

**GAINESVILLE PLANNING AND APPEALS BOARD
MINUTES OF MEETING
JUNE 10, 2014**

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

Members Present: Chairman Dean Dadisman and Board Members Jane Fleming, Connie Rucker, George Hokayem and John Snyder

Members Absent: Vice Chairman Doyle Johnson and Board Member Dexter Stanley

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

Others Present: Council Members George Wangemann and Myrtle Figueras and Public Utilities Engineer Nick Swafford

MINUTES OF MAY 13, 2014

There was a motion to approve the minutes as presented.

Motion made by Board Member Snyder

Motion seconded by Board Member Fleming

Vote – 4 favor, 3 absent (Johnson, Stanley, Rucker)

OLD BUSINESS

NOTE: Board Member Rucker arrived at 5:33 p.m.

There was a motion to remove the Beehive Homes of Gainesville rezoning request from the table.

Motion made by Board Member Hokayem

Motion seconded by Board Member Fleming

Vote – 5 favor, 2 absent (Johnson, Stanley)

A. Rezoning Request – (Tabled from May 13, 2014 Meeting)

- 1) Request from **Beehive Homes of Gainesville** to rezone a 2.0± acres tract located on the west side of South Enota Drive across from its intersection with Enota Circle (a/k/a **1351 Park Hill Drive**) from Residential-I (R-I) to Residential-II (R-II) with a special use.

Ward Number: Two

Tax Parcel Number(s): 01-077-001-027 (Part)

Request: Assisted living facility

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

The applicant is proposing to rezone the subject property from R-I to R-II with a Special Use for a 38-bed assisted living facility. The subject property is part of a larger 3.14± acres tract of land located at the northwest side of the intersection of Park Hill Drive and South Enota Drive within a single-family residential area that is in close proximity to a neighborhood commercial center located at the corner of Park Hill Drive and South Enota Drive. The property is also located within the Limestone Corridor Overlay Zone

and is undeveloped, partially wooded and contains a 30-foot wide sanitary sewer easement along its northerly boundary. The applicant intends to develop the site in two phases. First to develop a 19 bed assisted living facility, followed by a 19-bed memory care facility. Access is proposed from a single driveway located directly across from Enota Circle. Storm water detention is to be provided on the north side of the site due to the natural slope of the property. Each building is to be approximately 9,500 square feet in size and exterior facades are to be constructed with four sided brick with pitched roofs.

The Gainesville Public Utilities Department states that there is adequate water and sewer capacity to serve the proposed development. The Gainesville Police Department states that the increased traffic from delivery trucks, etc., will add to an area that currently has a steep grade and where traffic steadily backs up from the traffic signal on Park Hill Drive.

The Future Development Map for the City of Gainesville places the subject property within the *Low-Medium Density Residential* land use category which includes areas containing or planned for single-family detached or semi-detached housing at densities ranging from two to four dwelling units per acre. As well the subject property is located within the *Traditional Neighborhoods* Character Area specifically within the *Northern Neighborhoods subarea* which allows for low-density and medium-density residential, mixed-use / commercial. The vision for this area anticipates minimal change and primary issues within this subarea include incompatible infill development and the threat of encroaching urban sprawl. Commercial encroachment should be minimized and should respect and mirror the small scale of the surrounding neighborhoods, while the purity of the landscape and quality of housing should be preserved. The area is not a primary destination for business; however neighborhood serving business development is encouraged.

The Planning Division staff is recommending approval of this rezoning request with R-II zoning with a special use, based on the Comprehensive Plan and the adjacent nonresidential land uses with the following six conditions:

Conditions

- 1. The subject property shall be limited to the proposed 38-bed assisted living facility and those uses permitted within the Residential-I (R-I) zoning district only.**
- 2. Any new or replacement structure(s), exterior facade change(s), and/or future development at this location shall not exceed the size and scale as depicted within the concept plan and architectural rendering submitted with the rezoning application, and shall be subject to the Community Development Director approval.**
- 3. The subject property shall be limited to one monument sign not to exceed a height of 6-feet and 32 square feet in size with indirect lighting.**
- 4. A minimum 20-foot wide vegetated buffer shall be required against the single-family residential properties located to the north and west. The buffer shall consist of a combination of existing and new vegetation in order to provide for a solid buffer. The new vegetation shall consist of a mixture of Cryptomeria trees, Leyland Cypress trees and other similar evergreen vegetation at a minimum height of six feet (6') upon installation. The final number, type and**

location of trees shall be subject to the approval of the Community Development Department Director.

- 5. All access point design must be reviewed and approved by the Gainesville Public Works Director. Any required traffic improvements associated with the proposed development shall be at the full expense of the developer/property owner.**
- 6. An updated as-built survey/plat of the subject property, indicating existing conditions and all improvements shall be recorded prior to obtaining a Certificate of Occupancy for the future use.**

Applicant's Presentation: **Brent Hoffman**, 3890 Alexandria Drive, with Berkshire Hathaway Real Estate Company represented the applicant who was also in attendance as well as an Engineer and representatives from The Norton Agency who are all working together on this project. Mr. Hoffman stated that this development is supported by Beehive Homes, which is a nationally franchised group, with over 100 similar developments throughout the country. He stated that they sent out 40 letters to adjoining property owners and only received 2 responses, both of which were in favor of the project; Jim Latimer and Barbara Allen, who wanted him to share their support for this project. Mr. Hoffman reviewed the schematic of the 9,500 sq. ft. buildings, the average layout of the bedrooms, and pictures of what the typical residential setting will look like. He stated that they are available to answer any questions.

FAVOR: **Marsha Conner**, 1309 Park Hill Drive, stated that she was in favor of the request, but has a concern with Condition #4, noting she would like to see a 30-foot buffer against the single-family residential properties. Ms. Conner stated that a 30-foot buffer seems to be the standard buffer requirement at other meetings she attended in the past. She stated that the condition also refers to the buffer being required against single-family properties located to the north and west, and thought the direction should be south and west. Ms. Conner hoped that someone will be overseeing the project to insure that it is in compliance with what is proposed and approved.

OPPOSED: None

REBUTTAL: **Brent Hoffman** stated that they would like to accommodate the request for a 30-foot buffer; however, it would not work on this project as they need the extra 10-feet for parking and building location. He reiterated that the building would be four-sided brick and of a residential style.

Planning and Appeals Board Comments: Upon inquiry by Chairman Dadisman, Mr. Hoffman stated that they were agreeable with the conditions as proposed by staff.

Board Member Hokayem asked if there would be any retaining walls required on the south side. **Engineer Jason Davis**, 88 Laurel Heights Drive, Dahlonoga, stated that retaining walls will be required on the site because of elevation issues, but to what extent is unknown at this time. He stated that there will likely be two retaining walls, one on the on high side and one on the low side to help limit the wall height on both walls.

Chairman Dadisman stated that they would need to comply with the retaining wall requirements noted in the Limestone Parkway Overlay Zone. Mr. Davis stated that they will comply with those finish and height requirements.

Planning Manager Matt Tate confirmed that Condition #4 referencing the 20-foot wide vegetated buffer required against the single-family residential properties located to the north and west is correct as stated in the staff report. Mr. Tate also confirmed that the 20-foot width of the buffer is what is required within R-II zoning, but noted that there could be some administrative relief through an administrative variance regarding the 20-foot landscape buffer along the front of the project which could help with widening the buffer along the back.

Upon inquiry by Board Member Fleming, Mr. Tate confirmed that the rezoning must be approved first, then submit for a land development permit, and finally apply for a building permit. He stated that staff can work with the applicant for an administrative variance of 5-feet or so in order for the width of the buffer to be expanded to the rear of the project, noting that the plans are showing a 20-foot buffer along residential properties and a 20-foot landscape buffer in the front.

Board Member Fleming asked what materials are required for retaining walls. Mr. Tate stated that stacked stone, brick facing, or Windsor stone walls are acceptable. He noted that the wall height is an issue when the wall is exposed to the right-of-way, and it is unclear at this time whether it would be an issue with this project.

Board Member Fleming asked which department would insure compliance with this project. Mr. Tate stated that during the plan review process, multiple departments review the plans. He stated that specifically regarding buffers, the Community Development Department would insure the requirements are met, noting that the Director has final approval on specifics as outlined in the proposed conditions of zoning. Mr. Tate also stated that a wider buffer does not necessarily make a more effective buffer because it depends on the type of landscaping used.

There was a motion to recommend conditional approval of the request to rezone 1351 Park Hill Drive from Residential-I (R-I) to Residential-II (R-II), with a special use for an assisted living facility with the following conditions:

Conditions

- 1. The subject property shall be limited to the proposed 38-bed assisted living facility and those uses permitted within the Residential-I (R-I) zoning district only.**
- 2. Any new or replacement structure(s), exterior facade change(s), and/or future development at this location shall not exceed the size and scale as depicted within the concept plan and architectural rendering submitted with the rezoning application, and shall be subject to the Community Development Director approval.**
- 3. The subject property shall be limited to one monument sign not to exceed a height of 6-feet and 32 square feet in size with indirect lighting.**
- 4. A minimum 20-foot wide vegetated buffer shall be required against the single-family residential properties located to the north and west. The buffer shall consist of a combination of existing and new vegetation in order to provide for a solid buffer. The new vegetation shall consist of a mixture of Cryptomeria trees, Leyland Cypress trees and other similar evergreen vegetation at a minimum height of six feet (6') upon installation. The final number, type and**

location of trees shall be subject to the approval of the Community Development Department Director.

- 5. All access point design must be reviewed and approved by the Gainesville Public Works Director. Any required traffic improvements associated with the proposed development shall be at the full expense of the developer/property owner.**
- 6. An updated as-built survey/plat of the subject property, indicating existing conditions and all improvements shall be recorded prior to obtaining a Certificate of Occupancy for the future use.**

Motion made by Board Member Hokayem
Motion seconded by Board Member Snyder
Vote – 5 favor, 2 absent (Johnson, Stanley)

NEW BUSINESS

A. Zoning Amendment Request

- 1) Request from **Alcovy-20, Inc.** to amend the existing Planned Unit Development (P-U-D) zoning on a 26.10± acres tract located on the east and west sides of Wilson Drive, northeast of its intersection with Athens Highway (a/k/a **2108 and 2125 Wilson Drive**).
Ward Number: Three
Tax Parcel Number(s): 15-022D-000-001 (Part), 003 and 021 (Part)
Request: 55-lot single-family subdivision

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

The applicant is proposing to amend the existing Planned Unit Development (P-U-D) zoning for a single-family residential subdivision. This property was part of a larger 82.0± acres tract of land that was annexed and zoned Planned Residential Development with conditions (P-R-D-c) in 2004 for a 165 lot subdivision and a small grocery store. In 2006 the zoning was amended as part of a larger 126.2± acres development for office / warehouse / retail uses. The property is currently undeveloped with the exception of an existing sanitary sewer and access easement. The property located within the North Oconee Water Supply Watershed Overlay Zone, is partially wooded and contains two streams.

Specifically, the development proposes a 55-lot single-family subdivision which has a gross density of 2.10 dwelling units per acre. Approximately 15.35 acres (59%) of the total acreage will be green space. The existing Wilson Drive and sewer easement will be utilized and improved to meet City standards, excluding the requirement of sidewalks. All interior roads are to be maintained by the City of Gainesville and water and sewer currently serves the property. Solid waste pick up will be provided by the City of Gainesville. The proposed homes are to be a minimum of 1,500 square feet in size, two-story, with brick/rock front accents. See other specific development standards in the report.

The Gainesville Police Department expressed concern that the proposed development will increase traffic to an area along Athens Highway which has experienced serious accidents.

The Future Development Map for the City of Gainesville places the majority of the subject property within the *Low-Medium Density Residential* land use category, which includes areas containing or planned for single-family detached or semi-detached housing at densities ranging from two to four dwelling units per acre. A small 1.2± acres front portion the subject property is located within the *Retail Commercial* land use category which includes commercial service activities such as grocery stores, banks, restaurants, theatres, hotels, and automotive related businesses. *As well, the subject property is located within the Suburban Residential Character Area. The vision for this area is to preserve older, stable residential subdivisions and encourage newer projects with smaller lot sizes, pedestrian infrastructure, and buildings patterned after traditional local housing, possibly containing a small neighborhood-serving "village center". [In areas where natural features or sensitive environments are important, cluster housing or conservation subdivision design may be appropriate.]*

The Planning Division staff is recommending approval of this zoning amendment request, based on the Comprehensive Land Use Plan and the adjacent residential land uses with the following four conditions:

Conditions

- 1. The front exterior walls of the single-family homes shall be constructed with a minimum of 50% brick, rock or stone masonry; or a combination thereof. The side exterior walls shall contain a minimum 3-foot high watermark of brick, rock or stone masonry; or a combination thereof. All other exterior wall areas may be constructed with vinyl or hardiplank siding material.**
- 2. The single-family homes shall contain two-car garages, whether attached or detached to the rear of the home.**
- 3. All new interior streets shall meet City of Gainesville standards. Sidewalks within the development shall be required on both sides of the road and shall be a minimum width of five feet.**
- 4. All access point design must be reviewed and approved by the Gainesville Public Works Director and the Georgia Department of Transportation (GDOT). Any required traffic improvements associated with the proposed development shall be at the full expense of the developer/property owner.**

Applicant's Presentation: John Roberts, 540 Woodland Drive, stated that he was the applicant of this request and wanted to address a couple of the proposed conditions. Mr. Roberts stated that the Power Point slide which showed three house styles to be constructed within the proposed subdivision is incorrect, noting only the top picture is accurate and he apologized for the mistake. He presented additional pictures to the Board which were taken in two existing subdivisions within the City: Mundy Mill, located off Mundy Mill Road; and Heritage Pointe, located off Gaines Mill Road. Mr. Roberts stated that the first proposed condition requires that the front facade be constructed with a minimum of 50% brick, rock or stone masonry and the sides must have a 3-foot high water mark with the same materials. He noted that the pictures of the homes he presented to the Board did not have these same requirements. Mr. Roberts stated that when he came before the Board in 2004 proposing a 165-lot subdivision, he proposed the same rock accents as he has proposed in this application and it was approved as he proposed within Ordinance 2004-01. He stated that after the Engineers reviewed the project, it was determined that the 165-lot subdivision could not be built on the property because of restrictions with the North Oconee Watershed District in which the property

is located. After considering feasible projects for the property, Mr. Roberts came before the Board again in 2006 to amend the original proposal by scrapping the residential homes and requested to rezone the property for retail/commercial/warehouse components and also proposed that sidewalks would not be a requirement due to the North Oconee Watershed District requirements. His proposal was approved within Ordinance 2006-48. The Engineers produced plans to fit the commercial components on the property with the watershed restrictions and after a lengthy process with several agencies, the plans were approved. He stated that they did construct the street which is currently partially paved with curb and gutter and the remainder is graveled. Marketing of the commercial property was not successful and after meeting with various professionals, Mr. Roberts decided to return to a residential component at a drastically reduced version of his proposal in 2004. He had his Engineers to design plans to make sure the subdivision was feasible and the plans were completed with what is absolutely necessary to comply with the watershed restrictions regarding impervious surfaces. Mr. Roberts stated that if sidewalks are required for this project, it puts him back in the same position he was in 10 years ago because he would have an approved development but cannot get approval through the civil review process. Finally, Mr. Roberts requested approval of his proposal (without sidewalks and 50% stone accents) because of the North Oconee Watershed restrictions, construction standards of other subdivisions which he had shown in the pictures he presented to the Board, and because of previously approved Ordinances involving this property which did not include conditions regarding sidewalks and facade requirements. He stated that he was available to answer questions.

FAVOR: None

OPPOSED: None

Planning and Appeals Board Comments: Board Member Fleming asked if it would help him if sidewalks were only required on one side of the street. Mr. Roberts explained that impervious surfaces, such as asphalt and concrete, are manmade hard surfaces in which water cannot penetrate. He stated that there is a maximum amount of impervious surfaces allowed on the site which helps with water quality going into the nearby Cedar Creek Reservoir.

Board Member Snyder asked the applicant what he is proposing regarding Condition #1. Mr. Roberts stated that his proposal is the same as it was in 2004 in regards to rock accents. He stated that he plans to have rock accents on the front façade, but not on the sides, and his main problem with the condition is the 50% requirement.

Planning Manager Matt Tate stated that the intent of the conditions is to be consistent and to require a quality development no matter where it is located within the City. He stated that the applicant talked about Mundy Mill, and noted that it is a Master Planned Community which has a mixed use of housing and commercial/retail components. Mr. Tate stated that there are high quality standards at Mundy Mill as well, such as they cannot have any vinyl siding, and must use brick, rock, and/or Hardiplank siding. Mr. Tate explained that the intent is to provide good quality housing without requiring four-sided brick homes, noting the conditions are consistent to another request in 2007 by Will White which was adjacent to Lennox Park. He stated that the City doesn't want another Lennox Park, and wants to have higher standards. Mr. Tate stated that sidewalks are a current requirement in the City for new developments. He also clarified that the 25% impervious allowance is calculated for the entire North Oconee Watershed District, and not for this particular property. He stated that the adjacent property has

non-residential uses which could potentially feed onto the residential street in the future. He added that the cluster conservation design, which has long distances between other residential pods, could be a public safety hazard without sidewalks.

There was a motion to recommend conditional approval of the request to amend the existing Planned Unit Development (P-U-D) zoning located at 0, 2108 and 2125 Wilson Drive for a 55-lot single-family subdivision as presented with the following conditions:

Conditions

- 1. The front exterior walls of the single-family homes shall be constructed with a minimum of 50% brick, rock or stone masonry; or a combination thereof. The side exterior walls shall contain a minimum 3-foot high watermark of brick, rock or stone masonry; or a combination thereof. All other exterior wall areas may be constructed with vinyl or hardiplank siding material.**
- 2. The single-family homes shall contain two-car garages, whether attached or detached to the rear of the home.**
- 3. All new interior streets shall meet City of Gainesville standards. Sidewalks within the development shall be required on both sides of the road and shall be a minimum width of five feet.**
- 4. All access point design must be reviewed and approved by the Gainesville Public Works Director and the Georgia Department of Transportation (GDOT). Any required traffic improvements associated with the proposed development shall be at the full expense of the developer/property owner.**

Motion made by Board Member Snyder
Motion seconded by Board Member Hokayem
Vote – 5 favor, 2 absent (Johnson, Stanley)

ADJOURNMENT

There was a motion to adjourn the meeting at 6:12 PM.

Motion made by Board Member Hokayem
Motion seconded by Board Member Fleming
Vote – 5 favor, 2 absent (Johnson, Stanley)

Respectfully submitted,

Dean Dadisman, Chairman

Judy Foster, Recording Secretary