siding shall be allowed excluding soffit areas. Minimum building separations shall be as depicted on the site plan. Signage shall be as per the attached sign plan.**

Chairman Dadisman clarified that even though the applicant requested a 500 square feet minimum for apartments, staff recommended the minimum should not be below 750 square feet.

Applicant Presentation: Wes Robinson, 200 E. E. Butler Parkway, stated he represented the applicant, Butler Property, LLC, owned by Wendell Starke. He stated Mr. Starke acquired the majority of the property in the Mundy Mill Development, noting other proposed apartments across Mundy Mill Road are owned by someone else and are not a part of this request. He stated they are trying to hold true to the original concept for the development and that this request does not increase density or the number of units, but would allow for apartments, condominiums or town houses depending on what market conditions demand in the future. He stated it was more practical in this economy to provide for apartment living. He stated the applicant was agreeable with the apartment minimum square footage not being 500 square feet, but requested that one bedroom apartments have a minimum of 650 square feet.

FAVOR: Frank Norton, Jr., 434 Green Street, stated there was a changing face of apartment dweller today, noting the internet, economy and new urbanism are changing today's apartment life. He stated lofts, one bedroom units, efficiencies, L-shaped shared space and Murphy beds are all part of today's equation. Occupants are generally young, single with no children, mobile, energetic and focused more on the environment, amenities, sports and activities within the complex rather than the units themselves. These units range from 500 to 650 square feet and allow the tenant to live affordably alone in a time when people are doubling up. He stated the proposed project was a well thought out live, work, play and educate environment with a broad mix of lifestyle units to accommodate today's generation of apartment dweller.

Mack McCain, 4038 Chestatee Road, stated he had been involved in 3,000 multi-family units across the metro Atlanta area. He presented what he called an "S1 plan" which was approximately 655 square feet and consisted of 9 foot ceilings, exterior storage and a computer room. This plan allowed for retirees, young couples, singles and young professionals to enjoy upscale community living with an affordable type unit. He stated it was critical to be able to address this housing market need. Mr. McCain requested they be permitted to use fiber cement lap siding integrated with stone and masonry products on all exterior facades instead of only on the rear facade as noted in the amended conditions. He stated that market studies show a mix of units are preferred,

noting 36-40% for one bedroom plans, about 50% for two bedroom plans and about 10% for three bedroom plans have been very successful in other developments in Suwanee, Marietta, and Raleigh, NC.

Wendell Starke, 4038 Chestatee Road, stated that he had worked with Mr. McCain on about 2,000 of those units he referred to which consisted of apartments, condominiums and town homes. He stated they would like to have a 650 square foot unit. They had requested a 500 square foot minimum because of loft apartments they use at times depending on the building but are willing to forego those plans even though there would be very few of them. He stated the concrete siding is preferred over stucco because of problems he has experienced in the past.

OPPOSED: Dean Warnock, 3762 Windsor Court (Maple Forge Subdivision), stated that once again the standards of the Mundy Mill Development are proposed to be lowered. He stated the original standards were intended to protect Maple Forge which was closest to the development. They depend on the City to protect them. The original standards agreed upon for the largest homes to be built closest to Maple Forge was begun properly. However, moving apartments closer to them is a deviation from the original standard where they were farthest away from Maple Forge. Mr. Warnock referred to beautiful pictures presented to the Board at the last meeting for a zoning amendment request of how they cleaned up trash and removed graffiti within the development. He presented pictures to Chairman Dadisman showing what the development looks like now. He stated there was trash and graffiti everywhere and they have even put up barricades to keep the gang wars down. He asked the Board if they were being told the truth then and are they being told the truth now? He stated that the City wants the increased revenue it may generate, but the 119 homes values in Maple Forge are decreasing. He stated that reducing square footage would affect them. He stated he has had his property appraised three times and his property value has decreased from \$278,000 to \$250,000 to \$213,000 in the past two years. He asked the Board to vote against the zoning amendment and protect Maple Forge.

REBUTTAL: Wes Robinson asked to look at the pictures Mr. Warnock presented to the Board. Mr. Robinson clarified that the request would not provide for more density, traffic, or cars, and would only effect Pods C, D, and E which would not be built any closer to Maple Forge than originally planned.

Wendell Starke clarified that he did not buy all the property at one time, noting they cleaned up the property they owned but could not clean up property he did not own. He stated there were still two other owners within the development in which they are negotiating. He stated as they purchase property, they clean it up. He clarified that the barriers were actually intended to slow down the dumping and they police the area so it will not get in the same condition as before.

Planning and Appeals Board Comments: Upon inquiry by Vice Chairman Diaz, Mr. Starke stated there were no immediate plans for construction commencement. They need to know all the uses in order to make and optimize their long term plans. He stated they are not likely to start right away in this economy.

Board Member Fleming asked if the concrete siding referred to was the same as Hardiplank. Mr. Robinson stated that Hardiplank was one brand of the fiber concrete lap siding which is similar to that used at Lanier Club Apartments and Caswyck.

Motion to recommend approval of the zoning amendment request to amend conditions 17 and 18 as stated in Ordinance No. 2010-13 to allow the option of constructing apartments within Pods C, D, and E with no additional density; the apartments minimum square footage shall be 650 square feet; and cementeous siding shall be permitted on all exterior facades.

Recommended Revised Conditions

17. The number of attached single-family condominiums, fee simple town homes or apartments shall not exceed 1,235 total units. The minimum unit/lot width for each condominium or fee simple town home unit shall be 16 feet, and each unit shall contain a minimum of 1,200 feet of heated space. Building separations shall be as reflected on the site plan, and private drives built to City specs will be used within these communities. Front, side and rear facades shall consist of masonry, stacked stone, cedar shake, stucco, cementeous siding or a mixture thereof. No vinyl siding shall be allowed excluding soffit areas. No fewer than three or more than ten condominium or fee simple town home units shall exist within one continuous structure, and front facades will be staggered. All single-family condominiums shall contain one car garages. Monument signage shall be used for the entrance to any attached single-family residential pod as per the sign plan.

18. The height of an apartment building shall not exceed three stories, although $\frac{3}{4}$ splits will be allowed. Each apartment unit will contain a minimum of 750 square feet for Pod's J and K, and a minimum of 650 square feet for Pod's C, D, and E. Each unit shall have at least 1.75 parking spaces. Front, side and rear facades shall consist of masonry, stacked stone, cedar shake, stucco, cementeous siding or a mixture thereof. No vinyl siding shall be allowed excluding soffit areas. Minimum building separations shall be as depicted on the site plan. Signage shall be as per the attached sign plan.

NOTE: All other conditions remain unchanged as stated in Ordinance 2010-13.

Motion made by Board Member Hokayem

Motion seconded by Board Member Johnson

Vote – 4 favor, 2 opposed (Dadisman, Diaz), 1 absent (Stanley)

B. Code Amendment Request

- 1) Request from the **City of Gainesville** to amend the Unified Land Development Code for the City of Gainesville, Georgia. The proposed amendments are to amend Chapter 9-2-2 entitled "General Definitions" and Table 9-5-1 of Article 9-5 entitled "Permitted and Special Uses for Residential Zoning Districts", and Table 9-6-1 of Article 9-6 entitled "Permitted and Special Uses for Nonresidential Zoning Districts", to allow for Residential Industrialized Buildings; to amend Chapter 9-10-2 entitled "Principal Residential Uses" to provide standards for Single-Family and Two-Family Dwellings; and to amend Section 9-16-5-17(c) entitled "Physical Site Limitations" of Chapter 9-16-5 entitled "Tree Protection" to allow for alternative compliance to provide for a tree replacement fund.

Staff Presentation: Planning Manager Matt Tate gave the following staff presentation:

As part of staff's continuous overview of the Unified Land Development Code (ULDC), there are three amendments being proposed to the ULDC at this time.

The first proposed amendment allows for residential industrialized buildings to be permitted in all zoning districts where existing single-family site built construction is permitted. This amendment is in direct response to the recent adoption of House Bill 516 earlier this year which does not allow a local government to differentiate between site-built single-family homes or residential industrialized buildings.

In light of the changes to residential industrialized building ordinance, the second proposed amendment provides for minimum building standards for single-family and two-family housing some of which include standards for exterior materials, foundation, roof pitch and minimum structure width.

The last proposed amendment provides for a Tree Replacement Fund (TRF) for development sites that are unable to plant the specified number of trees due to site limitations. The amount of the donation to the TRF must include 100% of the cost to purchase and install the vegetation based on two written estimates. The fund contribution in lieu of on-site or off-site planting cannot exceed 50% of the total trees required for replanting on the development site.

FAVOR: None

OPPOSED: None

REBUTTAL: None

Planning and Appeals Board Comments: There was a general consensus among the Board to vote on each proposed amendment individually.

Proposed Amendment #1 – Upon inquiry by Vice Chairman Diaz, Community Development Director Rusty Ligon stated that since this was approved by the State legislature, we are required to comply with it. Mr. Diaz stated he was completely opposed to residential industrialized housing. Planning Manager Matt Tate stated this amendment was recommended by the City attorneys and the Ordinance would allow for the definition of industrialized buildings and amend the appropriate land use tables.

Mr. Ligon stated this legislation was approved at the end of the 2010 General Session and he was not aware if it had been challenged. Mr. Ligon stated it was recommended by the City attorneys to head off any litigation if a residential industrialized building were denied in an R-1 zoning.

Chairman Dadisman stated he was also opposed to residential industrialized buildings.

Board Member Johnson asked if this code amendment would affect the ongoing legal issue with this type house in the Waters Edge Subdivision. Mr. Ligon stated that they would be allowed to proceed with finishing the house since the State has allowed this type building.

Motion to recommend denial of Proposed Amendment #1 (Residential Industrialized Buildings) as presented by staff.

Motion made by Board Member Johnson
Motion seconded by Vice Chairman Diaz
Vote – 6 favor of denial, 1 absent (Stanley)

Proposed Amendment #2 – Upon inquiry by Chairman Dadisman, Planning Manager Matt Tate stated this amendment would eliminate the need for certain zoning conditions on developments as they relate to exterior materials which would simplify the zoning process.

Board Member Johnson asked if this amendment would add more of a burden to a developer during the process. Mr. Tate stated that it would not since it is consistent with building code requirements, noting they were basic standards.

Motion to recommend approval of Proposed Amendment #2 (Standards for Single-Family and Two-Family Dwellings) as presented by staff.

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

Proposed Amendment #3 – Upon inquiry by Vice Chairman Diaz, Planning Manager Matt Tate stated there would be a formal site specific plan review process by staff before the TRF could be approved, noting the burden would be on the developer as to whether or not this option was feasible. Community Development Director Rusty Ligon stated the City has certified arborists on staff now in multiple departments which will help with the process, noting plans are currently being reviewed in which they would be a candidate for the TRF. Mr. Ligon stated there would be criteria in place to make determinations as to which sites would be good candidates for this option.

Discussion was held regarding how the process would work, the maximum percentage allowed per site, how it would give staff flexibility on what could be done on each site, and the problems with overcrowding of trees.

Motion to recommend approval of Proposed Amendment #3 (Tree Replacement Fund) as presented by staff.

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

MISCELLANEOUS

Community Development Director Rusty Ligon stated that this was the Board's last meeting in the Georgia Mountain Center as all future meetings will be held in the new Public Safety Complex (Gainesville Justice Center). He encouraged the Board to attend a Council Meeting on either January 4th or January 18th of next year to see the new facility.

Mr. Ligon also reported there would not be a Planning and Appeals Board meeting in January since no new applications were received.

ADJOURNMENT

Motion to adjourn the meeting at 6:14 PM.

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

Respectfully submitted,

Dean Dadisman, Chairman

Judy Foster, Recording Secretary