

**GAINESVILLE PLANNING AND APPEALS BOARD
MINUTES OF MEETING
APRIL 12, 2016**

CALL TO ORDER Chairman Carter at 5:30 p.m.

Members Present: Chairman Doug Carter, Vice-Chair Jane Fleming, and Board Members Connie Rucker, George Hokayem and Lemuel Betancourt

Members Absent: Board Members Eddie Martin, Sr. and Carmen Delgado

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

Others Present: Council Members Zack Thompson, George Wangemann and Barbara Brooks

MINUTES OF MARCH 8, 2016

There was a motion to approve the minutes as presented.

Motion made by Vice-Chair Fleming

Motion seconded by Board Member Rucker

Vote – 4 favor, 1 abstained (Hokayem), 2 absent (Martin, Delgado)

NEW BUSINESS

A. Variance Request

- 1) Request from **Brerock, LLC** to vary the sign height requirement on a 0.74± acre tract located on the northwest side of the intersection of Thompson Bridge Road and Brandon Place (a/k/a **1429 Thompson Bridge Road**), having a zoning classification of Regional Business (R-B).

Ward Number: Two

Tax Parcel Number(s): 01-088-002-014

Request: Multi-tenant monument sign

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

The applicant is proposing to construct a multi-tenant monument sign along Thompson Bridge Road. The property is 0.74± acre in size and is located at the northwest corner of Thompson Bridge Road and Brandon Place. The property is located within the Gateway Corridor Overlay Zone and the adjacent uses include the Wal-Mart Neighborhood Market, Westminster Church, Taco Bell restaurant and SunTrust Bank. The subject property is zoned Regional Business (R-B) which limits the height of a multi-tenant sign to 15-feet. The applicant is proposing a multi-tenant sign that is 27-feet in height. The original pole sign before being removed was approximately 32-feet in height. The property contains the previous Blockbuster Video building which is being remodeled for a Starbucks and three future tenants. The applicant is basing the hardship on the slope of the property as the base of the sign is approximately 10-feet below street grade. In addition, the applicant states that the new finished grade of the driveway to Wal-Mart is higher which has further

restricted the view of the sign for motorists traveling southbound on Thompson Bridge Road.

The Planning Division staff is recommending **conditional approval** of this variance request based on the vegetation and lower elevation of the property that restricts the visibility of the subject property with the following proposed conditions:

1. The proposed height, size and architecture of the proposed monument sign shall be as illustrated within the sign elevation submitted with the variance application.
2. The applicant shall construct a 5-foot wide sidewalk along the subject property fronting Thompson Bridge Road. The applicant shall coordinate with the Georgia Department of Transportation and the Gainesville Public Works Department prior to the installation of the sidewalk.

Applicant Presentation: Rock Baker, 727 Lindsay-Baker Court, stated he was the managing member of Brerock, LLC and it has been a 15 month cycle to get the project this far. He felt Starbucks would be an asset to the Thompson Bridge corridor, noting they are a perfect neighborhood tenant who seldom ever leaves and are committed to the neighborhoods where they are located. Mr. Baker stated that Starbucks are tough on their signs because they know the importance of them. In regards to occupying the subject property, they were initially deterred by the lack of a traffic signal at the entrance which has now been installed. He stated that after improvements were made to the entrance for the new Wal-Mart Neighborhood Market, it cut down the visibility to the subject property even more when traveling south on Thompson Bridge Road. He respectfully requested the variance be granted so they can continue with the project.

FAVOR: Connie Propes, 695 Honeysuckle Lane, stated that she has wondered for the last five years why someone has not renovated the subject property and put a Starbucks there and she commended Mr. Baker for making it happen. She felt it would be wonderful for the neighborhood.

OPPOSE: None

Planning and Appeals Board Comments: None

There was a motion to approve the request to vary the sign height requirement from 15-feet to 27-feet for a multi-tenant monument sign to be located at 1429 Thompson Bridge Road with the following conditions:

Conditions

1. The proposed height, size and architecture of the proposed monument sign shall be as illustrated within the sign elevation submitted with the variance application.
2. The applicant shall construct a 5-foot wide sidewalk along the subject property fronting Thompson Bridge Road. The applicant shall coordinate with the Georgia Department of Transportation and the Gainesville Public Works Department prior to the installation of the sidewalk.

Motion made by Vice-Chair Fleming
Motion seconded by Board Member Hokayem
Vote – 5 favor, 2 absent (Martin, Delgado)

NOTE: Agenda items B and C under New Business were presented together since they involve the same project.

B. Rezoning Request

- 1) Request from the **Gainesville Housing Authority** to rezone a 11.671± acres tract located on the south side of E. E. Butler Parkway, having road frontage on Chestnut Street, Summit Street and both side of Atlanta Street (a/k/a **233, 240, 315 and 323 Atlanta Street; 207, 209, 221, 223 and 229 Summit Street**) from Residential-II (R-II), Neighborhood Business (N-B) and General Business (G-B) to Planned Unit Development (P-U-D).

Ward Number: Three

Tax Parcel Number(s): 01-020-004-001, 002, 003 and 004;
01-020-005-025, 026 and 027

Request: Low income multi-family apartments

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

The applicant is proposing to rezone the subject 11.671± acres property from Residential-II (R-II), Neighborhood Business (N-B) and General Business (G-B) to Planned Unit Development (P-U-D) for 260 multi-family apartments and amenity space. As part of the proposal, the applicant desires to abandon a 0.603± acre (669± linear feet) portion of Atlanta Street to assist with the redevelopment of the property.

The subject property is located within the Midtown Overlay Zone. The adjacent properties consist of residential, church, office, commercial and light industrial uses. Currently, the property is made up of six properties containing older single-family rental homes and multi-family apartments. All of the existing structures including the existing Green Hunter Homes (Atlanta Street Apartments) will be demolished which consists of 131 public housing apartment units within 22 buildings that were originally built in two phases during 1952 and 1958.

The development will be built in three phases and will include a mixture of low-income tax credit housing, public housing, senior housing, market rate housing amenities and other services to benefit the community of which approximately 90 of the units are planned for seniors only. The project will use public and private financing relying heavily on the Low Income Housing Tax Credit Program through the Department of Community Affairs. The Gainesville Housing Authority will be partnering with Walton Communities who will construct and manage the proposed community. The proposed development will be gated and will consist of five buildings that will range between three and four stories in height. Approximately 420 residential parking spaces are to be provided and access is proposed from E.E. Butler Parkway and Chestnut Street.

The Gainesville Future Development Map for the City of Gainesville places the subject property within the *Mixed-Use Midtown* land use category. This category includes areas to be developed in accordance with the Midtown Redevelopment Plan which allows for a mixture of land uses including office, neighborhood retail and residential to include market-rate, subsidized and public housing units. According to the Character Area map for the City of Gainesville, the subject property is located within the *Central Core* Character Area specifically within the *Downtown/Midtown* subarea. The vision for this area should strive for additional office and housing to provide a more sustainable mix of uses.

Based on the Comprehensive Plan and the adjacent residential, nonresidential uses, staff is recommending **conditional approval** of this rezoning request and road abandonment request with P-U-D zoning with the following proposed conditions:

1. The development standards within the narrative, site plan and architectural renderings submitted with the applicant's rezoning application shall be made part of the zoning ordinance, and shall be subject to the Community Development Director approval.
2. The existing 40-foot wide right-of-way of Atlanta Street to be abandoned shall be retained as a combined utility easement for operating and maintaining the existing 8-inch water line and 36-inch sanitary sewer line contained therein, and shall be recorded by plat and referenced to within the deed provided by the applicant or property owner.
3. 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 Presentation: **W. A. Bagwell**, attorney with Whelchel Dunlap Jarrard and Walker LLP, 405 Washington Street, presented a constitutional objection to Chairman Carter. He stated that he and his law partner, David Dickerson represented the Gainesville Housing Authority (GHA) on this project, noting GHA Board of Directors Chairman Broughton Cochran, GHA Executive Director Beth Brown and Matt Teague with Walton Communities will also speak on behalf of the request.

Beth Brown, GHA Executive Director, 750 Pearl Nix Parkway, shared a power point presentation which detailed the current conditions of Green Hunter/Atlanta Street Apartments including highlights from an engineering report, conclusion from HUD, and a timeline of key events thus far for the project. Some key points were as follows:

- Property currently consists of 22 buildings, 131 apartments built in 1951.
- Funding from HUD is not adequate to meet the capital needs of the aging public housing stock, specifically for this project.
- After GHA researched several models, they decided to use a public/private partnership where they can apply for federal income tax credits which would serve as the financing vehicle needed to develop affordable housing.
- Current utility infrastructure has experienced significant failure.
- Buildings do not meet current building codes and have numerous problems.
- HUD concurs with the GHA's determination that the buildings are physically deteriorated and no reasonable program of modifications is cost-effective.

- Replacement of the existing housing with new construction will be at no cost to local governments or local citizens.
- GHA issued an RFP and selected Walton Communities, LLC as developer due to their proven success in working with housing authorities.
- GHA began relocation of residents and expects that process to be completed in the fall of 2016.

Matthew Teague, with Walton Communities, 2181 Newmarket Parkway, Marietta, shared a power point presentation which included background information about the company, other communities they have developed, and a site plan and vision for the proposed Walton Summit. Some key points were as follows:

- Walton Communities was founded 27 years ago with the vision of providing affordable housing for families as the cornerstone of their company, noting they have diverse experience in affordable and market rate housing, with a percentage of affordable housing strictly for seniors.
- Tagline is "Neighborhoods that Matter." The managers of the property treat people as royalty.
- Employ the best architects, engineers, interior designers and landscape architects to provide quality products.
- Provide a beautiful and healthy environment in their communities with extensive landscaping.
- Desire to be a catalyst in the community and have an impact with a long term focus.
- Create main streets with mature trees, sidewalks and benches on the front with parking hidden in the rear to be aesthetically pleasing.
- Site plan included gated entrances, main street trees with sidewalks and benches, playground, mail house, fitness center, arts & crafts room, multi-purpose room, and 90 unit senior only building with the rest of the apartments for families with one, two and three bedrooms.
- Front elevation along E. E. Butler Parkway has a store front look where the clubhouse amenities are located.

Broughton Cochran, GHA Board of Director Chairman, 1170 Saint Charles Place, stated he had been on the Board for a number of years and this project has been one of their top priorities. He gave GHA staff, specifically Beth Brown, credit for navigating through the jungle of paperwork with HUD and other governmental entities to get the project to this point, noting it has not been easy but the GHA has done all they can to make the project top quality. He stated that GHA has researched Walton Communities, visited their communities in various cities and has found them to be a reputable, high quality company. He asked the Board to help bring the project to fruition.

Mr. Bagwell asked to reserve time for rebuttal if necessary.

FAVOR: None

OPPOSE: None

QUESTIONS: **Barbara Brooks**, City Council Member, 728 Summit Street, stated that she needed some clarification and was not necessarily in opposition. She stated

that she represented Ward 3 on the City Council and had been contacted by some of her constituents regarding the long term plans for Walton Summit and if the public interest in the public/private partnership would be sold in the future to Walton Communities.

Matt Teague stated that it is actually the opposite, noting that after 15 years, the interest goes back to GHA with no option for Walton Communities to buy it.

Beth Brown further clarified that Walton Communities holds a 49% interest while the GHA retains a 51% interest and after the 15 year agreement has ended, Walton Communities interest will revert back to the GHA. She stated that the GHA owns the land and would lease it to Walton Communities.

Ben Hawks, owner of 315 Summit Street, stated that there are three properties along Summit Street which were excluded from the proposed development. He asked if there was any study as to how it would impact his property and if there would be a fence to partition off the development.

Planning Manager Matt Tate stated that there would be a fence around the entire development since it is a gated community and there is no access on Summit Street. The three lots are not part of the proposed development and the zoning on those lots would remain the same. He stated that it will be a walkable community as many residents would not have vehicles to drive or require parking. He stated that Mr. Hawks should not have any impacts to his property.

Upon inquiry by Mr. Hawks, Mr. Tate clarified where the senior housing units would be located on the proposed site plan.

Reverend Roger Owens, Mt. Calvary Church of God, wanted confirmation that the church would not be impacted by the development since they plan to make improvements to the church property.

Chairman Carter confirmed the church was not part of the proposed development.

Mr. Bagwell stated that he had no other comments since those who spoke only had questions which had been addressed.

Planning and Appeals Board Comments: None

There was a motion to recommend approval of the request to rezone 233, 240, 315 and 323 Atlanta Street and 207, 209, 221, 223 and 229 Summit Street from Residential-II (R-II), Neighborhood Business (N-B) and General Business (G-B) to Planned Unit Development (P-U-D) for low income multi-family apartments with the following conditions:

Conditions

- 1. The development standards within the narrative, site plan and architectural renderings submitted with the applicant's rezoning application shall be made part of the zoning ordinance, and shall be subject to the Community Development Director approval.**

2. **The existing 40-foot wide right-of-way of Atlanta Street to be abandoned shall be retained as a combined utility easement for operating and maintaining the existing 8-inch water line and 36-inch sanitary sewer line contained therein, and shall be recorded by plat and referenced to within the deed provided by the applicant or property owner.**
3. **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 Betancourt
Vote – 5 favor, 2 absent (Martin, Delgado)

C. Road Action Request

- 1) Request from the **Gainesville Housing Authority** to abandon a 0.603± acre (669± linear feet) portion of right-of-way known as Atlanta Street, located between Chestnut Street and E. E. Butler Parkway and having a zoning classification of Residential-II (R-II).
Ward Number: Three
Request: Abandonment of right-of-way

There was a motion to recommend approval of the abandonment of a 669± linear feet portion of right-of-way known as Atlanta Street as presented with the following conditions:

Conditions

1. **The development standards within the narrative, site plan and architectural renderings submitted with the applicant's rezoning application shall be made part of the zoning ordinance, and shall be subject to the Community Development Director approval.**
2. **The existing 40-foot wide right-of-way of Atlanta Street to be abandoned shall be retained as a combined utility easement for operating and maintaining the existing 8-inch water line and 36-inch sanitary sewer line contained therein, and shall be recorded by plat and referenced to within the deed provided by the applicant or property owner.**
3. **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 Rucker
Vote – 5 favor, 2 absent (Martin, Delgado)

Vice-Chair Fleming thanked Beth Brown and the GHA for their hard work and persistence on this project.

ADJOURNMENT

Chairman Carter adjourned the meeting at 6:15 p.m.

Respectfully submitted,

Doug Carter, Chairman

Judy Foster, Recording Secretary