

**GAINESVILLE PLANNING AND APPEALS BOARD
MINUTES OF MEETING
OCTOBER 14, 2014**

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

Members Present: Chairman Doyle Johnson and Board Members Dexter Stanley, Jane Fleming, Connie Rucker, George Hokayem, John Snyder and Eddie Martin, Sr.

Members Absent: None

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

Others Present: Mayor Danny Dunagan, Council Member George Wangemann, Public Works Engineer Stan Aiken and Fire Marshall Chad Payne

MINUTES OF SEPTEMBER 9, 2014

There was a motion to approve the minutes as presented.

Motion made by Board Member Stanley
Motion seconded by Board Member Snyder
Vote – 7 favor

OLD BUSINESS

A. Road Action Request

- 1) Request from **Medical Arts Properties, LP** to abandon a 0.58± acre (561± linear feet) portion of right-of-way known as Broad Street, intersecting Prior Street and Spring Street, and having a zoning classification of Planned Unit Development (P-U-D) and General Business (G-B).
Ward Number: Three
Request: Abandonment of right-of-way

There was a motion to remove this road action request from the table.

Motion made by Board Member Snyder
Motion seconded by Board Member Hokayem
Vote – 7 favor

Staff Presentation: Planning Manager Matt Tate stated that this request was tabled at the August 12th Planning and Appeals Board (PAB) meeting so the applicant could meet with the surrounding property owners. The applicant has now requested that this item be tabled until the February 10, 2015 PAB meeting in order to give them more time to update the 2009 traffic study and have further discussions with Northeast Georgia Medical Center administration.

There was a motion to table this road action request until the Planning and Appeals Board meeting to be held on February 10, 2015.

Motion made by Board Member Fleming
Motion seconded by Board Member Rucker
Vote – 7 favor

NEW BUSINESS

A. Annexation Request

- 1) Request from **West Ahaluna, LLC** to annex a 70.23± acres tract located on the north and south side of Ahaluna Drive, southeast of the intersection of Strickland Drive and Karen Lane (a/k/a **0 and 1817 Ahaluna Drive; 1982 Dawsonville Highway; 2208 Karen Lane; 2008, 2016 and 2029 Strickland Drive**) and to establish zoning as Planned Unit Development (P-U-D).

Ward Number: One

Tax Parcel Number(s): 00-109B-000-003A; 00-110-000-001, 005 (Part), 028 (Part), 030, 031 and 032 (Part); 00-110A-004-001 (Part)

Request: Single-family subdivision

Staff Presentation: Planning Manager Matt Tate combined the presentations for the annexation and rezoning requests since they involve the same development, but noted that separate motions are required for each request. Mr. Tate proceeded with the following Staff presentation:

The proposal includes two separate requests - annexation of 70.23± acres and the rezoning of a 31.93± acres tract. The subject property is situated near the northwestern edge of the City limits between Dawsonville Highway and Lake Sidney Lanier. Specifically, the 70.23± acres portion to be annexed is currently zoned Vacation Cottage (V-C), Residential-I (R-I) and Agricultural Residential-III (AR-III) within unincorporated Hall County. The applicant is proposing a zoning of Planned Unit Development (P-U-D). The adjacent 31.93± acres tract of land is currently located within the City limits and the applicant is proposing to rezone it from Residential-I (R-I) to Planned Unit Development (P-U-D).

The proposed development is to consist of 219 single-family lots on 102.16± acres at a density of 2.14 dwelling units per acre. The subdivision will be divided into three phases to include 60 lots within Phase I, 85 lots within Phase II, and 74 lots within Phase III. Each phase is estimated to build out every five years. Amenities for Phase I of the development include a 38 slip boat dock, parking area and gazebo. Phase II proposes a 92 slip boat dock and a minimum 10,000 square foot clubhouse with parking. Minimum lot sizes are to be 10,000 square feet with minimum home sizes of 1,800 square feet of heated space.

Access is proposed along Ahaluna Drive as well as a secondary road off of Strickland Drive. A Traffic Impact Study was performed and summarized within the Staff report which stated that no improvements were deemed necessary at this time. The Georgia Department of Transportation (GDOT) and Gainesville Public Works Department recommend modification/review of Traffic Impact Study and that the development coordinate with GDOT and Gainesville Public Works to continually review and approve improvements based on the Traffic Impact Study for Ahaluna Estates.

Water, sewer and garbage services are to be provided by the City of Gainesville. According to Gainesville Public Utilities there is sufficient water and sewer capacity to

serve the development. The applicant has asked the City of Gainesville to participate in the cost of extending water and sewer to the development.

The Gainesville 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.

According to the Character Area map for the City of Gainesville, 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. As the housing market recovers, stalled projects will need attention and possible redesign to capitalize on changing household demographics.

As well, the quality community objectives state that housing choices should continue to be diversified to support a range of household incomes, sizes, types, but consist mostly of traditional single family detached lots. Land uses allowed in the Suburban Residential Character Area include low-density residential, medium-density residential, multi-family residential, public / institutional, commercial, and parks / recreation / conservation, and mixed-use.

The Planning Division staff is recommending conditional approval of this annexation and rezoning request with Planned Unit Development (P-U-D) zoning, based on the Comprehensive Land Use Plan and the adjacent and nearby residential land uses with the following conditions:

- 1. The development standards within the applicant's narrative, concept plan and architectural renderings shall be made part of the zoning ordinance, and shall be subject to the Community 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. In order to allow for a minimum lot size of 10,000 square feet, the proposed residential homes shall meet the standards of an Infill Residential Development Project as defined within Chapter 9-10-12 of the Gainesville Unified Land Development Code.**
- 3. The proposed single-family lots with road frontage on Ahaluna Drive shall have a minimum front yard setback of 25-feet.**
- 4. The minimum heated floor space for the proposed homes shall be no less than 2,100 square feet.**
- 5. The proposed erosion control and water quality measures for the development shall at minimum meet the Georgia Storm water Management Manual requirements. The owner / developer shall also construct additional bioretention facilities within the development to help further remove contaminants and sedimentation from Lake Lanier.**

6. **As agreed to by the owner / developer, a site shall be made available to the City of Gainesville for a fire station consisting of not more than three (3) acres of land which will be designated by the owner / developer and reasonably approved by the City of Gainesville for such public services. The site shall be located no further than one fourth of a mile (0.25) from the subject property and made available by the owner / developer without charge for the land at any time within seven (7) years after the developer has provided paved access to the site.**
7. **A permanent eyebrow cul-de-sac shall be constructed off of Ahaluna Drive across from Phase I of the development in order to provide for an adequate turn around for construction vehicles and other vehicular traffic. The cul-de-sac shall meet City of Gainesville standards and shall be at the expense of the developer.**
8. **The owner / developer shall seek approval from the City of Gainesville, Hall County and the Corps of Engineers to improve the existing Ahaluna Drive cul-de-sac to provide for better turn around for emergency and utility vehicles. If approved, curb and gutter and sidewalks shall be extended to the Ahaluna Drive cul-de-sac. All road and traffic improvements to Ahaluna Drive shall be at the expense of the developer and shall meet the minimum standards of the City of Gainesville prior to acceptance.**
9. **The owner / developer shall seek approval from the Georgia Department of Transportation (GDOT), Hall County and the City of Gainesville to construct a new access road from the development to a determined location off of Dawsonville Highway (S.R. 53) to help alleviate additional traffic delays at the intersection of Ahaluna Drive and Dawsonville Highway. If approved, the new road and all traffic improvements shall be constructed prior to Certificate of Occupancy being issued for homes within Phase III of the development. All road and traffic improvements shall be at the expense of the developer.**
10. **There shall be no access allowed onto Westlake Drive, within the Lakeshore Heights neighborhood.**
11. **There shall be no driveways allowed onto Ahaluna Drive for lots that have road frontage on any new proposed interior street. There shall be no driveways allowed onto Karen Lane or Strickland Drive.**
12. **The proposed 10,000 square foot amenity club house shall be of residential scale to include a minimum 3:12 roof pitch and exterior facade materials similar in architecture to the proposed single-family homes.**
13. **All proposed signs shall meet the minimum standards of a Project Entrance Sign as identified within Section 9-18-7-9 of the Gainesville Unified Land Development Code. All signs shall be located outside of utility areas and shall not block visibility of vehicular traffic.**

Applicant's Presentation: Jim Walters, 311 Green Street, attorney for the applicant, stated that this project will be a first class residential development with 219 lots to be built out over three phases. Phase I will consist of 60 lots averaging 19,538 square feet. Phase II will consist of 85 lots averaging 16,709 square feet. Phase III will consist of 74 lots averaging 16,815 square feet. He stated that these lots are a lot larger on the whole than the proposed 10,000 square feet minimum lot size and more than other developments within the City. Mr. Walters gave examples of other Planned Unit

Developments minimum lot sizes as follows: Cresswind 4,300 square feet; Mundy Mill 6,000 square feet; and Amberleigh 7,500 square feet. He stated that the City's Comprehensive Plan allows for a greater density for this area than what is proposed. The price range for this development will be from \$400,000 to \$1,500,000 which will enhance the surrounding areas. Mr. Walters stated that the homes will not be starter homes, apartments or cluster homes, but a single-family first class development, noting some enhancements as follows: The streets will have a 50-foot right-of-way, including sidewalks; the two recreation areas will include community boat docks consisting of 38 slips in Phase I and 92 slips in Phase II; and a minimum 10,000 square feet clubhouse with adequate parking and amenities. He stated that the traffic study has been reviewed by the City and the Georgia Department of Transportation (GDOT) and includes a future plan for Phase III to connect to another access road, noting it will be monitored as the project proceeds to see if another roadway is needed. Mr. Walters noted that the Georgia Environmental Protection Division (EPD) regulations will be followed to protect Lake Lanier and the surrounding properties, noting that there were no such regulations for stormwater runoff years ago when some of the older developments were constructed. Mr. Walters commented on traffic and stated that everyone has an opinion as to how much is too much traffic and this is the reason for the traffic study being completed by Engineers who have a criteria to determine the appropriate level of traffic. Mr. Walters stated that the applicant is in favor of the conditions proposed by Staff except for three of them: The applicant requested that Condition #6 be deleted to give them more time for consideration; the applicant requested that Condition #7 regarding an eyebrow cul-de-sac shall be temporary instead of permanent and that it may be removed at the time the roads are completed for Phase II because of safety concerns; and the applicant requested that Condition #9 regarding the feasibility of an access road from the development to Dawsonville Highway shall be determined by the completion of a new traffic study at the start of Phase III. Mr. Walters stated that this development would be a good additional tax base for the City and will be an asset in the future. Mr. Walters asked to reserve time for rebuttal.

FAVOR: None

OPPOSED: Clyde Morris, 2375 Whippoorwill Lane, stated that he was an attorney in Gainesville and represented a group of residents who will be effected by the proposed development and asked them to stand up to be recognized. He requested to reserve 5 minutes for rebuttal as well. Mr. Morris stated his concern that the applicant will not be the developer for all three phases of the proposed development, but only for the first phase. He believed the price range of the homes Mr. Walters quoted during his presentation are highly exaggerated because they did some research on comparable upscale neighborhoods, most notably Harbor Pointe, and the sales price on those homes over the past year was \$450,000 to a little over \$1 million, noting Harbor Pointe has much larger lots and homes than the ones proposed in this development. Mr. Morris felt that the price range for the proposed development would be more like \$300,000 to \$500,000. Mr. Morris stated that this developer does not have a good track record with the City in regards to environmental controls. He stated that his constituents are not objectionable to the proposed development itself, but to some of the details of the proposal that they feel have not been adequately addressed. Mr. Morris stated that density is the key factor that drives all the infrastructure deficiencies for this project, noting that Ahaluna Heights, which is a well-established neighborhood, has 1/3 the density as the proposed development. He felt this would change the character of the area drastically and commented that his clients have been left out of this annexation/rezoning effort. Mr. Morris compared the densities and setbacks of the

Vacation Cottage (V-C) zoning classification to the proposed development and felt the applicant is cramming houses into the area. Mr. Morris stated that most of the property within the proposed development is within Hall County and the proposed development is completely incompatible with Hall County's Unified Land Development Code, referring to the County's objection to the development. He stated that the Staff report is based on infill standards and he questioned whether it is a true infill situation and felt the wrong standards are being applied. Mr. Morris stated that the traffic study was suspect because he didn't understand how an additional 2,121 trips per day could be added to a tiny, two lane road and not increase the traffic impact level. He suggested that an additional entrance and separate road to gain access to Dawsonville Highway to be completed at Phase III is not adequate and should be completed sooner than 15 years down the road. Mr. Morris noted that there is a Tier 2 proposal called Plan 26 which is on the City of Gainesville's books for a new roadway and a bridge from Thompson Bridge Road across Lake Lanier to the Ahaluna Drive area. He asked if the City is setting itself up for a disaster if this development is approved and then the City would have to pay an exorbitant amount to condemn the properties. Mr. Morris stated that the proposal does not address specifics relating to environmental concerns, but only noted that the development would meet EPD's Blue Book requirements. He stated that Lake Lanier is probably the greatest natural resource in Georgia and it is getting pollution runoff that is impairing the quality of our water and he felt this development would add a lot of runoffs into a shallow area which doesn't get much circulation. His safety concerns were that streets and cul-de-sacs were not wide enough to accommodate for emergency vehicles or school buses. Mr. Morris stated that according to the statistics of the Gainesville City School System website, a development of this size would add another 321 – 547 children to the School System. Mr. Morris stated he would save his comments for his final three minutes for rebuttal to address his legal point regarding the annexation.

Curt Iocco, 2253 Karen Lane, was concerned that there would be a head-on collision on Karen Lane, which is a one lane, private road. He stated that Karen Lane has 6 or 7 blind spots and is afraid that with the additional traffic from the new development, there would be more curious people wandering down Karen Lane.

Dr. W. Jones Phillips, 1500 West Lake Drive, was concerned with the eradication of the green space, particularly on the smaller tract across from the power line, noting that there was a lot of natural green space and wildlife. He stated that he was not totally opposed to the development, but agreed with Mr. Morris' comments and he felt the proposed development should be more comparable with Lakeshore Heights.

REBUTTAL: **Jim Walters** stated that the application meets all the criteria of the Ordinances of the City of Gainesville and felt it was a good proposal. He stated that the owner of the property bought it over 10 years ago, and has been paying taxes on it and maintaining it over the years and now he wants to develop it according to City Ordinances. Mr. Walters stated that Staff has recommended approval with stringent conditions and he requested the Board recommend to City Council that the properties be annexed and rezoned as proposed. Mr. Walters stated that he would like to address each item brought out in opposition, but felt it would be counterproductive.

Clyde Morris stated that O.C.G.A 36-36-4 prohibits the creation of an unincorporated island when property is annexed and he felt that's exactly what is going to happen in this case. He stated that the developer has proposed to carve out a 10 x 10 section in the corner of one lot to satisfy this requirement and that is totally ineffective to meet the

requirement. Mr. Morris stated that if the City Council approves this annexation, he plans to file an action in court to stop it based on O.C.G.A. 36-36-4. Mr. Morris asked the Board to either return this matter to Staff to address the issues he has raised or to deny the request altogether.

Planning and Appeals Board Comments: Board Member Fleming asked about the proposed condition by Staff relating to a Fire Station. Planning Manager Matt Tate stated that the applicant has questions regarding the details for the Fire Station and therefore, the condition would need to be stricken.

Board Member Fleming asked when the other issues would be addressed such as the environmental concerns. Mr. Tate stated that the development would meet the EPD requirements which will protect water quality in Lake Lanier, noting that there are older homes on the lake which don't meet any standards.

Upon inquiry by Board Member Fleming, Mr. Tate confirmed that each phase of development would have to go through the plan review process which requires the approval of other City departments.

Board Member Fleming asked if the residents that were not included with this annexation could be annexed. Mr. Tate stated that it is possible however; they would have to petition the City to annex.

Mr. Tate also commented that the City sought legal counsel regarding the legality of this annexation request prior to the application being submitted and there is case law backing this up.

Board Member Hokayem asked what the City plans to do to insure that the infrastructure will not be a problem for the increased traffic. Planning Manager Matt Tate stated that the phasing of this development is important, noting it should be built out over 15 years. Mr. Tate stated there is a 0.7 section of Ahaluna Drive which would be improved to meet City standards and that is the only condition the City can require legally because it is adjacent to this property. He stated that the rest of Ahaluna Drive is a County road and Hall County has not made any improvements to it over the years. Mr. Tate felt that there needs to be some focus on the intersection of Dawsonville Highway and Ahaluna Drive, specifically with signalization timing and turn lanes; however, the applicant does not control the intersection. Mr. Tate stated that this development will have impacts over time, but is a slow phased development which is why there is a condition to revisit the traffic study before Phase 3 commences to see if another roadway is even an option. He also noted that there is a secondary access off of Strickland Drive and Sportsman Club Drive. Mr. Tate stated that there would not be any access off Karen Lane, and agreed with Mr. Iocco that Karen Drive is the width of a driveway.

Board Member Stanley stated that it would be in 10 years, not 15 years, before the traffic study would be reconsidered for another entrance/roadway.

Board Member Fleming stated that the developer could even update the traffic study earlier if needed. Planning Manager Matt Tate stated that he could, but again, the majority of Ahaluna Drive is in the County and the City cannot place conditions on County roadways.

Board Member Hokayem asked if Staff was agreeable to the amended conditions as proposed by the applicant. Planning Manager Matt Tate stated that the applicant approached Staff prior to the meeting and Staff is comfortable with the changes the applicant requested.

Board Member Snyder asked for clarification of the changes and asked for documentation whenever there is a proposed change to the conditions. Mr. Tate disseminated copies of the changes as provided and proposed by the applicant.

There was a motion to recommend conditional approval to annex 0 and 1817 Ahaluna Drive, 1982 Dawsonville Highway, 2208 Karen Lane, 2008, 2016 and 2029 Strickland Drive with Planned Unit Development (P-U-D) zoning for a single-family subdivision with revised conditions as follows:

Conditions

- 1. The development standards within the applicant's narrative, concept plan and architectural renderings shall be made part of the zoning ordinance, and shall be subject to the Community 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. In order to allow for a minimum lot size of 10,000 square feet, the proposed residential homes shall meet the standards of an Infill Residential Development Project as defined within Chapter 9-10-12 of the Gainesville Unified Land Development Code.**
- 3. The proposed single-family lots with road frontage on Ahaluna Drive shall have a minimum front yard setback of 25-feet.**
- 4. The minimum heated floor space for the proposed homes shall be no less than 2,100 square feet.**
- 5. The proposed erosion control and water quality measures for the development shall at minimum meet the Georgia Storm Water Management Manual requirements. The owner / developer shall also construct additional bioretention facilities within the development to help further remove contaminants and sedimentation from Lake Lanier.**
- 6. A temporary eyebrow cul-de-sac shall be constructed off of Ahaluna Drive across from Phase I of the development in order to provide for an adequate turn around for construction vehicles and other vehicular traffic. The cul-de-sac shall meet City of Gainesville standards and shall be at the expense of the developer. This cul-de-sac may be removed at the time the roads are completed for Phase II.**
- 7. The owner / developer shall seek approval from the City of Gainesville, Hall County and the Corps of Engineers to improve the existing Ahaluna Drive cul-de-sac to provide for better turn around for emergency and utility vehicles. If approved, curb and gutter and sidewalks shall be extended to the Ahaluna Drive cul-de-sac. All road and traffic improvements to Ahaluna Drive shall be at the expense of the developer and shall meet the minimum standards of the City of Gainesville prior to acceptance.**

8. **The owner / developer shall seek approval at the start of Phase III from the Georgia Department of Transportation (GDOT), Hall County and the City of Gainesville to have a new Traffic Study to determine the need for an access road from the development to a determined location off of Dawsonville Highway (S.R. 53) to help alleviate additional traffic delays at the intersection of Ahaluna Drive and Dawsonville Highway. If determined necessary, the new road and all traffic improvements shall be constructed prior to Certificate of Occupancy being issued for homes within Phase III of the development. All road and traffic improvements shall be at the expense of the developer.**
9. **There shall be no access allowed onto West Lake Drive, within the Lakeshore Heights neighborhood.**
10. **There shall be no driveways allowed onto Ahaluna Drive for lots that have road frontage on any new proposed interior street. There shall be no driveways allowed onto Karen Lane or Strickland Drive.**
11. **The proposed 10,000 square foot amenity clubhouse shall be of residential scale to include a minimum 3:12 roof pitch and exterior facade materials similar in architecture to the proposed single-family homes.**
12. **All proposed signs shall meet the minimum standards of a Project Entrance Sign as identified within Section 9-18-7-9 of the Gainesville Unified Land Development Code. All signs shall be located outside of utility areas and shall not block visibility of vehicular traffic.**

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

B. Rezoning Request

- 1) Request from **West Ahaluna, LLC** to rezone a 31.93± acres tract located on the south side of Ahaluna Drive, having road frontage on the north side of West Lake Drive at its terminus (a/k/a **0 Ahaluna Drive NW and 1489 West Lake Drive NW**) from Residential-I (R-I) to Planned Unit Development (P-U-D).

Ward Number: One

Tax Parcel Number(s): 00-110-000-006 (Part); 01-110-001-006 (Part); 01-114-001-001 and 145

Request: Single-family subdivision

There was a motion to recommend conditional approval to rezone 0 Ahaluna Drive NW and 1489 West Lake Drive NW from Residential-I (R-I) to Planned Unit Development (P-U-D) zoning for a single-family subdivision with the same revised conditions as the annexation listed above.

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

MISCELLANEOUS

Appointment of Vice-Chairman

Chairman Johnson asked for nominations from the Board for a new Vice-Chairman. Board Member Stanley nominated Board Member Fleming.

There was a motion to accept the nomination and appoint Jane Fleming as Vice-Chairman of the Planning and Appeals Board.

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

ADJOURNMENT

There was a motion to adjourn the meeting at 6:37 PM.

Motion made by Board Member Stanley
Motion seconded by Board Member Martin
Vote – 7 favor

Respectfully submitted,

Doyle Johnson, Chairman

Judy Foster, Recording Secretary