

**GAINESVILLE PLANNING AND APPEALS BOARD
MINUTES OF MEETING
SEPTEMBER 11, 2018**

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

Members Present: Chairman Doug Carter, Vice-Chair Jane Fleming and Board Members Eddie Martin, Sr., Ryan Thompson, Carmen Delgado, Rich White and Kelvin Simmons

Members Absent: None

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

Others Present: Council Member George Wangemann and City Manager Bryan Lackey

MINUTES OF AUGUST 14, 2018

There was a motion to approve the minutes as presented.

Motion made by Board Member Delgado
Motion seconded by Board Member White
Vote – 7 favor

NEW BUSINESS

A. Variance Request

- 1) Request from **St. Paul United Methodist Church** to vary the sign lighting and size requirements on a 5.24± acres tract located on the northwest side of the intersection of Washington Street and West Academy Street (*a/k/a* **404 Washington Street, NW**) having a zoning classification of Neighborhood Business (N-B) and General Business (G-B).

Ward Number: Four
Tax Parcel Number(s): 01-026-001-054
Request: Electronic message board sign

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

The applicant is proposing to vary the sign lighting and size requirements to allow for a monument sign with an electronic message board (EMB) insert. The subject property is 5.24± acres in size and is the site of the St. Paul United Methodist Church. The property is zoned both Neighborhood Business (N-B) and General Business (G-B); however, the proposed sign is to be located within the N-B zoned portion of property which limits the sign structure area to 96 square feet in size and does not allow for internally illuminated sign. Adjacent uses include professional office, bank, auto sales and residential uses. The proposed sign will replace the existing sign but will be a two sided sign and placed perpendicular to Washington Street. The applicant is proposing to vary the sign structure area to allow a 120 square foot sign (10' high x 12' wide) which is 24 square feet larger than permitted. The existing sign is 117 square feet in size (9' high by 13' wide) and is parallel to Washington Street. The proposed electronic message board portion of the sign is just under 20 square feet in size per side with amber or white in color display per code requirements.

The applicant states the proposed request would benefit the church by better communicating messages to its members and the community. As well, the sign's color, brightness and time of operation will be maintained to help minimize any potential disruption to the neighbors.

There have been no nearby variance requests approved for EMB signs within the immediate area. Other variance requests for similar EMB signs have been approved within the city limits over the past 10 years for various churches including the First Baptist Church on Green Street, First United Methodist Church on Thompson Bridge Road and the New Haven Church on White Sulphur Road.

The Planning Division staff is recommending conditional approval of this variance request given the proposed sign would maintain consistency with the existing structure, with one condition.

Applicant Presentation: **Jack Bailey**, 2419 Island Drive, stated he represented the applicant as their architect. The proposed sign is similar to the existing sign but will be turned 90 degrees, perpendicular to the street, be two-sided and constructed of brick and stucco materials. Mr. Bailey thought the church only needed a variance for the EMB sign but according to the Code, the dimensions are measured using the highest and widest part of the structure to determine square footage of the sign, otherwise it would be in compliance. He stated most of the major churches in town now have an EMB sign to communicate with its members and community.

FAVOR: **Harriet Briscoe**, 4810 Highland Circle, stated she and her husband Bob have been members of St. Paul UMC for 24 years, noting Bob Briscoe and Finance Chairman Shirley Whitaker were also present in support of the request. She felt the proposed sign was needed since the existing sign is neither visible nor versatile. They are unable to change the existing sign and would like to inform the community of the wonderful things going on at the church and encourage people to attend.

OPPOSE: None

Planning and Appeals Board Comments: None

There was a motion to conditionally approval of the request to vary the maximum sign size requirement from 96 square feet to 120 square feet and to allow internal illumination within Neighborhood Business (N-B) for an electronic message board sign with the following condition:

Condition

The subject property shall be limited to one electronic message board sign. The electronic message board sign may be two-sided not to exceed 20 square feet per side and shall meet the standards of the Unified Land Development Code.

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

B. Annexation Request

- 1) Request from **Limestone Greenway, LLC** to annex a 75.12± acres tract located on the southwest side of the intersection of Jesse Jewell Parkway and Limestone Parkway, having road frontage on Lakeview Drive, Highland Street, Spring Street and Victory Street (a/k/a **0 and 2065 Limestone Parkway**) and to establish zoning as Planned Unit Development (P-U-D).
Ward Number: Two
Tax Parcel Number(s): 00-082-003-001
Request: Mixed-use development

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

The applicant is proposing to annex the subject property with a zoning of Planned Unit Development (P-U-D) for the purpose of utilizing city sewer. The original request was for a mixed-use development to include 189,400 square feet of office, retail, restaurant, hotel space, 252 multi-family residential units and 33 single-family homes. This same request was originally tabled by the applicant in May and an amended version was presented in June for only the commercial portion of the development.

The property is currently zoned Agricultural Residential-III (AR-III), Residential-II (R-II) and Highway Business (H-B) within unincorporated Hall County and is adjacent to the city limits to the north, east and west. In addition, the property is located within the Limestone Parkway Overlay Zone, is heavily wooded with numerous mature trees and consists of sloping terrain and a stream (Limestone Creek) that traverses the property. Adjacent and nearby uses include single-family homes, duplex homes, New Holland Village single-family and duplex homes, church, and Brenau University Sports Complex. Significant uses within the surrounding area include Gainesville Middle School, Frances Meadows Aquatic Center, Lakeview Academy, Northeast Georgia Medical Center and Atlanta Botanical Gardens.

Access is proposed from Limestone Parkway to serve the commercial and multi-family uses. The multi-family property will be gated and accessed from a proposed roundabout. A total of two driveways are proposed from Limestone Parkway and Jesse Jewell Parkway for the commercial out parcel lot. One access road is proposed off of Lakeview Drive for the single-family homes.

A Traffic Impact Study was completed for the proposed development. *The peak hour generation for this project was calculated at 580 A.M. / 859 P.M. two way trips and the 24-hour volume is 13,982 two-way trips.*

The Gainesville Future Development Map places the subject property within the *Low-Medium Density Residential* land use category, *Mixed Use General* land use category and the *Parks / Recreation / Conservation* land use category. The subject property is located within the *Historic Mill Villages* Character Area. The vision for this character area is to include historic preservation and incremental restoration as a priority for the mill village area. New development should be designed to incorporate green technologies and practices as well as architecture consistent with the forms and materials of the mill and housing. Greenfield sites should be carefully planned and controlled to protect Limestone Creek. New mixed-income development is acceptable as new construction on adequately sized lots or a reuse of the property. Opportunities may exist for future adaptive reuse for mixed-use development and neighborhood serving commercial. Land uses allowed within this

character area include medium density residential, mixed-use, commercial, public / institutional, and parks / recreation / conservation.

The Planning Division staff is recommending conditional approval of the proposed annexation request with Planned Unit Development (P-U-D) zoning, based on the Comprehensive Plan and the adjacent residential and non-residential land uses, with fifteen conditions.

Applicant Presentation: Wendell Starke, 1750 Riverside Drive, stated this project has always been intended to be a first class mixed-use development unlike anything Gainesville has ever had proposed to be developed. The expansive property is laid out to provide for recreational and green space for use by residents and retail customers alike with things such as gathering spaces, pedestrian friendly development, and high-end retail to attract more people to our City. He stated the mixed-use would allow buffers to the adjacent properties. He felt the proposed single-family homes were appropriate for the area and the multi-family development would not have access to Lakeview Drive which has been an issue all along, noting the design work has been completed in cooperation of some great firms which believe they have done the best they could do with only one access. Mr. Starke stated the annexation was essential as there was no available sewer for the property within Hall County and the City would not provide sewer to the County, otherwise the majority of the property would not be useable. He stated the proposed P-U-D zoning was appropriate for the property as there has been retail growth in this area of the City. He felt it was an attractive property for development, but acknowledged there were major drawbacks in developing the property with only one way out of the commercial and multi-family portions. However, he felt it could be completed appropriately and they will work with the public safety officials to meet their requirements. Mr. Starke stated they will comply with all environmental, setbacks, and buffer requirements, and he accepted the conditions as proposed by staff, even though he did not agree with them. He asked the Board to approve the request for the best development in the City.

FAVOR: None

OPPOSE: Odis Sisk, 31 Quarry Street, expressed concern about the applicant modifying the request at the last meeting by omitting the residential portions from the request because of issues, but now have resubmitted the request, including the residential portions, when there are still issues. Mr. Sisk submitted to Chairman Carter two copies of a petition with 28 signatures of residents/property owners in opposition to the request. He stated the single-family residential component was his main concern as it would be located behind the fence in his back yard. He displayed various aerial photos of the Mundy Mill development (developed by the applicant) from 1999 before construction began, to 2005 when construction began, to present and noted construction of the development is still underway 13-years later. He felt the proposal with the potential for 13 years of development could be a huge burden with traffic on Lakeview Drive / Quarry Street and an ecological catastrophe for the area if it is clear cut and sits for an extended period of time. Other points of concern were as follows: The proposed style and density of the single-family homes are not in character with homes in New Holland; The existing terrain is extremely steep and could cause environmental concerns; The entrance to the single-family portion of the development is proposed to be in a dangerous curve which is unsafe; Increased traffic on Lakeview Drive / Quarry Street would cause more problems for the City School System; The scope of the project does not fit the 2030 Comprehensive Plan for the area which should be used for economical and elderly housing, and luxury housing and high-end retail are not appropriate for Hall County where the median income is \$51,000, 15% of Hall County residents are 65

years old or older and 7.5% are on some form of disability; Potential for six-stories of commercial development when the Limestone Overlay only allows a maximum height of one-story; and environmental concerns with mass grading of the property at a 2% to 8% grade.

Chairman Carter asked for clarification from staff regarding the maximum height of buildings within the City. Planning Manager Matt Tate stated the maximum height of buildings varies by zoning districts and some allow from six to eight stories. While the Limestone Overlay does restrict buildings to one-story, it also provides an allowance for additional stories when the building is setback farther from arterial roads. Mr. Tate stated there are also allowances to vary standards for a true mixed-use development such as what is proposed. He stated the concept plan has a natural requirement to have the buildings setback farther off Limestone Parkway because of the stream, noting the closest building is approximately 300-feet from the road and the maximum height would depend on the additional setback.

Mark Vantassel, 530 Lakeview Drive, stated he had no qualms about the commercial component and felt it was an appropriate use. However, the single-family and multi-family uses were his concern. The surrounding areas of New Holland and north along Lakeview Drive has nice large lots with mature trees and the subject property has hundred year old oak trees and other hardwoods on it and once the property is cleared, you can't get it back. He felt if the subject property was developed similar to New Holland and Lakeview Drive homes, that environment could be kept. There are lovely homes in other parts of the City too, such as Riverside Drive and around City Park, with large lots and trees and he would like to see this project be developed the same way. Mr. Vantassel stated the developer said the subject property was unusable except for what he had proposed and he disagreed because it could be developed with single-family homes. He stated the intent of the Limestone Overlay was to create an identity for the area that will enhance its economic vitality and protect the value of the properties within the zone. Mr. Vantassel felt the commercial portion would enhance the economic vitality of the zone, but the proposed residential units would not protect property values. He felt it was not appropriate for apartments to be constructed adjacent to 4,000 square feet homes on acre lots. He stated the proposed single-family homes were subpar and were not comparable to the area. He questioned why the developer would want high-end retail but not high-end residential. He stated the reason the application was modified in June was to eliminate the burden on the City School System and wondered if there was something new with the proposal to relieve the stress on the school system. He felt the residential component should conform to the existing residential in the area in order to improve the City and help the City to grow and prosper and he felt this would not be accomplished with the proposed development. He stated once the property is developed, you can't get the same environment back and we only have one shot to do it right.

Planning and Appeals Board Comments: Board Member Simmons asked about the square footage for the 33 single-family homes and the lot sizes. Planning Manager Matt Tate stated the minimum square footage for the proposed single-family homes would be 1,100 square feet of heated floor space and the minimum lot size is 6,300 square feet.

Board Member Thompson asked about the time frame for the homes to be built and if the residential portion would be phased in over time or built all at once. Mr. Starke stated they anticipate the 33 single-family homes would be constructed first as they already have plans and an outline for how that will take place. He stated it is impossible to start the other portion of the development for the commercial and multi-family uses until a bridge is constructed for access from Limestone Parkway which would cost about \$700,000.

Chairman Carter asked for clarification of the condition which must be met before the apartments could be constructed. Planning Manager Matt Tate stated as a level of commitment, Condition 3 requires a minimum of 35,000 square feet of commercial space be completed prior to development of more than 100 apartments. In other words, they can construct up to 100 apartments, but could not construct any more than that until at least 35,000 square feet of commercial space has been constructed. Mr. Tate stated that equates to a building in size similar to that as shown as #1 on the concept plan.

There was a motion to recommend conditional approval of the request to annex the subject property and establish zoning as Planned Unit Development (P-U-D) for a mixed-use development with the following conditions:

Conditions

Development Standards

- 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. Prohibited uses for the subject property shall include extended stay hotels, motels/hotels with rooms accessed from the exterior of the building, adult novelty stores group homes, crisis centers, adult entertainment centers, pawn shops, dollar-type stores, massage parlors, tobacco or vaping stores, tire stores, auto parts stores, auto body shops, automobile sales establishments, marine sales or repair stores, automated or non-automated car washes, truck stops, coin-laundry facilities, tattoo parlors, psychics, fortune tellers, clairvoyants and the like. A gas station shall be prohibited except for the proposed outparcel lot at the corner of Jesse Jewell Parkway and Limestone Parkway.**
- 3. Apartments, townhomes and condominiums are an approved use for the multi-family residential portion of the proposal. The applicant may receive an occupancy permit for no more than 100 apartment, townhome or condominium units prior to receiving an occupancy permit for the construction of at least 35,000 square feet of the proposed commercial space.**
- 4. In addition to the proposed buffers stated as part of this proposal, a minimum 25-foot wide buffer shall be required along Lakeview Drive for the entire development. The buffer shall contain a mixture of evergreen and deciduous trees. The Community Development Director shall have the final determination on the number, location and type of trees to be planted.**
- 5. The proposed erosion control and water quality measures for the development shall at minimum meet the Georgia Storm Water Management Manual requirements. The developer shall also construct additional bioretention facilities within the development strategically designed and located to minimize sedimentation and to filter runoff from yards, pavement, and buildings, with the goal of minimizing the amount of unfiltered runoff, fertilizer, and other contaminants entering Lake Lanier from the development. The City of Gainesville shall approve the final design of all water quality measures.**

6. All service areas, loading areas, ground or roof top HVAC equipment shall be screened from view from all adjacent residential uses, public and private roads.
7. All of the front yards of the proposed new single-family residential dwellings shall be sodded with grass. In addition, the rear of the proposed single-family homes fronting Lakeview Drive and Highland Street shall be designed with exterior architectural features to resemble a front facade.

Transportation / Traffic

8. All required access/traffic/sidewalk improvements associated with the proposed development shall be reviewed and approved by the Georgia Department of Transportation and the Gainesville Public Works Director and any additional improvements shall be at the full expense of the Developer.
9. The Developer shall meet all requirements of the Georgia Department of Transportation, but at a minimum shall construct the following roadway improvements identified in the Traffic Impact Study dated March 29, 2018:
 - a) Limestone Parkway at Beverly Road – Construction of a separate eastbound exclusive right turn lane on Beverly Road. A protected/permissive left turn phasing for the northbound left turn volume on Limestone Parkway will need to be evaluated and submitted for review and approval by the Georgia Department of Transportation.
 - b) Limestone Parkway at Kroger Access – An addition of the fourth approach for the Limestone Greenway site will need to be approved and permitted by the Georgia Department of Transportation. The existing northbound U-turn lane on Limestone Parkway will be restriped as a left turn lane. The signal at the intersection will need to be upgraded for the addition of the fourth approach. The existing southbound right turn lane and northbound left turn lane should be lengthened to satisfy Georgia Department of Transportation auxiliary lane length standards. A protected/permissive left turn phasing for the northbound left turn lane will need to be evaluated and submitted for review and approval by the Georgia Department of Transportation.
 - c) Limestone Parkway at Jesse Jewell Parkway – An addition of a southbound right turn lane on Limestone Parkway in order to accommodate a shared through/right plus a new exclusive right turn lane. Overlap phasing of the intersection will need to be evaluated and submitted for review and approval by the Georgia Department of Transportation.
10. In addition to the identified roadway improvements, the newly constructed Limestone Greenway roadway should include either a center turn lane or a raised median with left turn lanes into the retail access.
11. The roundabout shown on the proposed concept plan shall be required per the approval of the Gainesville Public Works Director.
12. Improvements at the signalized intersections should include video detection and fiber connection to the City's ITS facility.
13. All new streets, alleys, driveways and sidewalks shall meet the standards within Article 9-13-10 of the City's Unified Land Development Code, but shall be privately maintained. Pervious paving, not including gravel, may be allowed for the single-family homes per the approval of the Gainesville Public Works Director.

14. All new streets shall include a minimum 5' sidewalk along both sides of the street, in accordance with Section 9-13-9-26 of the City's Unified Land Development Code. In addition, a minimum 5' wide sidewalk shall be constructed along Lakeview Drive for the entire length of the subject property. A crosswalk shall be provided from the subject property across Lakeview Drive to the existing side/rear entrance to the Gainesville Middle School and Frances Meadows Aquatic Center. The Gainesville Public Works Director shall have the final determination on the exact design and location of the new sidewalk and crosswalk.
15. There shall be no access allowed from the subject property onto Lakeview Drive except for the road proposed for the single-family homes.

Motion made by Board Member White

Motion seconded by Board Member Martin

Vote – 7 favor

C. Special Use Request

- 1) Request from **KRM 2016, LLC** for a special use on a 0.82± acre tract located on the north side of Washington Street, west of West Academy Street (a/k/a **520 Washington Street, NW**), having a zoning classification of Neighborhood Business (N-B).
Ward Number: Four
Tax Parcel Number(s): 01-026-001-046
Request: Five duplex apartments

NOTE: Board Member Martin recused himself from the meeting due to a conflict of interest with this request.

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

The applicant is proposing a special use within Neighborhood Business (N-B) zoning to allow five duplex apartments for a total of ten residential units. The property is 0.82± acre in size and currently contains a four unit residential structure originally constructed in 1920 that is in disrepair. The nearby uses include St. Paul United Methodist Church, Rochester & Associates office, Gainesville Business Center office complex, retail strip center and a rental home. According to the applicant's concept plan, each apartment unit will be designed as a two-story residence and approximately 1,200 square feet in size. The exterior of the proposed structures will be four-sided brick with a desired Charleston architecture. Each unit will provide two parking spaces and access is proposed from Washington Street.

The Gainesville 2030 Future Development Map for the City of Gainesville places the subject property within the *Mixed Use General* land use category and within the *Downtown/Midtown* subarea of the Central Core Character Area which supports office, neighborhood retail, and residential. The vision for this area includes additional office and housing to provide a more sustainable mix of uses.

The Planning Division staff is recommending conditional approval of this Special Use request based on the Comprehensive Plan and the adjacent mixture of uses, with four conditions.

Applicant Presentation: **Eddie Martin, Jr.**, stated this was a good project and could answer any questions for the Board.

FAVOR: **Eric Chini**, 2502 Venture Drive, stated he was with Rochester and Associates who are the civil engineers for the project. He stated the layout for the Charleston style development would include a small porch on each side of the buildings and a small privacy yard for each unit. He also stated the storm water would be handled in a downstream area and be managed as required for any project.

OPPOSE: None

Planning and Appeals Board Comments: None

There was a motion to recommend conditional approval the special use request to allow five duplex apartments on the subject property with the following conditions:

Conditions

- 1. The proposed duplex structures shall be generally consistent with the standards depicted on the architectural elevations and pictures provided with this special use application to include a mixture of exterior brick, cementitious siding materials and minimum 3:12 pitched roof.**
- 2. Prior to a permit being issued, the developer/property owner shall exhaust all reasonable measures to provide for inter-parcel vehicular access with the adjacent property/access drive located to the west. Documentation shall be provided to the Gainesville Public Works Director in this regard.**
- 3. All access point design for the subject property shall be submitted for review by the Gainesville Public Works Director, and approval of said design shall be required prior to issuance of a building permit. All required access / traffic / sidewalk improvements associated with the proposed development shall be at the full expense of the developer/property owner.**
- 4. An updated as-built boundary survey/plat of the subject property, indicating all improvements required for the proposed use, shall be recorded prior to obtaining a Certificate of Occupancy.**

Motion made by Vice-Chair Fleming
Motion seconded by Board Member Simmons
Vote – 6 favor, 1 recusal (Martin)

ADJOURNMENT

There was a motion to adjourn the meeting at 6:20 p.m.

Motion made by Board Member White
Motion seconded by Board Member Delgado
Vote – 6 favor, 1 absent (Martin)

Respectfully submitted,

Doug Carter, Chairman

Judy Foster, Recording Secretary